



**Little River Band of Ottawa Indians
Tribal Council**

2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Moved to
Open 5/23/18

Resolution #18-0523-162

Authorizing the Unified Legal Department to include Little River Band of Ottawa Indians as a Signatory on the Amicus Curiae Brief in Support of Defendants in Brackeen v. Zinke, No. 4:17cv-00868 (N.D. Texas)

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to provide for the public health, peace, morals and education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(e) to employ legal counsel; and

WHEREAS, Plaintiffs in *Brackeen v. Zinke*—which include the States of Texas, Indiana, and Louisiana—have brought a lawsuit against Interior Secretary Ryan Zinke and other Federal Defendants in the United States District Court for the Northern District of Texas (N.D. Texas), requesting the court to declare that certain sections of the Indian Child Welfare Act of 1978 (ICWA) ((Pub. L. 95-608, 92 Stat. 3069, enacted November 8, 1978) *codified at*

25 U.S.C. § 1901 et seq.) are unconstitutional, and to set aside the Department of the Interior's 2016 ICWA regulations as unlawful; and

WHEREAS, four Tribes have since intervened as Defendants: Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians; and

WHEREAS, the Association on American Indian Affairs, National Congress of American Indians, and National Indian Child Welfare Associations are seeking signatories to an Amicus Curiae Brief in support of Defendants that (1) explains why ICWA was enacted and its continuing relevance today, (2) demonstrates how ICWA operates as an example of cooperative federalism to promote the best interests of Indian children, and (3) defends the constitutionality of ICWA; and

WHEREAS, Tribal Council is committed to the welfare, care, and protection of Indian children and families and the exercise of the Tribe's rights and responsibilities under ICWA.

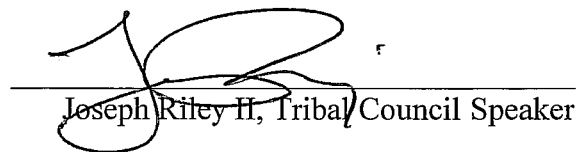
NOW THEREFORE IT IS RESOLVED, that the Tribal Council hereby authorizes the Unified Legal Department to include Little River Band of Ottawa Indians as a signatory on the Amicus Curiae Brief in Support of Defendants in *Brackeen v. Zinke*, No. 4:17-cv-00868 (N.D. Texas).

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on May 23, 2018 at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandra Lewis, Tribal Council Recorder



Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Unified Legal Department