



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving the WMAT to be Added as a Signatory to an
Amicus Brief in *Brackeen v. Zinke* in Support of ICWA)

WHEREAS, the U.S. Congress passed the Indian Child Welfare Act (ICWA) in 1978 to stop the systematic removal of Indian children by public and private agencies; and

WHEREAS, in 2016, the Department of Interior promulgated ICWA's implementing regulations in its Final Rule for ICWA proceedings to provide clarity in implementing the law and uniformity in its application; and

WHEREAS, ICWA and its Final Rule have come under attack in recent years by non-Indian adoption industry such as the Goldwater Institute; and

WHEREAS, on October 4, 2018, in a decision by the United States District Court for the Northern District of Texas, certain provisions of ICWA were declared unconstitutional and its Final Rule was declared unconstitutional in *Brackeen v. Zinke*; and

WHEREAS, the District Court determined that ICWA included a racial classification because the definition of an Indian Child includes children who are members of Tribes and children who are eligible for membership who have a biological parent who is a member; and

WHEREAS, the District Court's decision is a threat to the future of ICWA and to other federal laws applicable to Indians based on the unique political status of Tribes and their government to government relationship with the federal government; and

WHEREAS, the National Congress of American Indians (NCAI), the Association of American Indian Affairs (AAIA), the National Indian Child Welfare Association (NICWA), and the Native American Rights Fund (NARF) are working to secure tribal nations as signatories to an Amicus Brief in *Brackeen v. Zinke*; and

WHEREAS, the White Mountain Apache Tribal Council finds that action is needed to preserve ICWA and the political classification of Tribes as sovereign nations under the law.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby supports the litigation efforts in *Brackeen v. Zinke* to ensure that ICWA and the unique political status of Indian tribes and their government to government relationship with the federal government are protected.

Resolution No. 12-2018-262

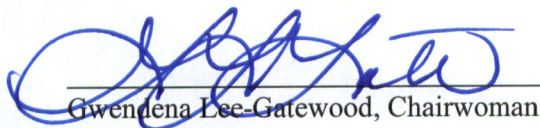
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Attorney General to ensure that the White Mountain Apache Tribe is added as a signatory to an amicus brief to the Fifth U.S. Circuit Court of Appeals in support of ICWA.

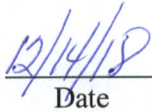
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

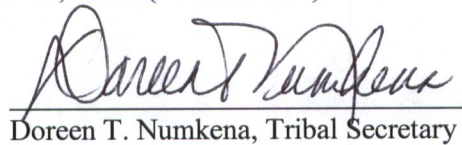
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

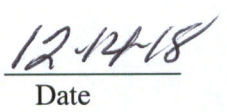
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **DECEMBER 10, 2018** duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Gwendena Lee-Gatewood, Chairwoman


Date


Doreen T. Numkena, Tribal Secretary


Date