



ASSOCIATION ON AMERICAN INDIAN AFFAIRS
Protecting Sovereignty • Preserving Culture • Educating Youth • Building Capacity
SINCE 1922

FOR IMMEDIATE RELEASE

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**Fifth Circuit Court of Appeals Issues En Banc Decision in *Brackeen v. Haaland*
(formerly *Brackeen v. Bernhardt*)**

(Portland, Ore., April 6, 2021)—Today, the United States Fifth Circuit Court of Appeals published its en banc decision in *Brackeen v. Haaland*, a case challenging the constitutionality of the Indian Child Welfare Act (ICWA). While the Protect ICWA Campaign is pleased to see that the court recognized that ICWA generally is within Congress's authority, we are deeply concerned that aspects of this opinion misunderstand the unique relationship between the United States and tribal nations. The opinion is 325 pages long, and given its length and complexity, we are still analyzing the decision and will provide further information in the coming days. ICWA is in the best interest of Indian children and families, and we are firmly committed to protecting the law.

Read the full decision here: <https://narf.org/nill/documents/20210406brackeen-opinion5th.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](http://www.nicwa.org), the [National Congress of American Indians](http://www.ncai.org), the [Association on American Indian Affairs](http://www.aaia.org), and the [Native American Rights Fund](http://www.narf.org). 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.