



CONTACT: Department of Communications
California Latinas for Reproductive Justice
Email: comms@clrj.org

FOR IMMEDIATE RELEASE

ICWA DECISION UPHOLDS REPRODUCTIVE RIGHTS & TRIBAL SOVEREIGNTY.

Washington DC (June 15, 2023) - The importance of today's Supreme Court decision in *Brackeen v. Haaland* to uphold the Indian Child Welfare Act (ICWA) cannot be understated. Today's decision affirms that Reproductive Justice means fighting for the rights of all people to raise their children at home within their families and cultures; Reproductive Justice means creating a world where our children, families, and all individuals are safe from state violence; Reproductive Justice means protecting the bodily autonomy of all people - especially those who have been historically targeted by reproductive oppression, including Native peoples. Today's decision upholds the rights of people to parent their own children and prioritizes the wellbeing of Native children, families, communities, and cultures. This decision effectively ruled against the U.S. government's legacy of family regulation and separation - projects rooted in white supremacy and settler colonialism. Moreover, today's decision upholds tribal sovereignty and the self-determination of Native peoples as a whole.

Native peoples have been the target of family separation, cultural destruction, and genocide since these lands were first colonized. For generations Native children have been utilized as pawns in strategic attacks on tribal sovereignty, beginning with genocidal "boarding schools" in the 1800s. Native children were kidnapped from their families and tribes to live in dangerous government and church-run boarding schools where they faced physical and sexual abuse, were used as domestic servants and farm labor, and often went without medical care and food. At least 500 children died in these camps; the extent of harm that the boarding school system inflicted is still being uncovered. Before ICWA was enacted, a study found that 25-35% of Native children had been removed from their families, and 85% of those children were placed with non-Native families. At the time, it was usual practice of the Child Welfare League to steal Native children from their homes, citing vague and discriminatory conditions such as "poverty" as justification. These stolen Native children experienced high rates of abuse, addiction, and suicide as they grew up in white society, separated from their families and tribal homes.

The forcible systemic removal of Native children from their communities is a practice embedded in racism. It is white supremacist ideology that has historically insisted that Native parents are unfit to raise Native children; that Indian reservations are unfit places to raise children; that



Native children are better off with white parents, disconnected from their cultural identities and traditions. The Indian Child Welfare Act of 1978 is a monumental piece of federal legislation that protects Reproductive Justice for Native peoples and nations by affirming the right to parent their children in their own communities. ICWA was passed to prevent the systemic state-sanctioned removal of Native children from their families and tribes by enacting “placement preferences” for children who are deemed unable to be raised by their biological parents, with first preference given to other family members, second preference given to families within their tribe of origin, and third preference given to other Native tribal families.

Today, the constitutionality of the Indian Child Welfare Act was defended by the highest court in the nation. While we exhale sighs of relief and share embraces of celebration and hope, we know that the fight is far from over. ICWA will continue to be challenged in the courts by powerful institutions driven by corporate interest and white supremacy, who want to see tribal sovereignty undone for their own benefit. We join our partners and Native communities in this fight to protect the self-determination and sovereignty of Native tribes and obtain Reproductive Justice for all.

###

California Latinas for Reproductive Justice is a statewide organization committed to honoring the experiences of Latinas/xs to uphold our dignity, our bodies, sexuality and families. We build Latinas’/xs’ power and cultivate leadership through community education, policy advocacy, and community informed research to achieve Reproductive Justice. Learn more about California Latinas for Reproductive Justice at www.californialatinas.org.

###