



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-042

Title: Support for Supreme Court Project

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

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 trend of the United States Supreme Court is to diminish tribal sovereignty and tribal jurisdiction over their Indian country; and

WHEREAS, this diminishment of tribal sovereignty and jurisdiction by the United States Supreme Court has made reservations ungovernable, thwarted tribal economic development and jeopardized the federal Indian policy of self-determination; and

WHEREAS, in response to this devastating United States Supreme Court trend diminishing inherent tribal sovereignty, tribal leaders have organized the Tribal Sovereignty Protection Initiative with the assistance of NCAI and other Indian organizations which includes, among other things, a legislative effort in the United States Congress to reaffirm the tribal sovereignty diminished by the Supreme Court, an educational campaign, and a Supreme Court project; and

WHEREAS, the goal of the Supreme Court Project will be coordinate and strengthen tribal advocacy before the United States Supreme Court by

EXECUTIVE DIRECTOR
Jacqueline L. Johnson
Tlingit

NCAI HEADQUARTERS
1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202.466.7767
202.466.7797 fax
www.ncai.org

establishing an institutional structure to foster greater coordination amongst tribes in their Supreme Court advocacy; and

WHEREAS, the Supreme Court Project would monitor cases in the federal appellate courts that have the potential to reach the Supreme Court and might affect tribal interests, would provide an expert and impartial assessment of particular litigation and the potential risks and benefits of setting precedents that would affect all tribes; would foster discussion amongst the tribes about which cases might serve as the best vehicles for obtaining Court victories on issues of general importance to the tribes; would provide advice to tribal attorneys regarding Court procedures, the best strategies for obtaining or avoiding Court review, and the advisability of enlisting Supreme Court Specialist Counsel. The Project would also run a moot court program, oversee an amicus brief-writing network and facilitate discussions with the United States Departments of Interior and Justice about tribal cases; and

WHEREAS, the National Congress of American Indians and the Native American Rights Fund would initially jointly run the day-to-day operations of the Project and would be supervised by an Advisory Board consisting of tribal leaders; and

WHEREAS, the Supreme Court Project will require a budget of approximately \$500,000 annually.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the Supreme Court Project; and

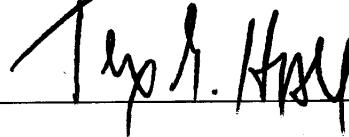
BE IT FURTHER RESOLVED, that the Native American Rights Fund should commence work immediately and to the extent that funding allows to implement the Supreme Court Project to coordinate and improve tribal advocacy at the Supreme Court level; and

BE IT FURTHER RESOLVED, that NCAI does hereby encourage tribes and other interested and affected parties to commit annual donations to cover the costs of the Supreme Court Project; 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.