

**THE NATIONAL CONGRESS OF  
AMERICAN INDIANS**

**RESOLUTION #SPO-01-078**

**Title: Resolution of the National Congress of American Indians Supporting  
the Oglala Sioux Tribe's Opposition to the United States Department  
of the Interior's Trust Reform Proposal**

**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, 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 Oglala Sioux Tribe organized under Section 16 of the 1934 Indian Reorganization Act (25 U.S.C. 476) by adopting a federally approved Constitution and By-Laws; and

**WHEREAS**, the Oglala Sioux Tribe has a government-to-government relationship with the United States Government based on the 1825 Treaty, 1851 Treaty and the 1868 Treaty; and

**WHEREAS**, Tribal treaties, federal statutes and federal common law create a federal trust responsibility to manage trust assets of the Oglala Sioux Tribe and its members; and

**WHEREAS**, the United States Government, through the Department of Interior and Bureau of Indian Affairs, currently holds about 56 million acres of land and several billion dollars in trust for Indian Tribes and individuals; and

**WHEREAS**, the United States Government has implemented a policy of consultation with

Indian Tribes on matters of National and Tribal importance, including a change in the management of trust assets held for Tribes and individuals; and

**WHEREAS**, the Department of the Interior is a party to the 1996 Cobell v. Norton class action in the United States District Court for the District of Columbia where the plaintiffs sued the Interior Department and Bureau of Indian Affairs for mismanagement of trust assets and misappropriation of royalties owed to individual Tribal members; and

**WHEREAS**, U.S. District Judge Royce Lamberth, the presiding judge in the Cobell case, ordered that reforms be made and recently ruled that he may hold Interior Secretary Gale Norton and other federal officials in contempt of court for not making changes and for misrepresentation of information; and

**WHEREAS**, U.S. District Judge Royce Lamberth was recently critical of the Interior Department in the Cobell case because he could not readily identify a single individual in charge of trust reform; and

**WHEREAS**, Secretary Norton and other Cobell defendants are presently facing contempt charges based on a motion filed by the Cobell plaintiffs on October 19, 2001, which includes up to 180 days' imprisonment and for the appointment of a court-appointed receiver to manage the Tribal and individual trust assets; and

**WHEREAS**, the Interior Department has developed a trust reform plan and organizational chart to present to Judge Lamberth at a contempt hearing scheduled for November 30, 2001, that proposes to strip the Bureau of Indian Affairs of its trust responsibilities and segregate trust reform and trust functions into a separate organization under an Assistant Secretary; and

**WHEREAS**, although the Oglala Sioux Tribe acknowledges that trust reform must occur to make the Federal Government more accountable to Indian Tribes and their members and that Judge Lamberth has ordered the Interior Department's reform plan in the Cobell case, but is concerned that the Interior Department's reform plan has been approved by Secretary Norton without consultation with Indian Tribes; and

**WHEREAS**, the Oglala Sioux Tribe supports leaving the management of trust assets with the Bureau of Indian Affairs until a reform plan can be developed in consultation with Indian Tribes that will be based not only on federal statutes and federal common law, but also on tribal treaties which are the foundation for the government-to-government relationship with the majority of the large Tribes in the United States.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support the position of the Oglala Sioux Tribe in leaving the management of trust assets for Indian Tribes and their

members with the Bureau of Indian Affairs until a reform plan can be developed in consultation with Indian Tribes that will be based on Tribal treaties, which are the foundation of the government-to-government relationship with Tribes.

**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 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.