



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ECWS-10-012

TITLE: Consultation and Follow Up on ‘Native American Indian and Alaskan Natives’ Commission

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Jacqueline Johnson
Tlingit

NCAI HEADQUARTERS
1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202.466.7767
202.466.7797 fax
www.ncai.org

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, President Obama issued a directive dated November 5, 2009 to all federal departments and independent agencies to develop their “Consultation” policies and provide them within 90 days that shall clearly delineate the process in which tribal nations shall be guaranteed a government-to-government consultation relationship that shall streamline tribal access to departments and agencies; and

WHEREAS, historically Indian Nations have had limited access to federal departments and agencies with limited services and personnel delegated to provide or guarantee access to services or to work with the Indian Nations or tribal peoples; and

WHEREAS, Indian Nations have a right to clarification on the government-to-government consultation process advocated by the President; and

WHEREAS, the United States has assumed the *Sacred Trust of Civilization* duties and responsibilities as it entered and ratified the treaties with the Indian Tribes and all federal departments and agencies which are obligated to provide, deliver, and protect this Sacred Trust, and is binding upon the President, the Congress, and the Supreme Court; and

WHEREAS, the Sacred Trust is a duty and responsibility of the whole United States, and not just one department or agency, or one branch of government which guarantees that the “lesser nation” in the treaty-relationship shall secure and benefit equally, in all areas, from the progress made by the “greater nation” especially due to

the territory and natural resources ceded by the lesser nation that has made progress possible for the greater nation; and

WHEREAS, failure of the United States to live up to and abide by the *Sacred Trust of Civilization* has resulted in the socio-economic marginalization of the Indian Nations making conditions nearing genocidal dimensions exist on most of the reservations, as reflected by the statistical fact that the Indians suffer the highest infant mortality, highest teenage suicide rates, shortest life expectancy, poorest housing, lowest educational and vocational attainment, highest poverty rates, highest unemployment & under-employment rates, with land titles in fractionated heir ship and unusable for tribal economic development; and

WHEREAS, that President Obama under mandate of the Constitution has the power to enforce the laws and policies applied to Indian Tribes, and recognizes that he has the duty and power to recognize that the intergovernmental relationship with the Indian Tribes is nation-to-nation, as founded upon the whole U.S. Constitution, as previously partially proclaimed by the Bi-Centennial Congress in the Iroquois/Choctaw Resolutions (SCR #76 and HCR #331); and

WHEREAS, that President Obama is a protector of the Constitution as much as Congress and the Supreme Court, and that IRS utilization of legal fictions to extend the tax laws into Indian Country is manifestly contrary to the American Dream of Popular Sovereignty.

NOW THEREFORE BE IT RESOLVED that NCAI calls upon President Obama to develop a Presidential Indian Affairs Policy that shall honor and implement the Sacred Trust of Civilization Duties & Responsibilities the United States is obligated to provide the Indian Nations and tribal people; and

BE IT FURTHER RESOLVED that NCAI recommends the development of a Presidential Indian Affairs Policy to require all federal departments and agencies to assure there is comprehensive funding in their budgets and appropriation requests annually to assist the Indian governments to deliver and manage essential governmental functions, services, protect treaty rights, and all other such rights & benefits guaranteed by or secured by law that tribal societies and tribal Indians are or should be entitled to receive; and

BE IT FURTHER RESOLVED that NCAI calls upon President Obama to work with the U.S. Congress to authorize and expand tribal self-governance rights assuring that Self-Governance Compacting shall continue as a permanent relationship vehicle with the Indian nations, insuring that all funds transferred to the self-governing tribes shall have contract support funding; and

BE IT FURTHER RESOLVED that NCAI calls upon President Obama to require the Department of Justice and the Department of Interior, by issuance of an Executive Order, to correct all Attorney General or Solicitor's Opinions that have concluded that constitutionally "tribal Indians" (classified as Excluding Indians not Taxed) no longer exist; and

BE IT FURTHER RESOLVED that NCAI calls upon President Obama to clarify under constitutional language the Internal Revenue Service has no legal authority to extend the general tax laws of the United States into Indian Country; and

BE IT FURTHER RESOLVED that President Obama is called upon to assure that his Executive Cabinet, with their individual & collective Indian Affairs Policies, shall represent the permanent and long-term interests of Indian Country, and that each federal department and agency shall develop an Indian Affairs Deputy Secretary located therein that shall report to their respective Secretary on progress and needed support or changes required for each respective department or agency to comply with the tribal self-determination and self-governance laws, and shall be in compliance with the implementation of the Sacred Trust of Civilization Duties & Responsibilities; and

BE IT FURTHER RESOLVED, that NCAI calls upon President Obama to Annually Convene a White House Meeting with the Indian Nations to review progress in Consultation with the tribal leadership assuring recognition of past and current recommendations from Indian Country in the development of Executive Indian Policy and correlated Executive Orders; and

BE IT FURTHER RESOLVED, that NCAI calls upon President Obama to assure consideration shall be given to the various past special commissions on Federal Indian Policy guaranteeing that tribal leadership can participate in structuring a more permanent Presidential Indian Policy aligned with the Congress and the Constitution that can be enacted into law as a result and conclusion of Oversight Hearings to produce a new Joint Resolution on Indian Affairs that shall override House Joint Resolution #108, and align said policies with Indian Self-determination and Self-governance; and

BE IT FURTHER RESOLVED, that NCAI calls upon President Obama to review and consider the recommendation of the formation of a Native American Indian & Alaskan Native Commission to coordinate the “Consultations” between Indian Country and the diverse federal departments and independent agencies, in the same light and under the same exercise of authority used to create the Asian and Pacific Islander Commission; and

BE IT FINALLY RESOLVED, that NCAI calls upon President Obama to commit working with the regional and national intertribal organizations to coordinate the selection of Indian representation on a Native American & Alaskan Native Commission with the understanding that they shall assist in the development of an acceptable definition of the Sacred Trust of Civilization Duties and Responsibilities.

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