



NATIONAL CONGRESS OF AMERICAN INDIANS

**The National Congress of American Indians
Resolution #ABQ-19-040**

**TITLE: Defending the Indian Child Welfare Act and Building Continued
Support with Governor Support Letters**

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Indian Child Welfare Act is still facing a federal court challenge, brought by the States of Texas, Louisiana, Indiana and their allies, now called Brackeen & Texas et al. v. Bernhardt et al., No. 18-11479 which is before the U.S. Court of Appeals for the 5th Circuit, and Ohio has recently joined them as amicus which has resulted in a four state attack on ICWA; and

WHEREAS, on August 9, 2019 the Court of Appeals issued a favorable decision, but Texas and its allies petitioned for a rehearing by the full panel of 17 judges, and the court ordered briefing on October 2, 2019, so their attack on the Indian Child Welfare Act continues, and tribal nations must remain ready; and

WHEREAS, tribal nations fought this challenge with 21 states joining in as amicus on appeal which was noted by the Court, and 325 tribal nations and 57 tribal organizations joined together on the tribal amicus appeal brief, and 5 tribal nations intervened as parties defending ICWA: Navajo Nation, Cherokee Nation, Oneida Nation, Quinalt Indian Nation, and Morongo Band of Mission Indians; and

WHEREAS, support the tribal side of the fight, tribal nations obtained support letters from Governor Jay Inslee of Washington and from Oregon Governor Kate Brown defending ICWA against this court challenge, and we need more to build support and help protect ICWA.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) encourages tribal nations to approach their respective state governors to obtain more support letters to defend the Indian Child Welfare Act against this legal challenge, and to show support for ICWA which protects our tribal children and their families, communities, and our future generations; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary