

*July 31, 2013*

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## **STATEMENT OF SUPPORT FOR THE PROTECTION OF THE RIGHT OF BABY VERONICA AND ALL CHILDREN TO A HEARING TO DETERMINE THEIR BEST INTEREST**

Today, we join hands and hearts with the undersigned national Native organizations to call attention to the U.S. federal government, the Obama Administration, Members of Congress, and the Supreme Court, state and tribal governments, as well as child welfare advocates and Americans everywhere, of the violation of the rights of a child known as Baby Veronica – a citizen of the Cherokee Nation, a citizen of the United States, and a citizen of the State of Oklahoma. Most importantly, parents and children of all races, creeds and religions, should be concerned that the rights promised to our children are being compromised in the courts of the State of South Carolina. In doing so, the undersigned express their support for the civil rights lawsuit being filed on behalf of Veronica to pursue justice in this matter.

In the same week the Supreme Court of the United States issued decisions in the Shelby County, DOMA and Fischer cases, it also addressed the rights of Indians under the Indian Child Welfare Act (ICWA) in a case known Adoptive Couple v. Baby Girl. In a 5-4 decision, the U.S. Supreme Court upheld the continued importance of ICWA in protecting Indian families, but reversed the decision of the Supreme Court of South Carolina which had held that the ICWA protected the rights of this father—a citizen of Cherokee Nation—and had affirmed the Family Court’s transfer of custody of Veronica to her father. The Court remanded the case back down to the Supreme Court of South Carolina for further proceedings.

Although many, including Native organizations, were disappointed in the outcome before the Supreme Court of the United States, we are entirely outraged by the subsequent actions taken by the Supreme Court of South Carolina which will negatively impact every American child, including Native children, if left unaddressed. As reflected in the recent order by the South Carolina Supreme Court issued on Wednesday July 17, 2013, the courts of the State of South Carolina can summarily terminate a father’s rights to custody of his biological child without any hearing on what is in the best interests of the child and, without any regard for due process of law to protect the child’s civil rights, can remove the child from the care of her biological family. In this case, the Supreme Court of South Carolina has effectively ordered the removal of Veronica from her Indian father, her Indian family, her Indian tribe and from the State of Oklahoma, and transferred to the custody of a non-Indian couple in South Carolina.

The recent ruling in the case denies the basic fundamental right of an almost four-year-old Indian child to a hearing of her ‘best interests’ before removing her from her biological father after almost two years of child-rearing, bonding and establishing a loving home environment. Plainly stated, this is a denial of Veronica’s human rights and constitutional rights to due process as a citizen of the United States. As a citizen of a tribal nation, Veronica’s circumstances also reminds Indigenous Peoples everywhere of an ugly history which is at the foundation of the Indian Child Welfare Act, and which has more recently been adopted in the United Nations Declaration on the Rights of Indigenous Peoples:

“Indigenous peoples shall have the collective right to live in freedom, peace and security as distinct peoples and shall not be subject to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.”<sup>1</sup>

The truth is simple: the basic rule of law in determining questions of child custody affords every child a hearing to determine what placement is in their best interest. We strongly believe that the Court decision by the Supreme Court of the United States anticipated that its remand for further proceedings would include a hearing held in the Family Court to determine what is in the best interests of Veronica. This did not happen, and those joined here in this document – civil and human rights organizations, child welfare organizations, Native and tribal advocacy organizations, religious advocacy organizations, et al. – all agree that corrective action must be taken to address this injustice for Veronica, for all children, and for all American families.

The National Congress of American Indians, the Native American Rights Fund, and the National Indian Child Welfare Association have joined together in their efforts to ensure that a federal civil rights lawsuit will be filed on behalf of Veronica to protect these rights.

For this reason, the undersigned hereby join hands and hearts with Indian Country, Veronica and her family, and American parents and children everywhere, to state that we do not support the decision by the Supreme Court of South Carolina to deny a child her fundamental right to a hearing to determine what is in her best interests. Thank you for your time and consideration.

Respectfully,

Jefferson Keel - *President, National Congress of American Indians*

John Echohawk - *Executive Director, Native American Rights Fund*

Gil Vigil – *President, National Indian Child Welfare Association*

***Attorneys General***

The Office of Arizona Attorney General Tom Horne

Attorney General of the State of New Mexico Gary K. King

***Civil Rights, Child Welfare, and Adoption Advocacy Organizations***

The Leadership Conference on Civil and Human Rights

Child Welfare League of America

North American Council on Adoptable Children

Voice for Adoption

Consortium for Children

Adopt America Network

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<sup>1</sup> United Nations Declaration on the Rights of Indigenous Peoples, Art.7 (2)(2007).

The Adoption Exchange  
Spaulding for Children  
Three Rivers Adoption Council  
Applied Research Center  
Asian Americans Advancing Justice—AAJC  
Asian & Pacific Islander American Health Forum  
Center for Social Inclusion  
Demos  
Friends Committee on National Legislation  
League of Rural Voters  
National Latino Farmers & Ranchers Trade Association

***Tribal Nations in Support***

Cherokee Nation - *Principal Chief Bill John Baker*  
California Valley Miwok Tribe - *Chairperson Silvia Burley*  
Central Council of the Tlingit and Haida Indian Tribes of Alaska – *Vice President Lowell Halverson*  
Confederated Tribes of the Umatilla Indian Reservation- *Les Minthorn, Chairman of the Board of Trustees*  
Crooked Creek Traditional Council - *President Evelyn Thomas*  
Enterprise Rancheria, Estom Yumeka Maidu Tribe - *Tribal Chairwoman Glenda Nelson*  
Fort McDermitt Paiute-Shoshone Tribe, *Tribal Chairperson Maxine Smart*  
Jamestown S’Klallam Tribe - *W. Ron Allen, Tribal Chairman/CEO and Chairman - DOI, Self-Governance  
Advisory Committee (representing 253 Tribes and Native Villages throughout the United States)*  
Mohegan Tribe - *Chief Lynn Malerba, - Chairwoman IHS, Tribal Self-Governance Advisory Committee  
(representing 336 Tribes and Native Villages throughout the United States)*  
Navajo Nation – *President Ben Shelly*  
Ohkay Owingeh Tribal Council - *Governor Marcelino Aguino*  
Osage Nation - *Assistant Principal Chief Scott Bighorse*  
Ponca Tribe of Nebraska - *Vice Chairman Jeremy Wright*  
Round Valley Indian Tribes - *Vice-President Joe Dukepoo*  
San Manuel Band of Mission Indians  
Skagway Traditional Council - *Tribal President/Administrator Delia Commander*  
Soboba Band Of Luiseno Indians - *Chairwoman Rosemary Morillo.*  
Southern Ute Indian Tribal Council - *Chairman Jimmy R. Newton, Jr.,*

Tulalip Tribes of Washington - *Deanna Muir, Deputy General Manager of the Tulalip Tribes*

***Regional Tribal Government Organizations***

Affiliated Tribes of Northwest Indians

Alaska Federation of Natives

California Association of Tribal Governments

Coalition of Large Tribes

Inter Tribal Council of Arizona

Inter-Tribal Council of the Five Civilized Tribes

Great Plains Tribal Chairman's Association

United South and Eastern Tribes

United Tribes of North Dakota

***American Indian & Alaska Native Organizations***

American Indian Child Resource Center

Association on American Indian Affairs Tribal Law & Policy Institute

California Indian Legal Services

Division of Indian Work

First Nations Repatriation Institute

ICWA Law Center

Oklahoma Indian Child Welfare Association

Sealaska Heritage Institute

National Indian Education Association

National Indian Health Board

Native Public Media

Self-Governance Communication and Education Tribal Consortium

***Legal Scholars***

Carla F. Fredericks, *Co-Director, American Indian Law Program Associate Clinical Professor of Law  
University of Colorado Law School*

Eric Eberhard, *Distinguished Indian Law Practitioner in Residence, Center for Indian Law and Policy  
Seattle University School of Law*

Jennifer Weddle, *Chair, Federal Bar Association Indian Law Section*

Kristen Carpenter, *Co-Director, American Indian Law Program Associate Professor of Law University of Colorado Law School*

Lorie M. Graham, *Professor of Law, Co-Director, International Law Concentration Suffolk University Law School*