

## **FINAL DRAFT: ACCEPTING SIGNATURES OF SUPPORT**

### **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 (Chickasaw Nation), President, National Congress of American Indians

John Echohawk, Executive Director, Native American Rights Fund

Gil Vigil (Tesuque Pueblo), National Indian Child Welfare Association

### ***In Support***

Cherokee Nation - *Principal Chief Bill John Baker*

Navajo Nation – *President Ben Shelly*

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

Confederated Tribes of the Umatilla Indian Reservation- *Les Minthorn, Chairman of the Board of Trustees*

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

Southern Ute Indian Tribal Council - *Chairman Jimmy R. Newton, Jr.,*

United South and Eastern Tribes – *President Brian Patterson*

Child Welfare League of America

Voice for Adoption

Three Rivers Adoption Council

North American Council on Adoptable Children - *Joe Kroll, Executive Director*

Association on American Indian Affairs - *Jack F. Trope, Executive Director*

Division of Indian Work - *Patina Park, J.D.*

First Nations Repatriation Institute - *Sandy White Hawk, Executive Director*

California Indian Legal Services - *Dorothy Alther, Executive Director*