



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-011

TITLE: Pledge to Defend ICWA

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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, Congress, working with tribal nations, tribal leadership, and advocates for AI/AN children, passed the Indian Child Welfare Act (ICWA) in 1978 to stop the wholesale removal of Indian children by public and private agencies, taking 25–35% of all Indian children from their homes, families, and communities; and

WHEREAS, a coalition of leading national child welfare organizations have declared ICWA to be a “gold standard” for child welfare because as ICWA mandates, it is in every child’s best interest to be protected from harm and to prevent the unnecessary trauma that occurs when children are removed from their family, culture, and community; and

WHEREAS, national Indian and non-Indian organizations, state governments, members of Congress, tribes and tribal communities, and thousands of AI/AN individuals have supported ICWA as an essential and effective policy that protects the best interest of AI/AN children; and

WHEREAS, early application and consistent compliance with ICWA prevents unlawful removals of AI/AN children from family and promotes stable placements for AI/AN children in loving, permanent homes, connected to family and culture; and

WHEREAS, current research shows that family, culture, and community promote resiliency and healthy development in AI/AN youth; and

WHEREAS, AI/AN children continue to be taken from their homes at alarming rates (rates three times higher than other children) due largely to misapplication, ignorance, or willful non-compliance with the mandates of ICWA and often without notice to or engagement with the child’s tribe; and

WHEREAS, in response to these troubling numbers, calls for action from Indian Country and allies, and consistent and shocking reports of widespread ICWA non-compliance, federal agencies have recently acted to improve ICWA implementation and protect Indian children and families; and

WHEREAS, recent opposition to ICWA has risen in the form of frivolous litigation, misinformation campaigns with Congress, and attempts to garner media attention by exploiting tragic events and promoting racist, inaccurate stereotypes of AI/AN tribes; and

WHEREAS, those in opposition to ICWA claim to advocate on behalf of Indian children and for the best interest of Indian children, but have not consulted in any meaningful way with, or worked with, Indian Country experts, national Native organizations, or any individual tribe.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does hereby recognize and firmly support the continued need for ICWA and federal efforts to improve ICWA compliance and implementation; and

BE IT FURTHER RESOLVED, that NCAI pledges to work hand-in-hand with tribal nations, Indian Country allies, AI/AN families, and supporters, to vigorously promote ICWA in the courtroom, state house, and Congress to protect AI/AN children and their families from the harmful effects of being denied the federal protections provided under ICWA; and

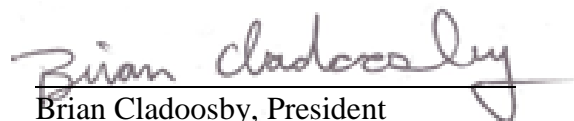
BE IT FURTHER RESOLVED, that NCAI calls on all Indian tribes, national and regional organizations to support the efforts of the United States Departments of Justice and Interior in their defense of ICWA; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress, its authorizing committees, and the House Native American Caucus to exercise appropriate oversight on ICWA implementation, and to use all of the tools available to them, including hearings, briefings, and Dear Colleague letters to educate their colleagues on the effectiveness of ICWA; and

BE IT FINALLY 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