Nos. 21-376, 21-377, 21-378 & 21-380

IN THE

Supreme Court of the United States

DEB HAALAND, SECRETARY OF THE INTERIOR, *et al.*, *Petitioners,*

v.

CHAD EVERET BRACKEEN, *et al.*, *Respondents.*

CHEROKEE NATION, *et al*., *Petitioners,*

v.

CHAD EVERET BRACKEEN, *et al.*, *Respondents.*

STATE OF TEXAS, *Petitioner,*

v.

DEB HAALAND, SECRETARY OF THE INTERIOR, *et al.*, *Respondents.*

CHAD EVERET BRACKEEN, *et al.*, *Petitioners,*

v.

DEB HAALAND, SECRETARY OF THE INTERIOR, *et al.*, *Respondents.*

On Writs of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF OF AMICI CURIAE NATIONAL INDIGENOUS WOMEN'S RESOURCE CENTER, STEPHANIE BENALLY, AND SANDY WHITE HAWK, ET. AL. IN SUPPORT OF THE FEDERAL PARTIES AND TRIBAL DEFENDANTS

SARAH DEER
UNIVERSITY OF KANSAS
1541 Lilac Lane
Lawrence, KS 66045
(785) 864-9713
sarah.deer@ku.edu

MARY KATHRYN NAGLE
Counsel of Record
ATTORNEY AT LAW
P.O. Box 506
McLean, VA 22101
(202) 407-0591
mkn@mknaglelaw.onmicrosoft.com

SHONEY BLAKE
PIPESTEM LAW P.C.
401 S. Boston Ave
Suite 2200
Tulsa, OK 74103
(918) 936-4705

WILSON-EPES PRINTING CO., INC. – (202) 789-0096 – WASHINGTON, D.C. 20002

TABLE OF CONTENTS

TABLE OF CONTENTS—Continued

TABLE OF AUTHORITIES

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

INTEREST OF THE *AMICI CURIAE*[1]

The National Indigenous Women's Resource Center ("NIWRC") is a national organization working to end domestic violence and sexual assault against Indian women and children. The NIWRC's work is directly implicated by Plaintiffs' request that this Court declare "Indian" to be a race-based classification subject to strict scrutiny.

The NIWRC is a Native non-profit organization whose mission is to ensure the safety of Native women and children by protecting and preserving the inherent sovereign authority of Tribal Nations to respond to domestic violence and sexual assault. The NIWRC's Board of Directors consists of Native women leaders from Tribes across the United States. Collectively, these women have extensive experience in tribal courts, tribal governmental process, and programmatic and educational work to end violence against Native women and children, including domestic violence and sexual assault.

The NIWRC is joined by Stephanie Benally, a citizen of the Navajo Nation. She is a Native American Specialist/Foster-Adoptive Consultant for Utah Foster Care and has adopted two Navajo children in accordance with the Indian Child Welfare Act ("ICWA"). She is currently fostering a Navajo child placed with her pursuant to ICWA's procedural guidelines. Having adopted Indian children through ICWA, she

---

[1] Pursuant to Supreme Court Rule 37.6, the NIWRC states that no counsel for any party authored this brief in whole or in part and that no entity or person, aside from the NIWRC and its counsel, made any monetary contribution toward the preparation or submission of this brief. The parties have filed blanket consent for the filing of *amicus* briefs.

understands the critical role ICWA plays in protecting the safety and welfare of Indian children.

The NIWRC is also joined by Sandy White Hawk, an enrolled citizen of the Rosebud Sioux Tribe and an adoptee. She was adopted in 1955, before the passage of ICWA. For Sandy, growing up away from her Tribal Nation, her culture, and her community created an emotionally crippling isolation. Sandy has joined this *amicus* brief because she knows from first-hand experience that Indian children will experience significantly higher rates of trauma if the protections ICWA affords are no longer in place. She believes that as sovereign nations, Tribes should not have to fight this attempt to dismantle a law whose foundation is family preservation.

The NIWRC is also joined by eighty-eight victim advocacy, legal services, religious, and children's rights organizations that share the NIWRC's commitment to end domestic violence, rape, sexual assault, and other forms of violence against Indian women and children in the United States (collectively, the "NIWRC *Amici*").[2] The depth of the NIWRC *Amici*'s experience in working to end domestic violence and sexual assault renders them uniquely positioned to offer their views on how declaring ICWA to be unconstitutional would significantly impede the ability of Tribal Nations to protect their women and children and would result in increased levels of violence against the population whose safety Congress intended for ICWA to serve.[3]

---

[2] The additional NIWRC *Amici* are identified and listed in the Appendix to this brief.

[3] For purposes of this brief, the NIWRC *Amici* use the term "Indian" in the manner employed by Congress and this Court, wherein "Indian" refers to a citizen of a federally recognized

SUMMARY OF THE ARGUMENT

Nothing is more critical to ensuring the safety and welfare of Indian children than preserving the sovereignty of their Tribal Nations. As the United States Department of Justice ("DOJ") recently concluded, "[t]here is a vital connection between inherent tribal sovereignty and protecting [Native] children."[4] This is why, in re-authorizing the Violence Against Women Act just five months ago ("VAWA 2022"), Congress specifically restored tribal criminal jurisdiction over violent crimes committed against Indian children by

---

Tribe. The NIWRC *Amici* also use the terms "Native," "American Indian/Alaska Native," and "Indigenous," which are often synonymous when used colloquially in the United States. The term "Indian," used by the framers in the U.S. Constitution, does not encompass everyone who is racially American Indian, Alaska Native, Native, or Indigenous since, under federal law, "Indian" refers to individuals who are citizens of a federally recognized Tribe located within the present day boundaries of the United States. That is, there are individuals who are racially American Indian, Alaska Native, Native, and/or Indigenous, but politically, are not citizens of a federally recognized Tribe and, therefore, are not an "Indian" under ICWA or other federal statutes. *See, e.g., United States v. Dennis*, No. CR91-99WD (W.D. Wash. June 21, 1991) (concluding that a Canadian First Nations (Nootka) man is not an "Indian" under federal law); *United States v. Heath*, 509 F.2d 16, 19 (9th Cir. 1974) (concluding a person from a terminated tribe is not an "Indian" under federal law because his tribe does not have a political sovereign-to-soveriegn relationship with the United States).

[4] Byron L. Dorgan et al., *Attorney General's Advisory Committee on American Indian and Alaskan Native Children Exposed to Violence: Ending Violence So Children Can Thrive* 7 (Nov. 2014), https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf (hereinafter "A'tty Gen. Rpt.").

non-Indians.[5] Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, div. W, tit. VIII, § 804(3)(B), 136 Stat. 49, 899 (codified at 25 U.S.C. § 1304) ("VAWA 2022"). Congress did this out of recognition that restoring the jurisdiction of Tribal Nations to protect Indian children was the most effective means to "combat this major public safety issue" and protect Indian children from violence.[6]

Like VAWA, ICWA was passed with the understanding that no sovereign is better equipped to protect the safety and welfare of Indian children than their own nations. But ICWA does not dictate outcomes; it is a procedural law. ICWA routinely results in non-Indian parents adopting Indian children—including the Brackeens in this case, who successfully adopted the child they claim ICWA somehow prohibited them from adopting. Instead of dictating a result, ICWA affords Tribes certain rights that are purely procedural and jurisdictional in nature. *See Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 49 (1989) (citing §§ 1911(a) (exclusive jurisdiction over reservation domiciliaries), 1911(b) (presumptive jurisdiction over non-domiciliaries), 1911(c) (right of intervention), 1912(a) (notice), 1914 (right to

---

[5] In doing so, Members of Congress specifically noted it was important to address the "gaps in jurisdiction [that] put [Indian] children . . . in harm's way." 165 Cong. Rec. H2944-02 (daily ed. Apr. 2, 2019) (statement of Rep. Tom O'Halleran).

[6] 167 Cong. Rec. S9231-03 (daily ed. Dec. 16, 2021) (statement of Sen. Lisa Murkowski); *see also* Amnesty Int'l, *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA* 1 (2007), http://www.amnestyusa.org/pdfs/mazeofinjustice.pdf ("As citizens of particular Tribal Nations, the welfare and safety of American Indian and Alaska Native women are directly linked to the authority and capacity of their nations to address such violence.").

petition for invalidation of state-court action), 1915(c) (right to alter presumptive placement priorities applicable to state-court actions), 1915(e) (right to obtain records), 1919 (authority to conclude agreements with states)).

These procedural and jurisdictional processes are essential to ensuring that an Indian child's "feelings of belonging and connectedness to their culture and family[, which] are critical to their development of identity and resilience," are adequately considered when evaluating an out-of-home placement.[7] ICWA's placement preferences, therefore, reflect this understanding of a child's best interests—e.g., placement with the child's extended family, other members of the child's Tribe, then other Indian families, while allowing for a showing of good cause to alter these preferences. 25 U.S.C. § 1915(a). As a Wabanaki child-welfare worker told the Maine Wabanaki-State Child Welfare Truth and Reconciliation Comission: "[G]eneral society thinks we side with the Native person regardless but that's not true. We've placed children with non-Indian grandparents because they were extended family and I think people need to know that tribes do that."[8] In this regard, ICWA mandates a process, not a result.

The fact that it is merely a process, however, in no way undermines ICWA's significant role in protecting the health, safety, and welfare of Indian children. Although ICWA has largely succeeded in preventing

---

[7] A'tty Gen. Rpt. 99. The Attorney General's Advisory Commision found that these "feelings of belonging and connectedness to [] culture and family" are critical regardless of whether the Indian child is from an urban or rural community. *Id.*

[8] Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission, *Beyond the Mandate: Continuing the Conversation* 44 (2015).

unwarranted removals of Indian children from their homes and families, many States refuse to comply with ICWA and Indian children, today, are disproportionately represented in many state foster systems. These children are much more likely to suffer physical and sexual abuse, or become victims of sex trafficking. Accordingly, the loss of ICWA would significantly jeopardize the ability of Tribal Nations to exercise jurisdiction and ensure their children are placed in a safe home.

And as explained in greater detail below, ICWA is one of many statutes whereby Congress has used "Indian" to refer to citizens of federally recognized Tribes. Congress, however, is not alone in its use of "Indian" as a political classification. This Court uses "Indian" in the exact same manner.

In 1978, the same year that Congress passed ICWA, this Court used the same "Indian" and "non-Indian" classifications to conclude that "Indian" tribal courts could no longer exercise criminal jurisdiction over "non-Indians" who commit crimes on tribal lands. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 195 (1978). For the last forty years, everyone has understood these terms to be political classifications: "Indian" refers to a citizen of a Tribal Nation, and non-Indian refers to someone who is not a citizen of a Tribal Nation—regardless of that individual's race.

Texas, however, now argues that "ICWA create[d] a government-imposed and government-funded discriminatory regime sorting children, their biological parents, and potential non-Indian adoptive parents based on race and ancestry." Texas Br. 41. The individual plaintiffs likewise claim that whether a child constitutes an "Indian child" under ICWA is a calculus based on "ancestry, not on any political affinity or voluntary

decision." Pet'r. Br. 30. These claims, of course, defy logic since "ancestry" neither guarantees nor precludes citizenship in a sovereign Tribal Nation. As the Indian Law Professors' *amicus* brief explains in greater detail, the citizens of Tribal Nations today—like the citizens of the United States—reflect the diversity of the various races who have, over the course of history, come to live within a particular nation's borders. *See* Brief for Indian Law Professors as *Amici Curiae* 17. Just as citizenship in the United States is voluntary, so is citizenship in a Tribal Nation. And as even a cursory review of the Fourteenth Amendment's history demonstrates, the drafters of the Equal Protection Clause specifically considered an amendment that would apply the Clause to *Indians* and rejected it, on the basis that Indians are citizens of separate, sovereign nations.[9]

There is no evidence to indicate that the Equal Protection Clause was intended to impede Congress's ability to effectuate its trust duties and responsibilities to citizens of Tribal Nations, referred to as *Indians.* The Fourteenth Amendment's framers made clear that the Amendment did "not annul the treaties previously made between [Tribal Nations] and the United States." S. Rep. No. 41-268, at 1 (1870). As this Court and Congress have repeatedly recognized, these treaties created trust duties and responsibilities that the United States owes to Tribal Nations. One of these duties is the duty of protection, and specifically the protection of Indian women and Indian children.[10]

---

[9] Cong. Globe, 37th Cong., 2d Sess. 1639 (1862) (noting that Tribal Nations were "recognized at the organization of this Government as independent sovereignties.").

[10] *See, e.g.*, Indian Child Protection and Family Violence Prevention Act, Pub. L. No. 101-630, tit. IV, § 402(a)(1)(F), 104

This trust duty has nothing to do with race. Rather, the trust duty the United States owes to Indian parents and children comes as the consequence of the sovereign-to-sovereign relationship between Tribal Nations and the United States that allowed the United States to come into existence.

The simple reality, however, is that Congress cannot effectuate its trust duties and responsibilities to tribal citizens if terms that refer to citizens of Tribal Nations are suddenly declared to be racial classifications subject to strict scrutiny. Plaintiffs' ahistorical crusade to transform ICWA's use of "Indian" into a racial classification, therefore, threatens to undermine the political trust relationship between Tribal Nations and the United States. This will come at a significant cost. In 1978, the same year Congress passed ICWA, this Court declared that Congress has the requisite authority to restore tribal jurisdiction over non-Indians. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 195 (1978). But if "Indian" is suddenly transformed into a racial classification, then Congress will be without the authority to fix a crisis of violence that this Court has declared *only* Congress can fix.

Ultimately, Plaintiffs' attacks on ICWA extend far beyond the definition of "Indian child." Plaintiffs seek to eviscerate the sovereign-to-sovereign relationship between Tribal Nations and the United States. That relationship, however, does more than protect Indian women and children. It allowed the United States to come into existence. Interpreting the U.S. Constitution

---

Stat. 4544, 4545 (1990) (recognizing "the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in an Indian tribe").

as prohibiting Congress from effectuating its trust duties and responsibilities to Indian women and children will not only undermine public safety in Indian country, it will disrupt the Constitution's separation of powers that has kept the separate branches of the republic in check.

ARGUMENT

I. ICWA Constitutes a Critical Safeguard that Protects Indian Women and Children from Abuse

A. Indian Children are Especially Susceptible to Abuse and Trafficking When Placed in State-Run Adoptive and Foster Homes

ICWA provides critical procedural and jurisdictional protections that enable Tribes to protect their children from the abuses that run rampant in state-run foster homes and non-Indian placements. Many States fail to protect Indian children from sexual abuse, violence, and trafficking in out-of-home placements for the same reasons they fail to prosecute violent crimes committed against Indian women and children: they simply do not dedicate adequate resources to protecting Indian children.[11] The evidence is clear: if the

[11] *See, e.g., United States v. Bryant*, 579 U.S. 140, 146 (2016). ("States have not devoted their limited criminal justice resources to crimes committed in Indian country."); *M.D. et al v. Abbott et. al.*, 2:11-cv-00084 (S.D. Tex., Jun. 6, 2022); Reese Oxner, *Judge plans to levy "substantial fines" after Texas failed to comply with court-ordered fixes to its foster care system*, Texas Tribune (Jun. 6, 2022), https://www.texastribune.org/2022/06/06/texas-foster-care-sanctions/ (noting that Texas has not dedicated sufficient resources to address rampant child abuse in its foster care system).

procedural safeguards ICWA supplies are discarded, and if Indian children are again subjugated to the state court system alone—with no recourse in the courts of their Tribal Nations or prioritization of a placement approved by their Tribal Nation—violence against Indian children will increase.

There are several States that have failed to protect children, but perhaps the best example is the State pushing the current litigation. While Texas has poured resources into fighting ICWA,[12] the State has failed to dedicate adequate resources to address the crisis in its own foster care system. Just this past June, United States District Court Judge Jack stated that she is planning on fining the State for its failure to address the incredibly high rate at which children are abused physically and sexually in Texas state foster care.[13] Although the full transcript from the hearing has yet to be released on the District Court's docket, the Texas Tribune covered the hearing and reports that "[a] quarter of children that DFPS identified as victims of sexual abuse were victimized or

---

[12] Texas's decision to dedicate significant resources to undermining ICWA is difficult to understand since in 2015, Texas fully supported ICWA. In 2015, Texas's Department of Family Protective Services submitted comments during rulemaking asserting that it "fully supports the Indian Child Welfare Act" and has "worked collaboratively . . . to develop best practices that will inure to the benefit of tribal children and families." Letter from John J. Specia, Jr., Commissioner, to Elizabeth Appel, U.S. Dep't of Interior, Re: Notice of Proposed Rulemaking ("NPRM") Regulations for State Courts and Agencies in Indian Child Custody Proceedings 25 CFR Part 23 (May 19, 2015), https://tinyurl.com/3mhja9er ("Our commitment to both the letter and spirit of ICWA is clear.").

[13] *See M.D. et al v. Abbott et. al.*, 2:11-cv-00084 (S.D. Tex., Jun. 6, 2022).

revictimized *after* entering foster care, according to court-appointed monitors who act as watchdogs over the system."[14] "'That is not an acceptable figure,' Jack said. 'I don't know what is an acceptable one but 25% is not.'"[15] The case against Texas is now in its eleventh year, and the District Court has grown frustrated with the State's ongoing failure to abide orders the Court has imposed requiring Texas to protect children in its own foster system, shut down facilities where high rates of child abuse occur, properly report incidents of abuse against children in the system, and obtain approval before placing children in facilites that are in a probationary status due to ongoing abuses.[16] According to Judge Jack, there are "horrible things happening in these facilities.'"[17]

Indian children in Alaska's foster care system are also in danger. The Department of Justice has reported that:

> Children in out-of-home placement in Alaska face abuse or neglect at a rate nearly three times higher than the national rate. Because Alaska Native children are nearly two-thirds of the children in Alaska foster care, they are also more likely to be subject to child maltreatment in foster care.[18]

---

[14] Reese Oxner, *Judge plans to levy "substantial fines" after Texas failed to comply with court-ordered fixes to its foster care system*, Texas Tribune (Jun. 6, 2022), https://www.texastribune.org/2022/06/06/texas-foster-care-sanctions/ (emphasis added).

[15] *Id.* (quoting Judge Jack during the June 6, 2022 hearing).

[16] *Id.*

[17] *Id.*

[18] Att'y Gen. Rpt., 134.

Individual stories corroborate the horror of this data.

As Rebecca Larson, a second generation survivor of pre-ICWA adoptions, testified during the Bureau of Indian Affairs consultation in 2016, her mother was taken out of their family's home and:

> She was abused []—sexually and physically and emotionally in this home by these non-Native people who didn't understand her—her culture or her pain from being stolen from—from our family in Taholah. When she became pregnant with me, . . . she was forced to give me up for adoption. . . . There was no ICWA to protect me. I, too, was physically and emotionally abused in this home by these people who wanted me to be grateful that they saved this poor Indian girl.[19]

As *Amicus* Sandy White Hawk shared, at the same consultation with the BIA: "My story is like many who are placed in white missionary homes, who had no understanding of who we are. I suffered a great deal of emotional, physical, sexual, and spiritual abuse."[20] Bernice Delorme, another survivor of a non-Indian placement, described her experience:

> We were in a foster home where the guy was the chief of police for this little border town from the reservation, and we were forced to eat on the floor with those little, what do you call them, aluminum pie pans. We had to eat on the floor with the dog because we were

---

[19] ICWA Proposed Rule Public Meeting, Bureau of Indian Affairs, 106:01-107:10 (Apr. 22, 2015) (testimony of Rebecca Larson), https://www.bia.gov/sites/default/files/dup/assets/as-ia/raca/pdf/idc1-030268.pdf.

[20] *Id.* at 117:08-11 (testimony of Sandy White Hawk).

> Indians and we were not fit to sit at their table. I had a razor strap waiting for me every morning because I wet my bed because I didn't want to be there.[21]

The abuses that pre-dated ICWA continue today in instances where States refuse to comply with the procedural safeguards Congress put in place. In a study conducted by the University of Minnesota and published in November 2020, researchers found that Indian children placed in non-Indian homes "are at risk of maltreatment recurrence by their adoptive caregivers, particularly physical, emotional, and sexual abuse."[22] In this study, an alarming rate of "over half of the American Indian participants in [the] sample experienced physical and emotional abuse in their foster and adoptive homes, whereas one-third experienced sexual abuse."[23] These same researchers also found that "American Indian participants were significantly more likely to report physical abuse (63.6%), sexual abuse (32.3%), and spiritual abuse (49.5%) than White

---

[21] ICWA Proposed Rule Tribal Hearing, Bureau of Indian Affairs, 56:18-57:03 (Apr. 23, 2015) (testimony of Bernice Delorme), https://www.bia.gov/sites/default/files/dup/assets/as-ia/raca/pdf/idc1-030526.pdf. Ilene Brown testified about the pain she experienced as a result of the abuse her grandchildren suffered in a non-Indian foster home. *See id.* at 88:06-11 (testimony of Ilene Brown) ("I also have some [] grandchildren that were involved in a very, very ugly sexual perverted [] foster home, very. And the man only serves seven years for the ten years' damage he did. And the foster mother had my grandchildren returned to her. Oh, it's really hard to talk about this.").

[22] Ashley L. Landers, Sharon M. Danes, Avery R. Campbell, Sandy White Hawk, *Abuse after abuse: The recurrent maltreatment of American Indian children in foster care and adoption*, Child Abuse & Neglect 111 (2021) 104805, 3 (Dec. 2020).

[23] *Id.* at 8.

participants (38.2%; 20.6%; 32.1%)."[24] In addition to physical and sexual abuse, "[n]early half of [the] American Indian sample experienced spiritual abuse."[25]

Furthermore, placement in a state-run foster home drastically increases the chances that an Indian child will be trafficked. The National Youth Foster Institute has reported that "most Americans who are victims of sex trafficking come from our nation's own foster care system."[26] For instance, in California, 50 percent of children sold into trafficking come from California's foster care system.[27] The FBI has reported that as many as 60 percent of the children they recover from trafficking have been placed in a group or foster home in a state-run welfare system.[28] These rates are even

---

[24] *Id.*

[25] *Id*. As the researchers noted, "the majority of the American Indian participants in our sample were raised outside of American Indian culture"—meaning that the majority of these reported abuses committed against Indian children were committed by non-Indians in a non-Indian placement. *Id.*

[26] National Foster Youth Institute, *America's Foster Care System Is the Pipeline For Child Sex Trafficking* (Mar. 22, 2018), https://nfyi.org/americas-foster-care-system-is-the-pipeline-for-child-sex-trafficking/.

[27] Michelle Lillie, *An Unholy Alliance: the Connection Between Foster Care and Human Trafficking* (2016), OLP Foundation and HumanTraffickingSearch.Net, at 2, https://bettercarenetwork.org/sites/default/files/An%20Unholy%20Alliance%20-%20The%20Connection%20Between%20Foster%20Care%20and%20Human%20Trafficking.pdf.

[28] *Finding And Stopping Child Sex Trafficking*, NPR Tell Me More (Apr. 1, 2013) https://www.npr.org/templates/story/story.php?storyId=207901614. Placement in a non-Indian foster home has also been linked to high rates of homelessness in Indian populations. Alexandra (Sandi) Pierce, *Shattered hearts (full report): The commercial sexual exploitation of American Indian women and girls in Minnesota*, First Annual Interdisciplinary

worse for Indian children, who are much more likely to be trafficked than a non-Indian child. For instance, in South Dakota, half of all sex trafficking victims are Native girls.[29] Removing ICWA's procedural safeguards, therefore, will not help Indian children. Instead, it will only ensure better access for those who seek to harm Indian children since, without ICWA's protections, the number of Indian children in state-run foster care systems will dramatically increase.

A recent article provides the current statistics of child removal within Canada, a country *without* ICWA-like protections. As of 2021, Indigenous children in Canada are placed in the State's care at thirteen times the rate of non-Indigenous children and Indigenous children make up half of the entire foster care population.[30] Moreover, "[m]ost of these children are placed with non-Aboriginal families."[31] Already in the United States, "AIAN children are . . . 60% more

---

Conference on Human Trafficking 82 (2009), https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1027&context=humtraffconf ("Over one-fourth of the non-reservation Native girls ages 17 and under (28%) and 24 percent of those ages 18-20 reported having left foster care or a group home without a permanent place to go."); *see also* Cyndy Baskin, *Aboriginal Youth Talk About Structural Determinants as the Causes of Their Homelessness*, 3 FIRST PEOPLES CHILD FAM. REV. 94–108 (2007); *see also* Lillie, *supra* note 27 ("22% of youth 'aging out' of the foster care system end up homeless.").

[29] Suzette Brewer, *Tester Begins Hearings on Sex Trafficking in Indian Country*, Indian Country Today (Sept. 3, 2014), https://indiancountrytoday.com/archive/tester-begins-hearings-on-sex-trafficking-in-indian-country.

[30] Elizabeth Newland, *Indigenous Children in Canada's Foster Care System: Bill C-92 and the Importance of Cultural Identity*, 42 CHILD. LEG. RIGHTS J. 1, 2 (2021).

[31] *Id.* at 1-2.

likely than white children to ever enter foster care, and 46% more likely to ever have their parents' rights terminated" despite being 31 percent *less* likely than non-Indian children to be involved in an investigation by child protective services.[32] Without ICWA, it is clear that more Indian children will be placed in state-run foster homes, and it is also clear that this will result in an increase of violent crimes being committed against Native youth.[33]

II. Declaring "Indian" to be a Racial Classification Subject to Strict Scrutiny Would Significantly Impede Congress's Trust Duty and Responsibility to Address Violence Against Native Women and Children

Plaintiffs' flawed position carries with it implications that extend far beyond ICWA's protections for Indian children. Indeed, transforming "Indian" into a racial classification will jeopardize the ability of Congress to effectuate its trust duty and responsibility to protect the safety and welfare of Indian women and children. Ultimately, such a transformation would significantly impede the ability of Congress to address a crisis that the Court in *Oliphant* declared only Congress can fix.

---

[32] Theresa Rocha Beardall and Grant Edwards, *Abolition, Settler Colonialism, and the Persistent Threat of Indian Child Welfare*, 11 COLUM. J. RACE L. 3, 555 (2021). Higher rates of termination of parental rights for AI/AN children are due to higher levels of foster care placement. *Id*. at 559.

[33] In 2021, the American Academy of Pediatrics concluded that ICWA remains an "opportune protection" for Native children in the context of health and well-being and urged its members to advocate for the protection and enforcement of ICWA. *See* Shaquita Bell et al., *Caring for American Indian and Alaska Native Children and Adolescents*, 147 PEDIATRICS 1, 5 (2021).

A. In *Oliphant*, This Court Used a Political, not a Racial, Classification to Eliminate Tribal Criminal Jurisdiction over Non-Indians

In 1978, this Court used the "Indian" political classification to conclude that "Indian" tribal courts could no longer exercise criminal jurisdiction over "non-Indians" who commit crimes on tribal lands. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 195 (1978) ("We granted *certiorari* to decide whether *Indian* tribal courts have criminal jurisdiction over *non-Indians*.") (emphasis added). Specifically, this Court concluded that "Indian" tribal courts "do not" have such jurisdiction. *Id.* In writing the majority opinion, however, Justice Rehnquist was not concerned with anything akin to what Plaintiffs claim must count as an "Indian" race in the Court's analysis today (*i.e.*, ancestry, blood quantum, *etc*.).

Quite the opposite, Justice Rehnquist questioned whether Tribes should exercise criminal jurisidiction over non-Indians not because the Court considered non-Indians to be *racially* distinct from Indians, but rather, because the exercise of criminal jurisdiction constitutes an "exercise [of] external *political* sovereignty" over non-Indians, who are not *politically* citizens of the Tribes, but are citizens of the United States. *See id.* at 209 (emphasis added). It was on this basis that the Court concluded that Tribes are without the "power to try non-Indian citizens of the United States except in a manner acceptable to Congress." *Id.* at 210. It would be absurd then—if not impossible—to conclude that for the *Oliphant* Court, tribal authority over *non-Indians* implicates a question of race under an Equal Protection analysis. And if the Court's use of "Indian" and "non-Indian" in 1978 invoked a political

classification, it would be equally absurd to conclude that Congress's use of the very same classification in ICWA was somehow racial.

Decisions subsequent to *Oliphant* have confirmed that the Court did not rely on a racial classification to eliminate tribal criminal jurisdiction over non-Indians; repeatedly, the Court has recognized that the Indian versus non-Indian distinction in *Oliphant* was political in nature, contingent upon citizenship and/or membership in a Tribe, and not a race. *See*, *e.g., United States v. Cooley*, 141 S. Ct. 1638, 1643 (2021) ("We then wrote that the 'principles on which [*Oliphant*] relied support the general proposition that the inherent sovereign powers of an Indian tribe do not extend to the activities of *nonmembers* of the tribe.'") (quoting *Montana v. United States*, 450 U.S. 544, 565 (1981)) (emphasis added). The *Oliphant* Court's use of "Indian" was a political and not a racial classification because the classification hinged on the political nature of citizenship.

In the very same year that this Court decided *Oliphant* and Congress passed ICWA, this Court acknowledged, in another opinion, that Tribal Nations are "separate sovereigns pre-existing the Constitution." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56 (1978).[34] Accordingly, this Court further recognized that Tribes retain "the right . . . to govern themselves." *Id.* at 59 (quoting *Williams v. Lee*, 358 U.S. 217, 223 (1959)). This right, as the Court understood it in 1978 and as it continues to exist today, is a right Indians

[34] This Court issued a similar reminder in its recent decision in *Denezpi v. United States*. *See* 142 S. Ct. 1838, 1845 (2022) (noting the Court has consistently "explained that before Europeans arrived on this continent, tribes 'were self-governing sovereign *political* communities'") (quoting *United States v. Wheeler*, 435 U.S. 313, 322-323 (1978)) (emphasis added).

have not because they constitute a race, but rather, because they are citizens of independent political, sovereign nations.

It is important to note that the Court reached its decision in *Oliphant* despite the fact that many Tribal Nations had, for hundreds of years, exercised criminal jurisdiction over non-Indians who committed violent crimes against Indians within the borders of their respective Nations.[35] In concluding that Tribes could no longer exercise this jurisdiction, the Court stated it was "not unaware of the prevalence of non-Indian crime on today's reservations," *Oliphant*, 435 U.S. at 212, but ultimately, the Court held that "these are considerations for Congress to weigh in deciding whether Indian tribes should [] be authorized to try non-Indians." *Id.*

Since *Oliphant*, the Court has repeatedly upheld and affirmed its holding that only Congress has the requisite constitutional authority to authorize or limit tribal jurisdiction over Indians and non-Indians. *See, e.g., United States v. Cooley*, 141 S. Ct. 1638, 1643 (2021) (concluding Tribal Nations have the inherent authority to detain a non-Indian suspected of commiting a crime on tribal lands unless or until Congress removes that authority, since, "[i]n all cases, tribal authority remains subject to the plenary authority of Congress"); *see also Michigan v. Bay Mills Indian Cmty*., 572 U.S. 782, 803 (2014) ("[A] fundamental commitment of Indian law is judicial respect for

---

[35] *See, e.g.,* Sarah Deer & Mary Kathryn Nagle, *Return to* Worcester, 41 HARV. J. LAW. & GEN. 180, 200-01 (2018) (noting that in the 1820s, the Cherokee Nation, the Muscogee (Creek) Nation, and the Choctaw Nation all passed laws outlawing rape, and furthermore, that these laws criminalized the actions of Indians and non-Indians alike).

Congress's primary role in defining the contours of tribal sovereignty."). And of course, "[w]hile Congress has in certain ways regulated the manner and extent of the tribal power of self-government, Congress did not create that power." *United States v. Denezpi*, 142 S. Ct. 1838, 1845 (2022) (citations and quotation marks omitted). It is a power that pre-dates the United States and the Constitution.

Ultimately, Plaintiffs' request that this Court depart from clear precedent and declare "Indian" to be a racial, instead of a political, classification would render the distinction this Court made in *Oliphant* racial as well, thereby subjecting any congressional restoration of tribal criminal jurisdiction over non-Indians subject to strict scrutiny. This was certainly not the intention of the framers of the Fourteenth Amendment,[36] nor can such a declaration be squared with this Court's repeated holdings that Congress maintains exclusive, plenary authority to legislate over tribal sovereignty and jurisdiction concerning both Indians and non-Indians.

The ultimate irony of Plaintiffs' flawed position is that, if adopted by this Court, Congress would be restricted in its efforts to solve a crisis that the Court has declared only Congress has the authority to fix. If such an irony were to come to fruition, it would give rise to grave, life-and-death consequences for Indian women and children.

---

[36] Although the Fourteenth Amendment "was intended to recognize the change in the status of the former slave which had been effected during the war, [] it recognizes *no change in the status of the Indians*." S. Rep. No. 41-268, at 10 (1870) (emphasis added).

B. Following *Oliphant*, Indian Women and Children Face High Rates of Non-Indian Violence in the United States

Many have acknowledged that the absence of tribal criminal jurisdiction over non-Indian crimes significantly contributes to the high levels of violence Indian women and children face today.[37] In fact, American Indians now experience some of the highest rates of violent victimization in the United States.[38] Indeed, this Court took notice in *United States v. Bryant* that "compared to all other groups in the United States," Native American women "experience the highest rates of domestic violence." 579 U.S. 140, 144 (2016) (quoting 151 Cong. Rec. 9061 (2005) (remarks of Sen. McCain)). In May 2016, the National Institute of Justice issued yet another report confirming American Indians suffer from unacceptably high rates of violent crime.[39]

Reports also confirm that the majority of violent crimes committed against Indian women and children

---

[37] *See*, *e.g.*, Indian Law and Order Commission, *A Roadmap for Making Native America Safer*, ix (Nov. 2013), https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf (stating that "the imposition of non-Indian criminal justice institution in Indian country extracts a terrible price"); Att'y Gen. Rpt. 7 (acknowledging that the "current barriers that prevent tribes from leading in protecting and healing their children must be eliminated before real change can begin").

[38] *See, e.g.*, André B. Rosay, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, Nat'l Inst. of Justice, Office of Justice Programs, U.S. Dep't of Justice, 44 (May 2016), https://www.ncjrs.gov/pdffiles1/nij/249736.pdf.

[39] *Id.* at 2.

are committed by non-Indians.[40] This statistic is not surprising given that "well over 50 percent of all Native American women are married to non-Indian men, and thousands of others are in intimate relationships with non-Indians."[41] Indeed, 96 percent of American Indian and Alaska Native victims of sexual violence experience violence by a non-Indian perpetrator, while only 21 percent experience violence committed by a Native partner.[42]

Given this reality, eliminating Congress's ability to restore tribal criminal jurisdiction over non-Indian perpetrated crimes would inevitably undermine safety for Indian women and children.

---

[40] *Id.* at 46 (concluding that of all American Indians who have suffered violence, around 90 percent have experienced violence perpetrated by a non-Indian); *see also* Att'y Gen. Rpt. 50 (noting that "non-Indian perpetrators who commit crimes against AI/AN children . . . is a very substantial problem").

[41] S. Rep. No. 112-153, at 9 (2012).

[42] National Congress of American Indians, *Research Policy Update: Violence Against American Indian and Alaska Native Women* 2 (Feb. 2018), https://www.ncai.org/policy-research-center/research-data/prc-publications/VAWA_Data_Brief__FINAL_2_1_2018.pdf.

C. Congress Has Used ICWA's and *Oliphant*'s "Indian" Classification to Restore Tribal Jurisdiction in Recent Reauthorizations of the Violence Against Women Act

i. VAWA 2013 Utilized the Same Political Classification as ICWA and *Oliphant*

Congress has already taken steps to exercise the authority that the *Oliphant* Court acknowledged. In 2013, Congress used the same "Indian" and "non-Indian" political classifications employed in *Oliphant* and ICWA to restore tribal criminal jurisdiction over a discrete set of non-Indian perpetrated crimes. *See* Violence Against Women Reauthorizaton Act of 2013, Pub. L. No. 113-4, tit. IX, § 904, 127 Stat. 54, 121-123 ("VAWA 2013"). At that time, Congress understood that the lack of tribal jurisdiction over non-Indian perpetrated crimes left Indian women and children exceptionally vulnerable. As Representative Tom Cole of Oklahoma noted, Indian women "in many ways [are] the most at-risk part of our population." 159 Cong. Rec. H678-79 (daily ed. Feb. 27, 2013). Indeed, Congress recognized that the lack of jurisdiction over non-Indians left Tribal Nations unable to prosecute or hold accountable the majority of individuals committing violent crimes against their citizens. 167 Cong. Rec. S9233 (daily ed. Dec. 16, 2021) (Senator Lisa Murkowski identifying "the acts of violence being perpetrated against Native women and children" as "the real horror story").

And in electing to restore tribal criminal jurisdiction over select non-Indian crimes, Congress explicitly cited this Court's decision in *Oliphant* as recognizing

Congress's constitutional authority to do so, noting that:

> The Supreme Court has indicated that Congress has the power to recognize and thus restore tribes' "inherent power" to exercise criminal jurisdiction over all Indians and non-Indians. In *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978), the Court suggested that Congress has the constitutional authority to decide whether Indian tribes should be authorized to try and to punish non-Indians.

See S. Rep. No. 112-153, at 213 (2012) (statement of Senate Comm. on the Judiciary Majority).

VAWA 2013's partial restoration of tribal jurisdiction over non-Indians has definitively increased safety for Indian women and children. But, as Representative Tom O'Halleran has explained, it has not been enough:

> In 2013, the reauthorization of the Violence Against Women Act created special domestic violence criminal jurisdiction. This was critical to holding perpetrators accountable in Indian Country, but it didn't go far enough. The special jurisdiction limits Tribes to prosecuting only crimes committed against intimate partners, not kids or police officers. . . . [T]hese gaps in jurisdiction put children who are victims or witnesses to violence in harm's way."

165 Cong. Rec. H2944-02 (Apr. 2, 2019) (statement of Rep. Tom O'Halleran). Representative O'Halleran's statement was echoed by Representative Tom Cole, who further outlined why Congress should restore criminal jurisdiction to Tribal Nations in instances

where a non-Indian perpetrates domestic violence against Indian children, stating: "I do not believe the protection of all women and children is or should be treated as a partisan issue. Tribal governments, through trust and treaty obligations should have the same authority as states to protect women and children in vulnerable situations." 165 Cong. Rec. E1307-02 (Oct. 18, 2019) (statement of Rep. Tom Cole).

VAWA 2013 established that restoring the sovereignty of Tribal Nations is unquestionably an effective strategy for protecting Indian women and children. It also demonstrated that Congress has an "awful lot more to do," and more it can do, to address "the disproportionate victimization of Native people." 167 Cong. Rec. S9233 (daily ed. Dec. 16, 2021) (statement of Sen. Lisa Murkowski). And so Congress did.

ii. VAWA 2022 Utilized the Same Political Classifications as ICWA and *Oliphant*

Just five months ago, Congress again used the same "Indian" and "non-Indian" political classifications used in ICWA, this time to restore several categories of tribal criminal jurisdiction over non-Indian crime. Specifically, Congress restored tribal criminal jurisdiction over non-Indian-perpetrated assaults on tribal law enforcement, obstruction of justice, stalking, trafficking, sexual violence, and child violence. *See* VAWA 2022, Pub. L. No. 117-103, div. W, tit. VIII, § 804(3)(B), 136 Stat. 49, 899 (codified at 25 U.S.C. § 1304).

Discussions around VAWA 2022 mirrored the discussions that took place during the reauthorization of VAWA 2013, only this time there was a more stringent focus on restoring tribal sovereignty to protect Indian

children. For instance, Senator Lisa Murkowski stated that the VAWA 2022:

> Tribal title will further restore and improve the implementation of the special Tribal criminal jurisdiction over non-Indians who commit violent crimes in Native communities, and it will do so by allowing Tribes that exercise this special jurisdiction to charge defendants with crimes . . . such as *violence against children*.

167 Cong. Rec. S9231-03 (statement of Sen. Lisa Murkowski) (daily ed. Dec. 16, 2021) (emphasis added). Because States and the federal government have consistently failed to prosecute violent crimes committed against Indian children, Congress felt it was necessary to restore this jurisdiction to the sovereign with the greatest interest in protecting Indian children on tribal lands: their Tribal Nations. *See* 159 Cong. Rec. H678-79 (daily ed. Feb. 27, 2013) (Representative Cole stating that "[t]he statistics on the failure [of federal and state goverments] to prosecute and hold accountable the perpetrators of those crimes are simply stunning").

Now, when an Indian woman and her family are abused by her non-Indian spouse or intimate partner, a Tribal Nation is no longer limited to addressing solely the violence committed against the Indian woman, but can also prosecute any concomitant violence against Indian children.[43] Because the majority of Indian women are married to or in intimate relationships with non-Indian men, the restoration of this category of tribal criminal jurisdiction is critical to

---

[43] VAWA 2022's provisions go into effect October 1, 2022. VAWA 2022, § 4.

ensuring Tribal Nations are able to protect their children from crimes of violence in their own homes.

D. The Transformation of "Indian" into a Racial Classification Would Significantly Impede Congress's Ability to Effectuate its Trust Duty and Responsibility to Protect and Safeguard the Lives of Native Women and Children

When the United States signed numerous treaties with Indian Nations to acquire the majority of the lands that constitute the United States today, the federal government "charged itself with moral obligations of the highest responsibility and trust." *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942). These "moral obligations" grounded in treaties formed "a general trust relationship between the United States and the Indian people." *United States v. Mitchell*, 463 U.S. 206, 225 (1983). This Court has repeatedly affirmed that the Constitution assigns management of this trust relationship to Congress. *See United States v. Jicarilla Apache Nation*, 564 U.S. 162, 175 (2011) ("Throughout the history of the Indian trust relationship, [the Court] ha[s] recognized that the organization and management of the trust is a sovereign function subject to the plenary authority of Congress.").

Congress has repeatedly recognized that its trust responsibilities include protecting the safety and welfare of Indian women and children. *See*, *e.g.*, Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, tit. IX, § 901(6), 119 Stat. 2960, 3078 (recognizing that "the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women"); *see also* Tribal Law and Order Act of

2010, Pub. L. No. 111-211, tit. II, § 202(a)(1), 124 Stat. 2261, 2262 (recognizing that "the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country"); Indian Child Protection and Family Violence Prevention Act, Pub. L. No. 101-630, tit. IV, § 402(a)(1)(F), 104 Stat. 4544, 4545 (1990) (recognizing "the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in an Indian tribe"). Likewise, in passing ICWA, Congress "recognize[d] that the Federal trust responsibility and the role of Indian tribes as *parens patriae* extend to all Indian children involved in all child custody proceedings." S. Rep. No. 104-335, at 14 (1996).

During the passage of ICWA, Congress was particularly focused on its role as trustee, noting that nothing could be "more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, *as trustee*, in protecting Indian children who are members of or are eligible for membership in an Indian tribe." 25 U.S.C. § 1901(3) (emphasis added).[44] As this Court has concluded, "Congress may fulfill its treaty obligations and its responsibilities to the Indian tribes by enacting legislation dedicated to their circumstances and needs." *Rice v. Cayetano*, 528 U.S. 495, 519 (2000).

And yet if Plaintiffs' erroneous position carries the day, if "Indian" is suddenly declared to be a racial

---

[44] Congress designed ICWA so that its application would hinge solely on membership in a federally recognized Tribe as defined by "tribal laws and constitutions" because "[s]tate courts are poorly equipped to make fundamental determinations of tribal membership and tribal affiliations." S. Rep. No. 104-288, at 4 (1996).

classification and not a political classification, then the ability of Congress to "fulfill its treaty obligations and its responsibilities to the Indian tribes" will be gravely endangered—if not eliminated entirely. *Id.* Such an unfortunate proclamation would call into question several acts, like ICWA and VAWA, that rely on the "Indian" political classification to effectuate the United States's trust duty and responsibility to safeguard the lives of Indian women and children.

For instance, the Indian Child Protection and Family Violence Prevention Act ("ICPA"), passed in 1990 and amended most recently in 2016, supports the United States's "direct interest, as trustee, in protecting *Indian* children. . . ." 25 U.S.C. § 3201(a)(1)(F) (emphasis added). Among other things, this statute and related regulations establish minimum standards of character for "individuals having regular contact with or control over *Indian* children," 25 C.F.R. 63.10(b) (emphasis added), as part of Congress's effort to curb "sexual abuse of children on Indian reservations . . . perpetrated by persons employed or funded by the federal government." 25 U.S.C. § 3201(a)(1)(C). Or as another example, Savanna's Act, passed in 2020 and signed into law by President Trump, was passed "to empower Tribal governments with the resources and information necessary to effectively respond to cases of missing or murdered *Indians*," 25 U.S.C. § 5701(3) (emphasis added), and "to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agencies with respect to responding to cases of missing or murdered *Indians*." *Id.* at § 5701(1) (emphasis added). Likewise, the Not Invisible Act, passed in 2020 and signed into law by President Trump, directed the Attorney General to "establish . . . a joint commission [with the Department of the Interior] on violent crime on Indian lands and against *Indians*," further

instructing the Attorney General to include, among others, "at least 2 *Indian* survivors of human trafficking." Not Invisible Act of 2019, Pub. L. No. 116-166 § 4(b)(2)(O), 134 Stat. 766, 768 (2020) (emphasis added). Like ICWA and VAWA, ICPA, Savanna's Act, and the Not Invisible Act all utilize "Indian" as a political classification. And like ICWA and VAWA, these laws save lives.

Plaintiffs' effort to transform "Indian" into a racial classification threatens to severely undermine Congress's ability to effectuate its trust duty and responsibilities, including legislatively restoring the tribal jurisdiction that this Court concluded is within Congress's authority alone to restore. Ultimately, such a transformation of the "Indian" political classification would leave Indian women and children increasingly vulnerable to violent crimes in their own homes. For a population that already faces the highest rates of violence in the United States, this is a risk they cannot afford to face and that this Court should not allow Plaintiffs to force upon them.

CONCLUSION

The Fifth Circuit Court of Appeals' decision should be reversed, in part, and affirmed, in part.

Respectfully submitted,

SARAH DEER
UNIVERSITY OF KANSAS
1541 Lilac Lane
Lawrence, KS 66045
(785) 864-9713
sarah.deer@ku.edu

MARY KATHRYN NAGLE
Counsel of Record
ATTORNEY AT LAW
P.O. Box 506
McLean, VA 22101
(202) 407-0591
mkn@mknaglelaw.onmicrosoft.com

SHONEY BLAKE
PIPESTEM LAW P.C.
401 S. Boston Ave
Suite 2200
Tulsa, OK 74103
(918) 936-4705

Counsel for Amici Curiae

August 19, 2022

APPENDIX

APPENDIX

ADDITIONAL *AMICI CURIAE*

The following Tribal Nations and organizations respectfully submit this brief as *amici curiae* in support of Respondent.

Akateko, Chuj, Popti and Q'anjob'al Maya Government (no website provided)

Alaska Legal Services Corporation (www.alsc-law.org)

Alaska Native Women's Resource Center (aknwrc.com)

Albany County Crime Victim and Sexual Violence Center (www.albanycounty.com/cvsvc)

Albuquerque Mennonite Church (www.abqmennonite.org)

Allegheny Mennonite Conference (alleghenymennoniteconference.org)

Alliance for Absolute Justice- Women (Absolutejustice.us)

Alliance of Tribal Coalitions to End Violence (https://atcev.org)

All Nations Health Center (www.allnations.health)

Anabaptist Dismantling the Doctrine of Discovery Coalition (https://dofdmenno.org)

Bartimaeus Cooperative Ministries (www.bcm-net.org)

Boulder Mennonite Church (www.bouldermennonite.org)

Continental Network of Indígenous Women of the Americas (www.ECMIA.org)

Center Against Sexual and Domestic Abuse (https://casda.org/)

Cobscook Friends (Quaker) Meeting (https://neym.org/meetings/cobscook-monthly-meeting)

Comunidad Maya Pixan Ixim (www.pixanixim.org)

Community Against Violence (https://taoscav.org)

Community Mennonite Church (cmcva.org)

Crushing Colonialism (https://www.crushingcolonialism.org)

Eastern Mennonite University (https://emu.edu/)

Eliza B Conley House of Resilience: A Mennonite Catholic Worker in Wyandotte County (https://peaceworkskc.org/ecology/kc-ks-activists-form-mennonite-catholic-worker-house-of-resilience)

Eloheh Indigenous Center for Earth Justice (eloheh.org)

End Domestic Abuse Wisconsin (https://www.endabusewi.org/)

Faith Joyner Counseling & Consulting, LLC (www.faithjoyner.com)

Family Violence Appellate Project (www.fvaplaw.org)

First Congregational Church, United Church of Christ of Albuquerque (https://www.firstuccabq.org/)

First Mennonite Church Champaign-Urbana (FMC) Racial Justice Working Group (fmc-cu.org/peace-justice/racial-justice/)

First Mennonite Church of San Francisco
(www.menno.org)

First Nations Women's Alliance
(www.nativewoman.org)

Fort Collins Mennonite Fellowship
(https://www.fcmennonite.org)

Four Directions Cuisine, LLC
(www.fourdirectionscuisine.com)

Fresno American Indian Health Project
(http://www.faihp.org)

Friends (Quaker) Committee on Maine Public Policy (no website provided)

Germantown Mennonite Church
(germantownmennonite.org)

Grandview Park Presbyterian Church
(Grandviewpark.org)

Group Health Foundation
(https://grouphealthfoundation.org/)

Hopi-Tewa Women's Coalition to End Abuse
(www.htwcea.org)

Hyattsville Mennonite Church
(www.hyattsvillemennonite.org)

If When How - UNM School of Law Chapter
(https://www.ifwhenhow.org/)

Illinois Coalition Against Domestic Violence
(ilcadv.org)

Intertribal Warrior Society for Children
(no website provided)

International Mayan League
(www.mayanleague.org)

Kansas Coalition Against Sexual and Domestic Violence (www.kcsdv.org)

Legal Aid of Nebraska (legalaidofnebraska.org)

Legal Momentum, The Women's Legal Defense and Education Fund (www.legalmomentum.org)

Manhattan Mennonite Fellowship (https://manhattanmennonite.org)

Mississippi Center for Investigative Reporting (https://www.mississippicir.org)

Montana Coalition Against Domestic and Sexual Violence (www.mcadsv.com)

National Center on Domestic and Sexual Violence (http://www.ncdsv.org/)

National Center on Lesbian Rights (nclrights.org)

National Coalition Against Domestic Violence (ncadv.org)

National Council of Urban Indian Health (https://ncuih.org/)

National Crittenton (NationalCrittenton.org)

National Native American Boarding School Healing Coalition (Boardingschoolhealing.org)

National Organization for Women Foundation (www.now.org)

Native Women's Society of the Great Plains (https://www.nativewomenssociety.org/)

Native Youth Sexual Health Network (https://www.nativeyouthsexualhealth.com)

Nebraska Urban Indian Health Coalition, Inc. (www.nuihc.com)

Oklahoma City Indian Clinic (www.okcic.com)

Oklahoma Policy Institute (https://okpolicy.org/)

Pasadena Mennonite Church
(http://pasadenamennonite.org)

Pacific Southwest Mennonite Conference
(pacificsouthwest.org)

Park View Mennonite Church
(www.pvmchurch.org)

Peace Mennonite Church
(peacemennonitedallas.org)

Philippi Mennonite Church (no website provided)

Pine Tree Legal Assistance, Inc. (ptla.org)

Planned Parenthood Federation of America
(www.plannedparenthood.org)

Pride Foundation (http://www.pridefoundation.org)

Project Safeguard (www.psghelps.org)

Raleigh Mennonite Church
(RaleighMennonite.org)

Roots of Justice
(https://www.rootsofjusticetraining.org/)

Sacramento Native American Health Center
(www.snahc.org)

Safe Housing Alliance (www.safehousingta.org)

St. Mark's Presbyterian Church
(www.stmarksaz.org)

Seattle Indian Health Board (sihb.org)

Seattle Mennonite Church (seattlemennonite.org)

Seventh Generation Fund for Indigenous Peoples (www.7genfund.org)

Sexual Violence Prevention Association (https://www.s-v-p-a.org/)

Shalom Mennonite Fellowship (https://shalommennonite.org/)

Silverwood Mennonite Church (https://www.silverwoodmc.org/)

Tewa Women United (www.tewawomenuited.org)

Tribal Law and Policy Institute (www.Home.TLPI.org)

United Women in Faith (uwfaith.org)

University Mennonite Church (http://www.universitymennonite.org)

Urban Indian Health Institute (https://www.uihi.org)

Waking Women Healing Institute (www.wakingwomenhealingint.org)

Water Protector Legal Collective (www.Waterprotectorlegal.org)

Wild Church (www.wildchurchfresno.org)

Winthrop Center Friends Church (https://sites.google.com/view/winthropcenterfriends)

Wisconsin Coalition Against Sexual Assault (www.wcasa.org)