



**ASSOCIATION ON AMERICAN INDIAN AFFAIRS**

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**FOR IMMEDIATE RELEASE**

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### **The Protect ICWA Campaign Urges Federal Appeals Court to Affirm ICWA's Constitutionality Following Oral Arguments in *Brackeen v. Bernhardt***

(NEW ORLEANS, January 22, 2020)—Following today's United States Fifth Circuit Court of Appeals oral arguments in the *Brackeen v. Bernhardt* case, the Protect ICWA Campaign, consisting of the National Indian Child Welfare Association, the National Congress of American Indians, the Association on American Indian Affairs, and the Native American Rights Fund, issued the following statements:

"We look forward to the Fifth Circuit Court of Appeals' decision," said Sarah Kastelic, Executive Director of the National Indian Child Welfare Association. "We are confident the Fifth Circuit will affirm ICWA's strong constitutional grounding. ICWA protects children in state child welfare systems and helps them remain connected to their families, cultures, and communities."

"NCAI applauds the strong advocacy of the intervening tribes and the federal government, as Indian Country's trustee, in defending the constitutionality of the Indian Child Welfare Act before the entire Fifth Circuit Court of Appeals this morning," said Kevin Allis, NCAI Chief Executive Officer. "We pray for relief that upholds ICWA in its entirety and continues to protect the best interests of Indian children and families."

"There has been an overwhelming amount of resources coming forward to support the Indian Child Welfare Act. We should be spending our resources protecting Indian children and not fighting interest groups that seek to dismantle the government-to-government relationship between the United States and Tribes. The Fifth Circuit will be on the right side of history protecting Indian children, and by doing so strengthening the child welfare system for all children," said Shannon Keller O'Loughlin, Executive Director and Attorney for the Association on American Indian Affairs.

"We are confident the full Fifth Circuit Court of Appeals will again confirm the constitutionality of the Indian Child Welfare Act," said John Echohawk, Executive Director of the Native American Rights Fund. "We will always stand with our children, families, and Tribes against any and all efforts to diminish our communities, well-being, and sovereignty."

#### **More about the Indian Child Welfare Act**

The Indian Child Welfare Act (ICWA) is a 41-year-old federal law protecting the well-being and best interests of Indian children and families by upholding family integrity and stability and keeping Indian children connected to their community and culture. ICWA also reaffirms the inherent rights of tribal nations to be involved in child welfare matters involving their citizens.

The law protects the best interests of American Indian and Alaska Native children by requiring agencies and courts take into account not just the immediate needs of Indian children, but also their long-term interests as they grow and move into adulthood.

A nationwide coalition of 495 tribal nations, more than 60 Native organizations, 26 states and the District of Columbia, 77 members of Congress, 31 leading child welfare organizations, and Indian and constitutional law professors agree ICWA is vital to the well-being of Indian children and the stability and integrity of Indian families today.

To learn more about ICWA visit: [nicwa.org/about-icwa/](http://nicwa.org/about-icwa/) or read the [full text of the Indian Child Welfare Act](#).

The following briefs were filed at the U.S. Court of Appeals in the Fifth Circuit in *Brackeen v. Bernhardt*:

Defendants-Appellants Briefs

[United States Brief](#)

[Tribal Intervenor Defendants Brief](#)

[Navajo Nation Brief](#)

Amicus Briefs Supporting ICWA

[486 Tribes and 59 Indian Organizations Brief](#)

[26 States and District of Columbia Brief](#)

[Members of Congress Brief](#)

[Casey Family Programs and Child Welfare Organizations Brief](#)

[Indian Law Professors Brief](#)

[Administrative Law and Constitution Law Professors Brief](#)

[Professor Gregory Ablavsky Brief](#)

[Native American Women, Indian Tribes, and Organizations Brief](#)

[Quapaw Nation Brief](#)

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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.