



National
Congress of
American
Indians



AAIA
Association on American Indian Affairs

FOR IMMEDIATE RELEASE

Media Contact: Amory Zschach
E: amory@nicwa.org
P: (503) 222-4044, ext. 133
W: www.nicwa.org

Joint Statement on the United States Department of Justice's Decision to Defend the Indian Child Welfare Act

(Portland, Ore., December 3, 2018)—Statement from the National Indian Child Welfare Association (NICWA), the National Congress of American Indians (NCAI), the Native American Rights Fund (NARF), and the Association on American Indian Affairs (AAIA) regarding the United States Department of Justice's decision to defend the Indian Child Welfare Act.

On Friday, November 30, the United States Department of Justice (DOJ), on behalf of the Departments of Interior and Health and Human Services and their officers, filed a notice of appeal to the U.S. Court of Appeals for the Fifth Circuit, challenging a decision by the U.S. District Court for the Northern District of Texas that found the Indian Child Welfare Act (ICWA) and its regulations were unconstitutional. NICWA, NCAI, NARF, and AAIA applaud the United States' decision. The Department of Justice joins the four intervenor tribal government defendants—Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation, and Quinault Indian Nation—who filed their notice of appeal on November 19.

Sarah Kastelic, executive director of NICWA, had this comment:

"We applaud the Department of Justice for standing up for Native children and families by continuing to vigorously defend ICWA. The Department's action sends a strong and clear message that tribal nations, as governments, have a role in protecting Native children from abuse and neglect; helping families receive the support services they need; and ensuring children stay connected to their families, culture, and communities."

Jefferson Keel, president of NCAI, said:

"The Department of Justice's appeal of this egregious decision is consistent with its trust responsibility to tribal nations under the Constitution and Congress' intent in passing the Indian Child Welfare Act 40 years ago. NCAI stands ready to assist the intervening Tribal Nations and DOJ in any way possible to uphold ICWA as the foundational law that protects the best interests of Native children in state foster care systems."

"The Native American Rights Fund is glad to see that the United States has joined the Tribal Defendants (Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation, and Quinault Indian Nation) in this appeal," said NARF staff attorney Dan Lewerenz. "It is shocking that the lower court would so casually set



National
Congress of
American
Indians



AAIA
Association on American Indian Affairs

aside an Act of Congress that has been in effect for 40 years, and would rely on such novel reinterpretations of Supreme Court precedent to do so. Congress spent years investigating and drafting the Indian Child Welfare Act, and in doing so conscientiously weighed the constitutional issues at stake. We are glad that the United States will continue to defend the constitutionality of this critical statute, which has helped to preserve so many thousands of Indian families.”

Shannon Keller O’Loughlin, executive director of AAIA, said:

“AAIA membership includes American Indian and Alaska Native peoples as well as members of the public. AAIA’s membership supports the continued and consistent implementation of the Indian Child Welfare Act as the only mandate protecting Indian children and families from the sins and racism inherent in some state institutions and recognizing the inherent sovereignty of Tribes to care for the health, safety, and welfare of Indian families. AAIA is grateful for the United States’ support of its fiduciary obligations to our Indian children and families.”

#

About the National Indian Child Welfare Association

The National Indian Child Welfare Association works to support the safety, health, and spiritual strength of Native children along the broad continuum of their lives. NICWA promotes building tribal capacity to prevent child abuse and neglect through positive systems change at the state, federal, and tribal level. For more information, visit www.nicwa.org

About the National Congress of American Indians:

Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments and communities, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights. For more information, visit www.ncai.org.

About the Association on American Indian Affairs:

AAIA is the oldest non-profit serving Indian Country protecting sovereignty, preserving culture, educating youth and building capacity. The Association was formed in 1922 to change the destructive path of federal policy from assimilation, termination and allotment, to sovereignty, self-determination and self-sufficiency. Throughout its 96-year history, the Association has provided national advocacy on watershed issues that support sovereignty and culture, while working at the grassroots level with Tribes to support the implementation of programs that improve lives on the ground. For more information, visit www.indian-affairs.org.

About the Native American Rights Fund:

Since 1971, the Native American Rights Fund (NARF) has provided legal assistance to Indian tribes, organizations, and individuals nationwide who might otherwise have gone without adequate representation. Throughout its history, NARF has impacted tens of thousands of Indian people in its work for more than 250 tribes. NARF has defended the Indian Child Welfare Act (ICWA) for decades, and will continue to do so. For more information, visit www.narf.org.