



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MOH-17-052

TITLE: Request for Consultation on Selection of U.S. Attorneys for Districts with Indian Tribes

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the federal government has a trust and treaty responsibility to consult with tribal governments on decisions which significantly impact them. This policy is further articulated in Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments; and

WHEREAS, there is perhaps no federal position that has a more direct impact on the daily lives of our tribal members than the United States Attorney; and

WHEREAS, with the ongoing concurrent tribal-federal criminal jurisdiction the U.S. Attorney effectively serves as our local prosecutor, yet we have no democratic role in electing or hiring them; and

WHEREAS, often a majority of the federal criminal cases are Indian Country cases, there is no constituency so fully impacted by the U.S. Attorney, yet the tribes have no authority to hire or fire the U.S. Attorney; and

WHEREAS, every other community has a democratic process available to select their local and state prosecutors, Native Americans are the only ones denied any say; and

WHEREAS, unfortunately the choice of a U.S. Attorney has sometimes been looked upon as a position for a political reward or favor; and

WHEREAS, the U.S. Attorney is often our only felony prosecutor; and

WHEREAS, the U.S. Attorney also plays a critical role in many federal civil cases such as protection of cultural resources, voting rights and protection of tribal lands; and

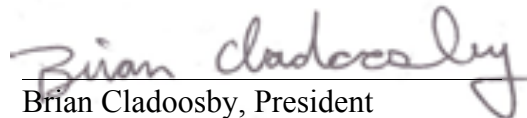
WHEREAS, the U.S. Attorney's understanding of the treaties, the trust responsibility, consultation, federal Indian law, Indian Country criminal jurisdiction, tribal law, tribal history and culture is paramount to effective law enforcement and the protection of our nations.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) formally submits this request for Tribal Nations to not only be consulted, but be included in the selection, interview and decision making process for all future selections of the U.S. Attorney which hold such singular authority, by purposeful Congressional design, over the safety of our nations, communities and families; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary