

**RED LAKE BAND**  
**of CHIPPEWA INDIANS**  
**RED LAKE NATION HEADQUARTERS**



**OFFICERS:**

DARRELL G. SEKI, SR., Chairman  
SAMUEL R. STRONG, Secretary  
VERNELLE R. LUSSIER, Treasurer

**DISTRICT REPRESENTATIVES:**

GLENDA J. MARTIN  
EUGENE R. STANDINGCLOUD  
ALLEN D. PEMBERTON  
HAROLD E. GRAVES, JR.  
ROBERT "BOB" SMITH  
ROBERT L. MAY  
MICHELLE (BARRETT) COBENAIS  
HARLOW S. SPEARS

**ADVISORY COUNCIL:**

7 HEREDITARY CHIEFS

PO Box 550, Red Lake, MN 56671

Phone 218-679-3341 • Fax 218-679-3378

**RESOLUTION NO. 41-2024**

Upon a motion by Representative May and second by Secretary Strong, the following was enacted:

**WHEREAS**, the Red Lake Tribal Council is the governing body of the Red Lake Band of Chippewa Indians; and the Tribal Council has the constitutional authority and the responsibility to provide for the safety, health and welfare of its members; and

**WHEREAS**, Congress enacted the Indian Child Welfare Act ("ICWA") in 1978 to protect Indian culture and tribal integrity from the systematic removal of Indian children by public and private agencies; and

**WHEREAS**, prior to the passage of ICWA, Indian children were placed in foster care and adoptive homes at a rate nineteen (19) times higher than non-Indian children, and in some states, eighty-five percent (85%) of all Indian children were placed in non-Indian homes; and

**WHEREAS**, ICWA has been recognized as the gold standard for child welfare policy and practice and ICWA has helped tens of thousands of Indian children and families find fairness and healing in state child welfare systems; and

**WHEREAS**, ICWA has protected Indian children by establishing minimum standards for child welfare proceedings involving Indian children, ensuring stability and security within Indian families, guaranteeing that tribal governments have a role in keeping Indian families together, and helping Indian children retain their cultural identity and heritage; and

**WHEREAS**, the Minnesota Indian Family Preservation Act ("MIFPA") was enacted by the Minnesota Legislature in 1985, and amended in 2015 and the purpose of MIFPA is to protect the long-term interests of Indian children, their families, and Indian tribes and to preserve Indian families and tribal identity; and

**WHEREAS** Minnesota is one of a handful of states that has an Indian family preservation act in place and other states look to MIFPA as a model for the codification of ICWA into state law; and

**WHEREAS**, preservation of ICWA and strengthening of MIFPA is of ongoing and critical importance for the Indian Tribes in Minnesota because in 2020, Indian children in our state were over 16 percent more likely than white children to be placed-out-of-home; and

**WHEREAS**, since 2015, the ICWA and the Department of the Interior rules implementing ICWA have been the subject of constant litigation challenging the constitutionality of ICWA; and

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**RESOLUTION NO. 41-2024 (cont.)**

**WHEREAS**, in 2023, the United States Supreme Court decided the *Brackeen v. Haaland* case, which involved constitutional challenges to ICWA on equal protection, anti-commandeering, and commerce clause grounds; and the Court's decision upheld the constitutionality of ICWA; and

**WHEREAS**, over the past year, a group of tribal attorneys, tribal staff, and ICWA allies (collectively referred to as the "MIFPA Workgroup") have been drafting amendments to MIFPA; and

**WHEREAS**, the MIFPA Workgroup recently finalized language that would amend MIFPA to ensure that the law is capable of serving as a stand-alone state law, to ensure that existing protections of ICWA are incorporated in state law, and to provide more clarity for everyone working in state proceedings involving Indian children.

**NOW THEREFORE BE IT RESOLVED**, that the Red Lake Tribal Council supports amending MIFPA to incorporate the language drafted by the MIFPA Workgroup; and

**BE IT FURTHER RESOLVED**, that the Red Lake Tribal Council strongly urges the Minnesota Legislature to move swiftly on the language created by the MIFPA Workgroup to amend MIFPA to ensure that MIFPA is recognized as a stand-alone state statute, to further codify ICWA's protections into state law, and to provide more clarity to everyone working in state court proceedings that involve Indian; and

**BE IT FURTHER AND FINALLY RESOLVED**, that the Red Lake Tribal Council strongly urges Governor Walz to support this critically important effort

**FOR:** 8

**AGAINST:** 0 **Representative Cobenais and Representative Martin out**

We do hereby certify that the foregoing resolution was duly presented and acted upon at the Regular Meeting of the Tribal Council held on Tuesday, February 13, 2024 with a quorum present, at the Tribal Council Chambers at the Red Lake Nation Headquarters, Red Lake.

DARRELL G. SEKI, SR., CHAIRMAN

SAMUEL R. STRONG, SECRETARY