THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SD-02-076

Title: To Oppose the Department of the Interior’s “Strategic Plan” Approved by the Assistant Secretary - Indian Affairs and To Demand Meaningful Government-to-Government Consultation in Order to Develop a Fair and Efficient Tribal Acknowledgment Process

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 and their way of life, 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, in November 2001, the General Accounting Office (GAO) issued a report to Congress entitled “Improvements Needed in Tribal Recognition Process,” highlighting weaknesses in the acknowledgement process for non-federally recognized Indian tribes administered by the Branch of Acknowledgment and Research (BAR) of the Bureau of Indian Affairs (BIA) pursuant to 25 CFR Part 83; and

WHEREAS, the Department of the Interior (the “Department”) provided preliminary comments on a draft of the report, concurring with the GAO’s two general recommendations that federal acknowledgment decisions made in the regulatory process be more predictable and timely, and promising to develop strategic action plans for implementing specific improvements in the federal acknowledgment process; and
WHEREAS, during the 58th Annual Session of the NCAI held in Spokane, Washington on November 25-30, 2001, the General Assembly adopted Resolution #SPO-01-161 creating the NCAI Tribal Acknowledgment Task Force: (1) to address the federal acknowledgement process, including but not limited to the issues referenced in the GAO report; and (2) to demand that the BIA establish and conduct a process for full and meaningful consultation with Tribes, both federally and non-federally recognized, prior to implementing any changes, or any plans to change, the federal acknowledgement process; and

WHEREAS, Executive Order 13175 and the BIA Government-to-Government Consultation Policy require the Department to engage in a meaningful consultation process with the Tribes; and

WHEREAS, during the Executive Session of the NCAI held in Washington, D.C., on February 25-28, 2002, the NCAI Tribal Acknowledgment Task Force met to confirm Ken Hansen, Chairman of the Samish Indian Nation, and Rosemary Cambra, Chairwoman of the Muwekma Ohlone Tribe, as co-chairs of the Task Force and to determine the appropriate course of action to facilitate government-to-government consultation with the Department; and

WHEREAS, on April 9, 2002, Tex Hall, President of the NCAI, wrote a letter to Neal McCaleb, Assistant Secretary - Indian Affairs (the “Assistant Secretary”), on behalf of the Tribal Acknowledgment Task Force to express the NCAI’s concern and frustration in relation to the current acknowledgment process; and to request a meeting with the Assistant Secretary and his staff prior to the implementation or finalization of any recommended policies, procedures or strategic plans being developed in response to the GAO report; and

WHEREAS, the Assistant Secretary has failed to respond to the NCAI’s meeting request and instead, on September 12, 2002, without prior notice to or consultation with the Tribes, approved the Department’s “Strategic Plan, Response to the November 2001 General Accounting Report” (“Strategic Plan”); further, on September 30, 2002, the Assistant Secretary submitted the Strategic Plan under separate cover letters to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, the Senate Committee on Appropriations, the House Committee on Appropriations, the Office of Management and Budget and the Comptroller of the United States; and

WHEREAS, the NCAI finds the failure of the Assistant Secretary to consult with the Tribes or to meet with the NCAI Tribal Acknowledgment Task Force prior to approval and submission of the Strategic Plan indefensible and contrary to the United States’ trust responsibility; and

WHEREAS, the NCAI finds that the Strategic Plan fails to adequately address the weaknesses in the recognition process identified in the GAO report and fails to respond to the
primary recommendations of the GAO report to ensure more “predictable and timely” tribal acknowledgment decisions.

WHEREAS, the NCAI further finds that some state and federal policy makers are currently seeking to undermine the status of federally recognized Indian tribes in Alaska, are currently challenging the sovereignty of Native Hawaiians, and are continuing to deny rights to terminated and other non-federally recognized Indian tribes.

NOW THEREFORE BE IT RESOLVED that the NCAI does hereby support the rights of unrecognized tribes to pursue federal recognition through a fair and efficient process, administrative or otherwise; and

BE IT FURTHER RESOLVED that the NCAI demands that the Department immediately withdraw its “Strategic Plan, Response to the November 2001 General Accounting Office Report”; and

BE IT FURTHER RESOLVED that the NCAI demands that the Assistant Secretary respond to President Tex Hall’s letter of April 9, 2002 and work in cooperation with the NCAI Tribal Acknowledgment Task Force in developing a plan for acknowledgment reform; and

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

The foregoing resolution was adopted at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.

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Tex Hall, President

ATTEST:

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Juana Majel, Recording Secretary