



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SD-15-026

### **TITLE: Support the Reaffirmation of the Uncompahgre Reservation Boundaries and Restore Lands to Tribal Trust Ownership**

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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 Ute Indian Tribe of the Uintah and Ouray Reservation was a founding member of the NCAI and has been an active member and participant since the NCAI was first established; and

**WHEREAS**, in 1881 the United States created the Uncompahgre Reservation, which is one of the reservations which now comprises the Uintah and Ouray Reservation; and

**WHEREAS**, during the allotment era the United States, without consent of the Tribe but claiming to act as the Tribe's agent for sale of land, opened up the Uncompahgre Reservation for non-Indian settlement, without disestablishing or diminishing the Uncompahgre Reservation; and

**WHEREAS**, the United States sold very little land on Uncompahgre Reservation; and

**WHEREAS**, since 1985, federal courts have recognized, and repeatedly reaffirmed, that the Ute Indian Tribe's Uncompahgre Reservation remains intact; and

**WHEREAS**, despite the binding effect of the federal court rulings that adjudicated the Tribe's reservation boundaries over the course of more than twenty years of protracted litigation, and notwithstanding other federal laws which recognize and confirm the parameters of Tribal jurisdiction in "Indian Country", the Ute Indian Tribe's authority has been repeatedly challenged by the state of Utah and local counties, where several members of the Ute Indian Tribe are currently being prosecuted by the local county after being arrested *inside* the Tribe's reservation boundaries, and county and state police departments continue to execute unlawful traffic stops and arrests, and pull over tribal members in Indian Country, all in violation of federal and tribal law; and

**WHEREAS**, under the Indian Reorganization Act, the United States, through the Secretary of the Interior, was directed to restore to reservations land which had been opened for settlement but which had not been sold to non-Indians and pursuant to 25 U.S.C. § 463(a) the Secretary retains that authority to restore Reservation lands; and

**WHEREAS**, the unsold lands on the Uncompahgre Reservation should have been restored to trust status under 25 U.S.C. § 463(a); and

**WHEREAS**, the Secretary of the Interior issued an order restoring lands to the Uintah and Ouray Reservation but without clearly stating whether the order restored the unsold lands on the Tribe's Uncompahgre Reservation, leading to uncertainty regarding whether the United States owns the land in trust or in fee; and

**WHEREAS**, the Ute Indian Tribe of the Uintah and Ouray Reservation is actively seeking to have the United States eliminate uncertainty by having the President of the United States issue an executive order or other document reaffirming the boundaries of the Uncompahgre Reservation and by issuance of a secretarial order clearly restoring unsold land on the Uncompahgre Reservation to trust ownership; and

**WHEREAS**, in Resolution REN-13-080 NCAI resolved to support the Ute Indian Tribe's pending litigation in which the Tribe sought to maintain jurisdictional authority over reservation land; and to request that the United States intervene in a federal district court case through which the Tribe was seeking to stop attempts by the State of Utah and its subdivisions to relitigate the Tribe's Reservation boundaries in state court; and

**WHEREAS**, in Resolution ATL-14-038 NCAI resolved to support the Ute Indian Tribe and to request that the United States support the Tribe in a then-pending federal court appeal through which the State of Utah and its subdivisions were attempting to diminish the Tribe's Reservation and to reduce tribal jurisdiction within Indian Country.

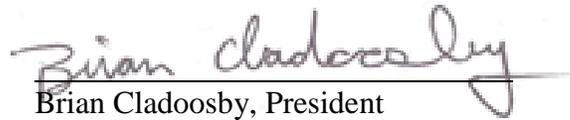
**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) requests that the President of the United States issue an executive order reaffirming the boundaries of the Uncompahgre Reservation; and

**BE IT FURTHER RESOLVED**, that the NCAI requests that the Secretary of the Interior issue an order restoring all unsold land on the Uncompahgre Reservation to tribal trust under 25 U.S.C. § 463(a); and

**BE IT FINALLY 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary