



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-051

TITLE: Opposition to Lawsuits Challenging the Constitutionality of the Indian Child Welfare Act

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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, 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 (ICWA) was passed by Congress in 1978 to help prevent the widespread practice before 1978 of state courts permitting non-Indian persons and couples to adopt, or be foster care parents, for Indian children without any notice being given to the tribe in which the child was enrolled or eligible to be enrolled; and

WHEREAS, ICWA has survived many attacks in federal and state courts seeking to declare ICWA unconstitutional, most recently in the case of *Adoptive Couple v. Baby Girl*, 570 U.S. ____ (2013) 398 S. C. 625, 731 S. E. 2d 550, otherwise known as the Baby Veronica case; and

WHEREAS, in large part due to the Baby Veronica case, the Bureau of Indian Affairs (BIA) issued guidelines regarding the administration of ICWA in state courts, guidelines which the BIA intends to use to create a binding federal rule regarding ICWA, but these guidelines are under attack in several federal district courts in Arizona, Oklahoma, Minnesota and Virginia, with more challenges expected; and

WHEREAS, the attacks on ICWA seek to declare the entire Act unconstitutional, even though the U.S. Supreme Court has in fact declared the Act constitutional several times; and

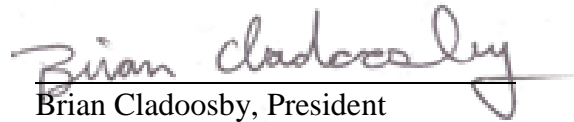
WHEREAS, the National Indian Child Welfare Association (NICWA) and the Native American Rights Fund (NARF) are two institutions who will be providing legal support for the Tribes and families involved, but the unprecedented attacks will tax these organizations and much support for the Tribes and families involved will be needed.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby urges its member tribes to support the regulations under attack by communicating with their Congressional delegation general support of the guidelines and ICWA, and by donating funds to the organizations fighting the lawsuits, and taking other actions which will show why ICWA is still needed throughout Indian country; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary