



NATIONAL CONGRESS OF AMERICAN INDIANS

NOT PASSED
THE NATIONAL CONGRESS OF
AMERICAN INDIANS

RESOLUTION #BIS-02-011

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Title: Requesting The Immediate Removal of Thomas N. Slonaker as Special Trustee For American Indians

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, the Hoopa Valley Tribe did, on June 20, 1972, adopt a Constitution and Bylaws which was approved by the Commissioner of Indian Affairs on August 18, 1972, ratified by Act of Congress on October 31, 1988, and amended on June 19, 1990 and, by tribal law, the sovereign authority of the Tribe over the matter described herein is delegated to the Hoopa Valley Tribal Council, acting by law; and

WHEREAS, Article IX of the Constitution authorizes the Hoopa Valley Tribal Council to administer all property, enforce the protection of property, wildlife and natural resources, and to promote the peace, safety, morals, and general welfare of the Tribe; and

WHEREAS, On October 25, 1994, the U.S. Congress and President enacted Public Law 103-412, the American Indian Trust Funds Management Reform Act of 1994; and

WHEREAS, Title III of the American Indian Trust Funds Reform Act established the Office of Special Trustee for American Indians and mandated that Specific requirements be performed by that Office; and

WHEREAS, in May, 2000, Mr. Thomas N. Slonaker was appointed as the Special Trustee for American Indians and was delegated the responsibilities to implement the mandates contained in the American Indian Trust funds Management Reform Act; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, has failed to prepare and submit to the Secretary and Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate, after consultation with Indian tribes and appropriated Indian organizations, within one year after initial appointment, a comprehensive strategic plan for all phases of the trust management business cycle that will ensure proper and efficient discharge of the Secretary of the Interior's responsibilities to Indian tribes and individual Indians in compliance with the Act, as required by Section 303 Act; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, has failed to develop for each fiscal year a consolidated Trust Management program budget proposal, with the advice of program managers of each office within the Bureau of Indian Affairs, Bureau of Land Management and Minerals Management Service that participates in trust management, including management of trust funds or natural resources, or which is charged with any responsibilities under the comprehensive strategic plan that would enable the Secretary to efficiently and effectively discharge her trust responsibilities and to implement the comprehensive strategic plan, and submit such budget proposals to the Secretary, the Director of Office of Management and Budget, and to the congress, as required in Section 303 (c) (5) (A) of the American Indian Trust Fund Management Reform Act of 1994; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, has failed to review and certify in writing that budgets of each program manager participating in trust management or charged with responsibilities under the comprehensive strategic plans as to the adequacy of such budget requests to discharge, effectively and efficiently, the Secretary of the Interior's trust responsibilities and to implement the comprehensive strategic plan, as required in Sections 303 (c) (5) (B) and (C) of the American Indian Trust Fund Management Reform Act of 1994; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, as evidenced by Memorandum dated November 14, 2001, from Secretary of Interior to the special Trustee for American Indians and Assistant Secretary Indian Affairs, and Memorandum dated November 14, 2001, from the Special Trustee for American Indians and Assistant Secretary - Indian Affairs to Secretary of the Interior, attached hereto as Exhibit A and B, was one of the primary architects of the proposal to establish the Bureau of Indian Trust Asset Management (BITAM) which 1) has been unanimously opposed and rejected by Indian tribes; 2) has resulted in imposing substantial and unnecessary costs on tribes to respond to the BITAM proposal; 3) if implemented, will result in causing severe fragmentation of federal trust obligations to Indian tribes and individual Indians; 4) was developed without consultation with Indian tribes and Appropriate Indian Organizations, as required in Section 303 (a) of the American Indian Trust Fund Management Reform Act of 1994; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, comply with the government-to-government agreement contained in Section 11 of the Annual Funding Agreement between the Hoopa Valley Indian Tribe and the United States of America for the Department of the Interior for Fiscal Year 2002, in that the Special Trustee for American Indians was obligated to work cooperatively with the Tribe in records creation, maintenance and disposition, and training activities, and to address trust records issues and activities in accordance with Executive Order No. 13175 (Consultation and Coordination with Indian Tribal Governments) and the BIA Government-to-Government Consultation Policy; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, has failed to work with Indian tribes and appropriate Indians organizations to develop a form and meaningful consultation policy with Indian tribes; and

WHEREAS, Thomas N. Slonaker's actions, while Special Trustee for American Indians, have caused dissension, distrust, and a destruction of morale among tribal and Bureau of Indian Affairs personnel that are involved in the management of trust assets, which has resulted in negative impacts on tribal and federal trust reform Implementation efforts; and

WHEREAS, Thomas N. Slonaker, as Special Trustee for American Indians, has either ignored or denounced countless positive efforts undertaken by Indian tribes under various trust reform laws, including the Indian Self-Determination and Tribal Self-Governance Acts, which have resulted in improving the delivery of trust services to Indian tribes and individual Indians and strengthened the working relationships between Indian Tribal Governments and the United States.

NOW THEREFORE BE IT RESOLVED, that the NCAI for the foregoing reasons foregoing, requests that the Secretary of the Interior immediately remove Thomas N. Slonaker as Special Trustee for American Indians and that a new Special Trustee be appointed, after consultation with Indian tribes and appropriate Indian

organizations, in accordance with procedures set forth in the American Indian Trust Funds Reform Act of 1994; and

BE IT FURTHER RESOLVED, that NCAI urges all Indian Tribes to call for immediate removal of Thomas N. Slonaker as the Special Trustee for American Indians; 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 at the 2002 Mid-Year Session of the National Congress of American Indians, held at the Bismarck Civic Center, in Bismarck, North Dakota on June 16-19, 2002 with a quorum present.

NOT PASSED

ATTEST:

NOT PASSED

Adopted by the General Assembly during the 2002 Mid-Year Session of the National Congress of American Indians, held at the Bismarck Civic Center, in Bismarck, North Dakota on June 16-19, 2002.