

Supreme Court upholds Indian Child Welfare Act

By Dean Rhodes

Smoke Signals editor

WASHINGTON, D.C. – The Supreme Court voted 7-2 on Thursday, June 15, to uphold the Indian Child Welfare Act’s preference for Tribes when Indian children are adopted and overturned a Texas federal court judge’s 2018 ruling that said the act was unconstitutional.

The court ruled that the law does not discriminate on the basis of race and does not impose a federal mandate on traditionally state-regulated areas of power, citing more than 100 years of precedent that classifies Native Americans as a political, not racial, group.

Justice Amy Coney Barrett wrote the majority opinion for the Supreme Court and justices Clarence Thomas and Samuel Alito dissented.

Congress passed the federal Indian Child Welfare Act in 1978 to extend protection to Tribal families by keeping Tribal children connected to their culture and to help preserve Tribes. Before the act was passed, Native children were frequently removed from their families and communities, and often placed with non-Native families permanently without any connection to their roots.

In 2020, the Legislature passed the Oregon Indian Child Welfare

Act, which aligned with the federal law and also recognized the needs of the nine federally recognized Tribes in the state.

The constitutionality of the federal act was argued before the Supreme Court on Nov. 9, 2022, during the *Haaland v. Brackeen* case. The Confederated Tribes of Grand Ronde discussed it during a Feb. 15 Facebook Live session.

Haaland v. Brackeen was a lawsuit brought by Texas (and previously Indiana and Louisiana) and several individual plaintiffs, who said the ICWA is unconstitutional and discriminatory regarding decisions on adoption and child placement to families based on race, and forces states to carry out federal mandates.

“This ruling is a huge sigh of relief for Tribes and Tribal families throughout Indian Country,” said Grand Ronde Tribal member Kristi Petite, who is co-chair of the Oregon Department of Human Services’ Indian Child Welfare Act Advisory Committee. “As we’ve worked tirelessly to protect Tribal children and keep them connected to their identity, culture and families, this decision will allow us to continue to advocate and promote healing for our families.

“Our ongoing relationship with ODHS will continue as we work

together with the goal of lowering the disproportionate rates that Tribal children experience in the child welfare system. It is also a reminder of the importance to continue to assure that our work reflects the intent and requirements of the Indian Child Welfare Act. Today is a great day to honor Tribes, Tribal sovereignty and the continued protection of Tribal families.”

Oregon Department of Human Services Tribal Affairs Director Adam Decenti (Navajo/Dine), who participated in a panel discussion about the past, present and future of the ICWA on Nov. 2, 2022, at Willamette University in Salem, also heralded the decision.

“This decision is cause for celebration for Tribes and Tribal communities throughout the country,” he said. “The federal Indian Child Welfare Act keeps Tribal families

intact, preserves Tribal culture and upholds Tribal sovereignty. Oregon is one of a handful of states who have demonstrated an unwavering commitment to these principles by codifying these protections in state law.

“The decision to uphold all provisions of the Indian Child Welfare Act will have lasting impact for decades for Tribes. This win allows our agency to continue to implement our state’s Oregon Indian Child Welfare Act as well as continue to support the government-to-government relationship with the Tribes.”

The ICWA received wide support during a lower court hearing as 486 Tribal Nations, 59 Native organizations, 31 child welfare organizations, 26 states and the District of Columbia, and 77 members of Congress offered their support for it. ■



Chris Mercier



Michael Langley



Lisa Leno



Matthew Haller



Veronica Montano



Chris Bailey

Candidates will have a 600-word statement published in *Tilixam Wawa*

NOMINATION continued from front page

Wildwood Hotel in Willamina. He is the son of Rex Haller and Martha Hood and grandson of Robert Haller and LeVeta Sell. He was nominated by Jonathon R. George, who works in the Tribe’s Human Resources Department.

Montano, 37, is employed by the Tribe’s Finance Department as the Budget Coordinator. She previously was the manager of the Tribe’s Member Services Department.

Montano is descended from the Holmes family. Her mother is Tammy Chavez, her grandmother is Betty Dick and great-grandmother is Arlene Holmes. She was nominated by Jamie White.

Bailey, 46, works for the Tribe’s Cultural Resources Department as a cultural protection specialist. He has been a Tribal employee for more than 20 years. His parents are Jerry and Teresa Bailey. He

was nominated by Greg Archuleta, who also works in the Cultural Resources Department.

This year marks the 10th consecutive year of single-digit candidates running for Tribal Council. The last time 10 or more candidates threw their proverbial hats in the ring was in 2013.

Tribal Council candidates will have a 600-word statement published in the July *Tilixam Wawa* that will be mailed to voters before ballots are mailed out. In addition, *Smoke Signals* will continue its practice of interviewing all of the candidates and placing their podcast interviews on [speakr.com](#).

The nomination process was supervised by Election Board Chair Michael Mercier via Zoom and in-person by Election Board member Joann Mercier.

This year’s election will be held on Saturday, Sept. 9, with elected council members being sworn into office on Wednesday, Sept. 13. ■

Gas discount at Grand Ronde Station

Grand Ronde Tribal members, as well as Tribal and Spirit Mountain Casino employees, can receive a 30-cent per gallon discount on gasoline at the Tribally owned Grand Ronde Station convenience store.

There are, however, a few rules. Tribal members and employees must go inside and show either their enrollment card or employee identification card to receive the discount. ■

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SERVICE OFFICE

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As a veteran who has served your country, you deserve to apply for these benefits and resources.

You may think another veteran needs it more than you or you are taking resources from another veteran, but you are not.

You may not want benefits, but having them can benefit your spouse and your family.

Contact the Tribal Veterans Service Office to ask questions, find out more information or file for a service-connected disability today!

Ad by Samuel Briggs III