

Jenner & Block files Supreme Court Brief on Behalf of Tribes Defending Indian Child Welfare Act

News

August 12, 2022

A Jenner & Block team filed a brief in the US Supreme Court in *Brackeen v. Haaland* defending against an effort by Texas and others to overturn the Indian Child Welfare Act (ICWA) and undermine tribal sovereignty.

“National child welfare experts and advocates regard ICWA to be the gold standard of child welfare laws because, when properly followed, it delivers better outcomes for children and their families,” said leaders from the Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation, Quinault Indian Nation, and Navajo Nation in a joint statement. “But if those attacking ICWA are successful, they would not only dismantle a law that is central to our sovereign interests in protecting our children but also create chaos and instability throughout the country by overturning the basic framework of Indian law and the political nature of tribal citizenship.”

“This case is of paramount importance to Native American Tribes and communities, and it’s a privilege to defend ICWA and tribal sovereignty,” said Partner Zachary C. Schauf. “As noted in our brief, ICWA upholds the United States’ trust obligations to Indian Tribes and families—moral obligations of the highest responsibility and trust, to which the national honor has been committed.’ And a mountain of evidence—from 1978 to today—shows that ICWA provides an essential buffer against practices that continue to yield the unwarranted removal of Indian children.”

The firm represents Cherokee Nation, Morongo Band of Mission Indians, and Oneida Nation in the case.

Partners Ian Heath Gershengorn, Ambassador Keith M. Harper, and Zachary C. Schauf are leading the Jenner & Block team, which includes Partner Matthew S. Hellman, and Associates Leonard R. Powell, Victoria Hall-Palerm, and Kevin J. Kennedy. The team is assisted by the Jenner & Block Supreme Court and Appellate Clinic at the University of Chicago Law School.

Oral argument before the US Supreme Court is scheduled for Wednesday, November 9, 2022.

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