



# NATIONAL CONGRESS OF AMERICAN INDIANS

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### RESOLUTION #SPO-01-035

#### EXECUTIVE COMMITTEE

PRESIDENT  
Tex G. Hall  
*Mandan, Hidatsa, Arikara Nation*

FIRST VICE-PRESIDENT  
Joe A. Garcia  
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(Pueblo of San Juan)*

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Colleen F. Cawston  
*Colville Confederated Tribes*

TREASURER  
Alma Ransom  
*St. Regis Mohawk Tribe*

**Title: Support of the Request to the Governor of Massachusetts and the Secretary of Interior not to Approve the Boston Harbor Islands National Park General Management Plan**

**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**, Deer Island and other islands of Boston Harbor Islands are important in Indian history due to their use as concentration camps during the King Philip's War (1675-1678) and have ever since been seen as both burial ground sites and historical and political symbols to Indians; and

**WHEREAS**, the United States Congress established the Boston Harbor Islands as a unit of the National Park System through the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), which was signed into law on November 12, 1996; and

**WHEREAS**, the Muhheconneuk Intertribal Committee on Deer Island (MICDI) was formed as the official representational and joint policy body of the contemporary tribes and bands descendant from the historic Muhheconnew National Confederacy which today seek to work together to preserve Deer Island and any Native American remains which are there; and

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**WHEREAS**, to secure the interests and to address the concerns of Indian tribes in the newly proposed national park, the MICDI proposed amendments to the bill to establish the park, which were supported by tribal resolutions by several tribes including the Penobscot Nation, the Wampanoag Tribe of Aquinnah (Gay Head) and the Chaubunagungamaug Nipmuc Tribe; and

**WHEREAS**, through the assistance of Senator Ben Nighthorse Campbell, the Massachusetts Congressional Delegation agreed to negotiate a role for the tribes with the MICDI; and

**WHEREAS**, as a result of those negotiations the bill to create the park was amended; and

**WHEREAS**, as part of those amendments a clause was inserted into the final text which required "policies and programs" for "Protecting and preserving Native American burial grounds connected with the King Philip's War internment period and other periods" in the Management Plan required to be developed by the park's Partnership board and submitted to the Governor of Massachusetts and the Secretary of Interior; and

**WHEREAS**, the fulfillment and implementation of this clause was understood to be developed with and agreed upon by the tribal governments affected by the undertakings of this park, who through the MICDI, were able to procure this amendment; and

**WHEREAS**, it was understood that the process to negotiate the role of the tribal governments in developing and securing their role in implementing the required policies and programs would be done through a process that would also result in addressing the other concerns of the tribal governments, including the establishment of a tribal government seat(s) on the Partnership board, among other unresolved issues; and

**WHEREAS**, it was expected that this process would be established as part of an effective, mutually agreed upon consultation process between the affected tribal governments and the U.S. National Park Service (NPS); and

**WHEREAS**, the NPS initially agreed with the tribes and set up a consultation process working with the MICDI and having the first consultation meeting on March 9, 1998; and

**WHEREAS**, the NPS thereafter reversed their policy of working cooperatively with the tribal governments and stopped cooperating with the MICDI; and

**WHEREAS**, the NPS stonewalled the efforts of the MICDI in setting up additional consultation meetings and provided last minute notification or no notification to tribal governments regarding meetings; and

**WHEREAS**, the NPS subsequently changed the government-to-government consultation format of the meetings into open Native American general public "consultation" meetings over the objection of tribal government officials; turning the meetings from having government-to-government consultation format to becoming a racial Native American general comment public meeting format; and

**WHEREAS**, the NPS Boston Harbor Islands Project Manager then sought to supplant the role of the tribal governments working through the MICDI through claiming the creation of its own substitute Indian proxy park board which he called "the Native American Standing Consultation Committee"; and

**WHEREAS**, the MICDI attempted to restore the consultation process through the implementation of reservation-based meetings proposal, known as the MICDI Indian Community Meetings Proposal; and

**WHEREAS**, the Penobscot Nation hosted a meeting of the Muhheconnew National Confederacy on the Penobscot Reservation on March 30, 2001, in which over 20 tribal governments were invited to sit down and set joint policy regarding the Boston Harbor Islands National Park; and

**WHEREAS**, the participant tribes jointly drafted a resolution in support of the MICDI Indian Community Meetings Proposal and other joint policies; and

**WHEREAS**, the NPS Boston Harbor Islands Project Manager subsequently refused to recognize the MICDI as a tribal governmental entity and demanded each tribe come to the NPS on an individual tribe by tribe basis and that the NPS would no longer accept delegation of tribal authority by tribal governments to a multi-tribal political entity; and

**WHEREAS**, in response to the collapse of the government-to-government consultation process between the tribal governments and the NPS, the refusal by the NPS to respond to numerous tribal resolutions, the refusal by the NPS to conduct any public meeting on any reservation (although they had conducted 7 public meetings for the non-Indian public), the failure to even begin discussions on the language of the text of the legally required policies and programs to protecting and preserving island Indian burial grounds (no less reach mutually agreed text language) for the park plan, the MICDI on July 17, 2001, requested the Partnership park board to delay its vote on the park plan and to meet first with the Chiefs/Chairmen instead; and

**WHEREAS**, the Partnership rebuffed the offer to meet with the Chiefs/Chairmen under the pretext, the positions of the MICDI participant tribal governments notwithstanding, they had obtained sufficient Indian support, and voted to approve the proposed NPS park plan and send it on to the Governor of Massachusetts and the Secretary of Interior for their recommendation and approval.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby call upon the Boston Harbor Islands National Park Partnership board to reverse its past support of the proposed NPS park plan through a new vote and also respond affirmatively to meet with the MICDI tribal governments' Chiefs/Chairmen on a reservation of the tribes' choosing; and

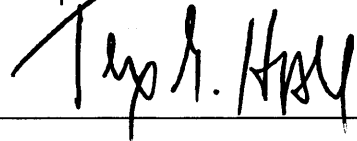
**BE IT FURTHER RESOLVED**, that the NCAI condemns the NPS policies being implemented by NPS Boston Harbor Islands Project Manager as counterproductive to the rights of Indian tribes and good federal-tribal relations nationwide and strongly urges Secretary Gale Norton to take corrective action to reverse these policies; and

**BE IT FURTHER RESOLVED**, that the NCAI calls on the Governor of Massachusetts and the U.S. Secretary of Interior to recommend against and refuse to sign the currently proposed NPS Boston Harbor Islands General Management Plan and to also recommend against and refuse to approve any Boston Harbor Islands park plan that does not contain federal-tribal mutually agreed Indian burial ground protection and preservation document language in the text or is not agreed upon by all the affected tribal governments; and

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

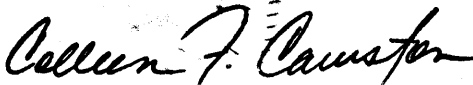
**CERTIFICATION**

The foregoing resolution was adopted at the 58<sup>th</sup> 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 58<sup>th</sup> Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.