



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #BIS-02-031

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Title: Resolution in Support of the Santee Sioux Tribe of Nebraska=s Request for Timely Approval by the Secretary of the Interior of Nebraska=s Retrocession of Public Law 83-280 Jurisdiction

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 Santee Sioux Tribe of Nebraska is a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), codified at 25 U.S.C. ' 476, *et seq.*, as amended, by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, the Santee Sioux Tribal government petitioned the State of Nebraska=s legislature to retrocede Public Law 280 Jurisdiction from the State of Nebraska to the federal government; and

WHEREAS, on May 15, 2001, the Tribal Council of the Santee Sioux Tribe passed a certified resolution (Resolution No. 2001-41) acknowledging that, among other things, the Bureau of Indian Affairs confirmed that they will detail law enforcement personnel to the Santee Sioux reservation immediately upon the effective date of Public Law 280 retrocession; and

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WHEREAS, Resolution No. 2001-41 further acknowledged that the Nebraska State Patrol, the Santee Sioux Tribe and the Bureau of Indian Affairs have agreed to enter into a cross-deputization agreement to be effective on the date of retrocession to fully empower all officers and Tribal laws within the exterior boundaries of the Santee Sioux reservation and empowers the Bureau of Indian Affairs and tribal officers to enforce all State laws within the Santee Sioux reservation; and

WHEREAS, by and through Resolution No. 2001-41, the Santee Sioux Tribe of Nebraska agreed to adopt all Nebraska motor vehicle laws as Tribal law by a unanimous vote and further agreed to adopt the State's traffic and motor vehicle code; and

WHEREAS, on May 31, 2001, the Nebraska State Legislature enacted Legislative Resolution 17, which expressly retroceded the State of Nebraska's jurisdiction to the United States; and

WHEREAS, the Tribe has requested funds for law enforcement and a tribal court through the Bureau of Indian Affairs in their BIA budget request for the last eight years through the Annual needs budgeting process; and

WHEREAS, in May 2001, then acting Assistant Secretary James McDivitt acknowledged that, in accordance with Executive Order No. 11435, the Assistant Secretary-Indian Affairs must consult with the Department of Justice with respect to the State's retrocession; and

WHEREAS, the Department of the Interior has utilized several excuses to delay acceptance of the State's retrocession including the unacceptable resort to a form of extortion: conditioning the acceptance of retrocession on the Tribe's cessation of Class III gaming activities in the absence of a Tribal-State Compact; and

WHEREAS, the Tribe had previously ceased Class III gaming activities; and

WHEREAS, local law enforcement agencies either fail or slowly respond to emergency calls from the reservation resulting in life-threatening situations for residents of the Santee Sioux reservation; and

WHEREAS, to date, the Secretary of the Interior has failed to consult with the Department of Justice despite the Tribe's numerous requests for immediate and timely action; and

NOW THEREFORE BE IT RESOLVED that the NCAI hereby fully supports the Santee Sioux Tribe of Nebraska's efforts to obtain immediate and timely action from the Department of the Interior with respect to its request for Public Law 280 Retrocession and urges the Secretary of the Interior to act as expeditiously as possible to accept Public Law 83-280 Retrocession from the State of Nebraska; and

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

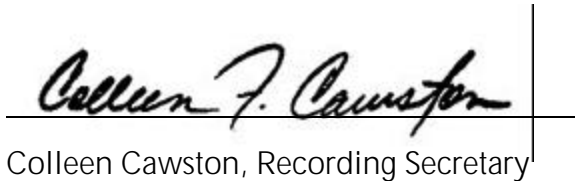
CERTIFICATION

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.



Tex Hall, President

ATTEST:



Colleen Cawston, Recording Secretary

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.