



# NATIONAL CONGRESS OF AMERICAN INDIANS

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### RESOLUTION #MSH-01-021

#### **Title: To Oppose H.R. 791 and S. 533 Which Would Extinguish Indian Land Claims in the State of Illinois**

**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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

**WHEREAS**, H.R. 791 and S. 533 have been introduced by certain members of the Illinois congressional delegation to extinguish any and all claims to land within the state of Illinois by the Miami Tribe of Oklahoma, the Ottawa Tribe of Oklahoma and the Potawatomi Tribe of Kansas or their members or predecessors or successors in interest arising out of Article IV of the Treaty of Grouseland, Article II of the 1816 Treaty with the United Tribes of the Ottawas, Chipawas and Pottowotomees, or Article III of the 1829 Treaty of the Prairie du Chien; and

**WHEREAS**, the bills would also extinguish all claims for land within Illinois of the named tribes and allow treaty and aboriginal claims by the named tribes to be brought only against the United States as the defendant and only in the United States Court of Federal Claims with monetary damages as the only available remedy; and

**WHEREAS**, H.R. 791 and S. 533 are politically motivated targeted attacks against certain tribes to stop them from exercising their legal rights and pursuing justice based upon prior treaty commitments of the United States which are solemn promises and the supreme law of the land; and

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**WHEREAS**, the Solicitor of the Department of the Interior has acknowledged the legitimacy of at least one of the Tribe's claims making H.R. 791 and S. 533 mere political tools introduced as a desperate effort to circumvent justice and impede potential fruitful discussions with the state of Illinois and fair resolution of the claim; and

**WHEREAS**, such targeted attacks will disallow Tribes to exercise their governmental authority to pursue claims to lands which were reserved to them in treaties with the United States, but are now illegally in the hands of non-Indians and allows the United States to breach its treaty commitments, thus eroding the sovereignty of all tribes as well as the value of the United States' promises and the relationship between the United States and the 561 Indian nations within its borders.

**NOW THEREFORE BE IT RESOLVED** that NCAI hereby opposes H.R. 791 and S. 533 and asks the sponsors of the bills to withdraw their legislation; and

**BE IT FURTHER RESOLVED** that if the sponsors fail to withdraw the legislation, NCAI hereby urges the Members of the House Resources Committee and the Senate Committee on Indian Affairs and all other Members of Congress to condemn this legislation as an egregious attack on tribal treaty and aboriginal rights and work to defeat the legislation in committee and otherwise; and

**BE IT FINALLY RESOLVED** that NCAI calls upon the Administration to oppose H.R. 791 and S. 533 and requests that the President of the United States veto such legislation if it ever comes before him to be enacted.

**CERTIFICATION**

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.

  
Susan Masten, President

**ATTEST:**

  
Juana Majed, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.