

**The INTER-TRIBAL COUNCIL  
of the FIVE CIVILIZED TRIBES**  
organized February 3, 1950



Bill John Baker  
Principal Chief

***A Resolution Supporting the Indian Child Welfare Act of 1978 and Objecting to  
the Brackeen v. Zinke Decision***

Resolution No. 19-09

**WHEREAS**, we, the Inter-Tribal Council of the Five Civilized Tribes is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing approximately 750,000 Indian people throughout the United States submit the following resolution; and



Bill Anoatubby  
Governor

**WHEREAS**, the Indian Child Welfare Act of 1978 (ICWA) was enacted to prevent the unnecessary breakup of Native families; and

**WHEREAS**, even with ICWA, Native children are still placed in foster care at disproportionate rates; and



Gary Batton  
Chief

**WHEREAS**, research demonstrates that the trauma caused when a child is removed from family, community and culture is devastating and can adversely impact many future generations to come; and

**WHEREAS**, child advocacy organizations like Casey Family Programs, Children's Defense Fund, the National Association of Social Workers, the Child Welfare League of America and many, many others have cited ICWA as "the gold standard" of child welfare policy because of its provisions that mitigate the trauma suffered by children and families due to unnecessary separations; and



James R. Floyd  
Principal Chief

**WHEREAS**, Indian Country, including Native communities in Alaska, have united in recent years to speak out about unrelenting attacks on ICWA by anti-ICWA, non-Native coalitions that offensively claim to know what is best for Native families; and



Greg P. Chilcoat  
Chief

**WHEREAS**, the *Brackeen v Zinke* decision in Texas was the culmination of years of attempts by those anti-ICWA forces to have ICWA declared unconstitutional; and

**WHEREAS**, the Texas decision is an outlier from all of the jurisprudence on ICWA to date and ignores the most basic tenets of federal Indian law; and

**WHEREAS**, we are pleased the decision has been stayed pending appeal, the Inter-Tribal Council of the Five Civilized Tribes will vigorously defend ICWA in the face of continued odious attacks and harmful court decisions.

**NOW THEREFORE BE IT RESOLVED** that Inter-Tribal Council of the Five Civilized Tribes object to Judge Reed O'Conner's findings that the Indian Child Welfare Act of 1978 is unconstitutional.

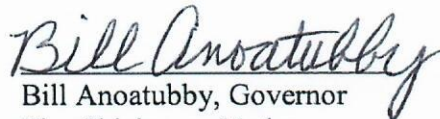
**BE IT FURTHER RESOLVED**, that Inter-Tribal Council of the Five Civilized Tribes support the Cherokee Nation, Oneida Nation, Quinault Nation and Morongo Band of Mission Indians and the United States as they appeal the decision.

**BE IT FURTHER RESOLVED**, that Inter-Tribal Council of the Five Civilized Tribes pledge to elevate the protection of Native children to our highest priority until this egregious decision is overturned.

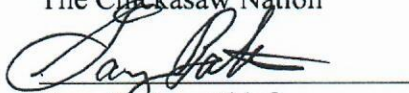
**BE IT FURTHER RESOLVED**, that such defense will include prioritizing ICWA protection in our policy agendas, budgets, advocacy work and public education efforts as the Inter-Tribal Council of the Five Civilized Tribes.

#### CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Tulsa, Oklahoma on this 11th day of January, 2019, by a vote of 22 for 0 against and 0 abstentions.



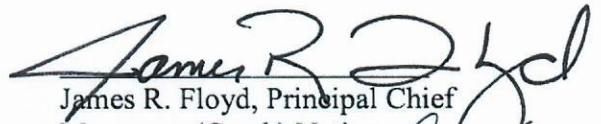
Bill Anoatubby, Governor  
The Chickasaw Nation



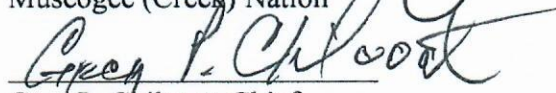
Gary Batton, Chief  
Choctaw Nation of Oklahoma



Bill John Baker, Principal Chief  
Cherokee Nation



James R. Floyd, Principal Chief  
Muscogee (Creek) Nation



Greg P. Chilcoat, Chief  
Seminole Nation of Oklahoma