

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

7500 Odawa Circle

Harbor Springs, MI 49740

CERTIFIED MOTION # 020813-02

Support of the Supreme Court Project Amicus Brief in the case of
Adoptive Couple v. Baby Girl

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians, according to the Tribal Constitution, Directive Principles, is directed to “*Promote with special care the health, educational and economic interests of all the people, especially our children and elders, and shall protect them from social injustice and all forms of exploitation*”;

WHEREAS The U.S. Supreme Court will soon hear a case—*Adoptive Couple v. Baby Girl*—that deals with two questions pertaining to the implementation of the Indian Child Welfare Act (ICWA)(1) who is a “parent” or father under ICWA and (2) whether application of the “Existing Indian Family Doctrine” is the correct interpretation of this law.

WHEREAS the case potentially implicates the scope of the Supreme Court's critical holding in *Morton v. Mancari*, which protects federal Indian laws and programs from equal protection challenges on the grounds that they are based on the political status of Indians as members of federally recognized tribes,

rather than on race. If the Supreme Court decides to take up this issue, it could have major repercussions even outside ICWA context;

WHEREAS The Tribal Supreme Court Project is working directly with the attorneys representing the father and the Cherokee Nation to develop an amicus brief strategy in this case.

WHEREAS The Tribal Supreme Court Project is also coordinating several amicus briefs from inside Indian Country with NICWA, the Association on American Indian Affairs, NARF, and NCAI. Legal services organizations, in-house tribal attorneys, and other attorneys from around Indian Country have committed their assistance to these efforts.

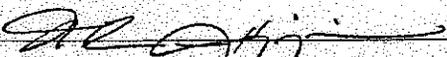
THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council supports the Supreme Court Project and wishes to be included in the listing of Tribes in support of such amicus brief.

FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council encourages and challenges other Michigan Tribes to be included in the listing of Tribes in support of such amicus brief.

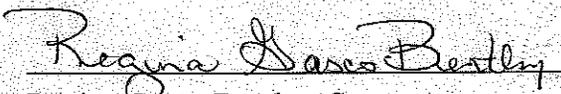
CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Certified Motion was duly approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians Phone Poll of the Tribal Council held February 8, 2013 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, 0 absent as recorded by this certification as an official action on behalf of Little Traverse Bay Bands of Odawa Indians.

Date: 2-13-13


Melvin L. Kiogima, Legislative Leader

Date: 2-13-13


Regina Gasco Bentley, Secretary