



# NATIONAL CONGRESS OF AMERICAN INDIANS

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### RESOLUTION #SPO-01-041 (*Under Discussion*)

#### EXECUTIVE COMMITTEE

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

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

RECORDING SECRETARY  
Colleen F. Cawston  
*Colville Confederated Tribes*

TREASURER  
Alma Ransom  
*St. Regis Mohawk Tribe*

**Title: Support for a Legislative Process to Address Tribal Concerns Over Recent U.S. Supreme Court Decisions Involving Tribal Jurisdiction as Part of the National Tribal Sovereignty Protection Initiative**

**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**, the U.S. Supreme Court recently issued decisions in Atkinson Trading Co. v. Shirley and Nevada v. Hicks which adversely impact tribal civil jurisdiction over non-Indians and continue a string of recent U.S. Supreme Court cases which began in 1978 with Oliphant v. Suquamish Indian Tribe that diminish tribal sovereignty; and

**WHEREAS**, this diminishment of tribal sovereignty by the U.S. Supreme Court has undermined tribal government authority, thwarted tribal economic development and jeopardized the federal Indian policy of self-determination; and

**WHEREAS**, in response to these devastating U.S. Supreme Court decisions diminishing inherent tribal sovereignty, tribal leaders have organized the Tribal Sovereignty Protection Initiative with the assistance of NCAI and other Indian organizations with a major part of the Initiative to be

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a legislative effort in Congress to reaffirm the tribal sovereignty diminished by recent U.S. Supreme Court decisions; and

**WHEREAS**, the Tribal Leaders Steering Committee established by the Tribal Sovereignty Protection Initiative is directing the Legislative Options Working Group to prepare draft legislation to reaffirm tribal sovereignty for consideration by all tribes, intertribal organizations and by Congress at some point in the future; and

**WHEREAS**, the Tribal Leaders Steering Committee is co-chaired by W. Ron Allen, NCAI First Vice-President (Chairman, Jamestown S'Klallam Tribe), and Kelsey A. Begaye, President of the Navajo Nation, and the Legislative Options Working Group is co-chaired by John Echohawk, Executive Director of the Native American Rights Fund, and Susan Williams of Williams, Janov & Cooney; and

**WHEREAS**, membership on the Tribal Leaders Steering Committee is open to all interested tribal leaders and membership on the Legislative Options Working Group is open to all tribal attorneys and lobbyists; and

**WHEREAS**, the attached draft memo and bill is the latest version of the draft legislation from the Tribal Leaders Steering Committee and Legislative Options Working Group intended to reaffirm tribal sovereignty; and

**WHEREAS**, the attached draft memo and bill from the Tribal Leaders Steering Committee and Legislative Options Working Group have been reviewed, debated and discussed at the NCAI Annual Convention in Spokane; and

**WHEREAS**, the attached draft memo and bill as amended continues to be a work in progress and will be further amended by the Tribal Leader Steering Committee and Legislative Options Working Group as it is further considered by all tribes and intertribal organizations.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby fully support the Tribal Sovereignty Protection Initiative process for the purpose of developing legislation intended to reaffirm tribal sovereignty, subject to further review by all tribes and intertribal organizations, and authorizes the Tribal Leaders Steering Committee and Legislative Options Working Group to make such changes as they deem necessary to meet tribal concerns, to accurately reflect the unique nature and origin of tribal sovereignty among the different tribes and in the different regions, and to secure legislation reaffirming tribal sovereignty; and

**BE IT FURTHER RESOLVED**, that the NCAI urges the Tribal Leader Steering Committee to develop a public relations program to educate the American public about the status of tribal governments and the problems they face in light of the Supreme Court decisions; and

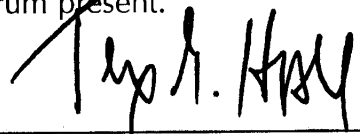
**BE IT FURTHER RESOLVED**, that the NCAI does hereby request that the Tribal Leaders Steering Committee and Legislative Options Working Group begin discussions with Senate Indian Affairs Committee Chairman Daniel K. Inouye, Vice-Chairman Ben Nighthorse Campbell, and other leaders and members of the Senate and House of Representatives regarding introduction of this draft legislation as amended through further tribal consultation; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby request that the Tribal Leader Steering Committee and Legislative Options Working Group report regularly to the NCAI, tribes and intertribal organizations on the progress of this draft legislation to reaffirm tribal sovereignty in order to arrive at legislation that is supported by tribes nationwide; 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.