



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-014

EXECUTIVE COMMITTEE

PRESIDENT
Tex G. Hall
Mandan, Hidatsa, Arikara Nation

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*Ohkay Owingeh
(Pueblo of San Juan)*

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Colleen F. Cawston
Colville Confederated Tribes

TREASURER
Alma Ransom
St. Regis Mohawk Tribe

Title: Supporting Federal Legislation Recognizing Native American Inherent Sovereign Authority

WHEREAS, we, the members of the National Congress of American Indians in our own distinct territories, 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, from time immemorial, Native Americans have governed their aboriginal territories as distinct, independent political entities having jurisdiction over those territories, their members and all other Indians and non-Indians who come within those territories; and

WHEREAS, Native Americans have never surrendered their inherent powers of self-governance to the United States of America by treaty, conquest or otherwise; and

WHEREAS, Indian people, as members of federally recognized Indian tribes with inherent powers of self-governance, have adopted and enforced laws reaffirming their inherent sovereign authority and jurisdiction over all lands, all people, and all activities within their tribal boundaries; and

WHEREAS, the United States of America has determined for itself that the United States Congress, through the Indian Commerce Clause of the United States Constitution (art. 1, § 8, cl.3), possesses the constitutional authority to enact laws concerning Indian tribes; and

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WHEREAS, the permanent government-to-government relationship between Indian tribes and the United States is memorialized in numerous treaties, executive orders, agreements, and statutes that recognize the sovereign status of Indian tribes; and

WHEREAS, during the last three decades, the United States Supreme Court, acting without the guidance and direction of the Congress, has issued a long series of opinions drastically eroding the inherent sovereign authority of tribes to regulate, adjudicate, and legislate within their territorial boundaries; and

WHEREAS, Indian tribes throughout the United States have begun to meet and cooperatively draft federal legislation aimed at: 1) reaffirming the inherent sovereign powers of Indian tribes; 2) reversing anti-tribal sovereignty Supreme Court decisions beginning with Oliphant v. Suquamish Indian Tribe and culminating with Nevada v. Hicks; and 3) providing Indian tribes with an option as to the extent of jurisdiction each tribe chooses to assert over its territory as well as over the activities and persons within that territory; and

WHEREAS, it is in NCAI's interests to develop and adopt a position on these important issues.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby state that the inherent sovereign powers of Indian tribes shall extend to all lands, all people, and all activities within the boundaries of their respective territories; and

BE IT FURTHER RESOLVED, that Native American's sovereign powers may only be limited by the tribes themselves or by legislative acts of United States Congress, but not by the Supreme Court of the United States acting pursuant to federal common law; and

BE IT FURTHER RESOLVED, that NCAI urges the United States Congress to pass legislation recognizing and affirming that (1) Indian tribal powers of self-governance are *inherent* powers and are not delegated by the Congress and (2) the government-to-government relationship between Indian tribes and United States is permanent, (3) tribal courts are courts of general jurisdiction with full rights of appeal, and (4) Indian tribes shall have, at their option, full civil and criminal jurisdiction, which shall encompass full regulatory, adjudicatory, and legislative authority, over all lands and activities within their boundaries, including over fee lands, regardless of ownership; and

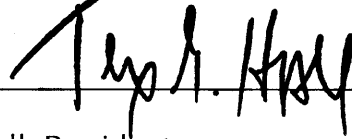
BE IT FURTHER RESOLVED, that NCAI supports the national Tribal Sovereignty Protection Initiative as a means of responding to the numerous Supreme Court opinions undermining tribal sovereignty; and

BE IT FURTHER RESOLVED, that each NCAI member tribe reserves its final approval of the draft legislation currently being developed by the Legislative Options Subcommittee of the Tribal Sovereignty Protection Initiative until a final bill becomes available for review; and

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

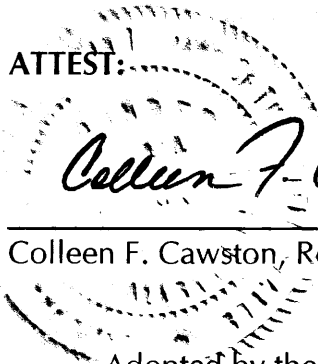

CERTIFICATION

The foregoing resolution was adopted at the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.



Tex Hall, President

ATTEST:

Colleen F. Cawston, Recording Secretary

Adopted by the General Assembly during the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.