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

Protect ICWA Campaign Applauds Legal Filing by Large Coalition of Tribal Nations and Native Organizations Defending the Indian Child Welfare Act (ICWA)

(PORTLAND, Ore. December 13, 2019) — Today, 486 federally recognized American Indian and Alaska Native Tribes and 59 Native organizations [filed an amicus brief](#) to the Fifth U.S. Circuit Court of Appeals defending the constitutionality of the Indian Child Welfare Act (ICWA) as part of the Court's *en banc* proceedings.

The Protect ICWA Campaign strongly supports this effort to defend ICWA, which was joined by 26 States and 77 members of Congress, and other partners who know how critical ICWA is in achieving the best interest of Indian children and families in state child welfare proceedings.

The briefs were filed in *Brackeen v. Bernhardt*, the federal lawsuit in which three states and a handful of individual plaintiffs have challenged the constitutionality of ICWA. Earlier this year, a three-judge panel of the Fifth Circuit affirmed that ICWA is constitutional. However, following a recent order by the Fifth Circuit, the full *en banc* court is currently considering this case with oral arguments scheduled in late January 2020.

"We're pleased, once again, at the overwhelming expression of support for the Indian Child Welfare Act," said Sarah Kastelic, Executive Director of the National Indian Child Welfare Association. "It's no surprise that tribal governments, states, members of Congress, and child welfare experts alike support important protections of ICWA that ensure considerations necessary to determine the best interest of each Indian child."

"The National Congress of American Indians, the oldest and largest organization made up of tribal nations, stands alongside Native children and families today, to educate the Fifth Circuit about the critical protections the Indian Child Welfare Act provides to our communities and the importance of honoring tribal authority to make determinations concerning our Indian children and our Indian families," said Kevin J. Allis, Chief Executive Officer of the National Congress of American Indians.

"The overwhelming support from Indian Country, states, child welfare organizations, and others is evidence of how ICWA works to protect the Indian child and family, as the gold standard in child welfare," said Shannon Keller O'Loughlin, Executive Director and Attorney for the Association on American Indian Affairs. "The interests that seek to overturn ICWA are those interests that make money in the adoption industry. We will continue to fight to protect our children and give them every opportunity to live healthy and strong."

"I am happy but not surprised by the number of signatories that joined on this brief—Indian country stands as one in support of the Indian Child Welfare Act," said John Echohawk, Executive Director of the Native American Rights Fund. "Support for ICWA is strong and consistent across tribes as well as organizations

and individuals who work on child welfare issues. It is known as an essential protection that promotes our children's well-being. Well-being that historically has been neglected and ignored."

Read the full amicus brief here: <https://www.narf.org/nill/documents/20191213brackeen-tribe-amicus.pdf>

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Protect ICWA Campaign

The Protect ICWA Campaign (the Campaign) was established by four national Native organizations: the [National Indian Child Welfare Association](#), the [National Congress of American Indians](#), the [Association on American Indian Affairs](#), and the [Native American Rights Fund](#). Together, the Campaign works to serve and support Native children, youth, and families through upholding the Indian Child Welfare Act. The Campaign works to inform policy, legal, and communications strategies with the mission to uphold and protect ICWA.