

National Indian Health Board



National Indian Health Board Resolution 18 - 21

Support for Indian Child Welfare Act

WHEREAS, the National Indian Health Board (NIHB), established in 1972, serves all federally recognized American Indian and Alaska Native (AI/AN) Tribal governments by advocating for the improvement of health care delivery to AI/ANs, as well as upholding the federal government's trust responsibility to AI/AN Tribal governments; and

WHEREAS, the NIHB has a strong history of advancing the well-being of American Indian and Alaska Native people through the support of regulatory and Congressional action, advocacy for increased funding for healthcare in Indian Country, creation of national venues to discuss health issues, and creation of educational and programmatic materials for Tribal public health professionals; and

WHEREAS, before contact with Europeans, traditional Tribal belief systems held sacred the responsibility of childrearing and shared that responsibility with all members of the community; and

WHEREAS, for several decades the federal government engaged in a policy of encouraging state child protection agencies to separate AI/AN children from their families in a deliberate effort to interrupt the continuation of Indigenous cultures; and

WHEREAS, during the period of time this policy was enforced, between 25%-35% of all AI/AN children were taken from their families, and 85% of these children were placed with non-Tribal families, even when family members were able and willing to take them in; and

WHEREAS, the forced assimilation of these children did irreparable harm to their own mental, physical, and spiritual health, and to the continuation of Tribes as sovereign Nations; and

WHEREAS, this method of separating children from their families is just one of many different strategies by which colonialism actively encouraged the involuntary assimilation of AI/ANs into colonial society; and

WHEREAS, victims of a similar policy in Australia in effect for over sixty years have come to be known in that country as the "Stolen Generations"; and

WHEREAS, in 1978, Congress, finally recognizing the severity of the harm done to Tribes, enacted the Indian Child Welfare Act (ICWA), in order to provide specific procedures for state child protection agencies to follow in cases involves an AI/AN child, and to protect AI/AN families from forced separation; and

WHEREAS, ICWA is in alignment with the federal trust responsibility to provide health to Tribes and respects Tribes as sovereign, political entities; and

WHEREAS, the landmark law is now in jeopardy due to *Brackeen v. Zinke*, a 2018 court ruling in which a federal district judge wrongly decided that ICWA was unconstitutional, in part because the judge felt it is based on race;

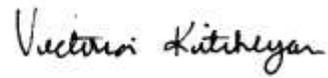
NOW THEREFORE BE IT RESOLVED that NIHB supports ICWA and recognizes that any changes to the law must come at the request of the Tribes and work to promote AI/AN children and families; and

NOW THEREFORE BE IT FURTHER RESOLVED that NIHB calls for federal appellate courts, and if necessary the Supreme Court, to immediately overturn the *Brackeen v. Zinke* decision and recognize that ICWA, along with hundreds of other laws, treats Tribes as political entities in alignment with the Constitution of the United States; and

NOW THEREFORE BE IT FURTHER RESOLVED that NIHB stands in solidarity with Tribes and the National Indian Child Welfare Association as advocates for strong and healthy AI/AN children and families.

CERTIFICATION

The foregoing resolution was adopted by the Board, with quorum present, on the 9th day of November, 2018.



Vice-Chair, Victoria Kitcheyan

ATTEST:



Secretary, Lisa Elgin