



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-03-123

Title: Support for New Mexico Pueblos' Fight to Preserve the "Indian Country" Status of their Land Grants

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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, United States has a trust obligation to defend "Indian country"; and

WHEREAS, the United States Supreme Court in *United States v. Sandoval*, 231 U.S. 28 (1913), ruled that all lands within the exterior boundaries of Pueblo land grants constitute "Indian country" even though they are owned in fee simple by the Pueblos under Spanish land grants; and

WHEREAS, Congress required the People of the State of New Mexico to recognize Pueblo land grants as "Indian country" as a condition of statehood, *see* New Mexico Enabling Act, 36 Stat. 557, ch. 310, § 2H; N.M. Const., art. XXI, § 8; and

WHEREAS, Congress, in 1948, confirmed Pueblo land grants as "Indian country" by defining them as "dependent Indian communities" in 18 U.S.C. § 1151(b); and

WHEREAS, under controlling federal and state law all lands within these Pueblo land grants remain "Indian country," regardless of any change in fee title under the Pueblo Lands Act pursuant to 18 U.S.C. § 1151(b); and

WHEREAS, the United States Attorney for the District of New Mexico, in *United States v. Arrieta*, No. CR-00-411-JC (D. N.M.), requests the federal court to rule that the Pueblo Lands Act extinguished the boundaries of the Pueblo land grants, thereby permitting the State of New Mexico to exercise criminal jurisdiction over Pueblo lands even though the United States Attorney concedes that the land at issue in *Arrieta* remains "Indian country"; and

WHEREAS, there is no reason in law, policy, or common sense for Pueblo land grants to be treated differently than reservations or allotments under 18 U.S.C. § 1151; and

WHEREAS, the United States Attorney’s request, if granted, would create a jurisdictional quagmire seriously impeding effective law enforcement within Pueblo land grants and threaten the ability of the Pueblos to govern their lands and People.

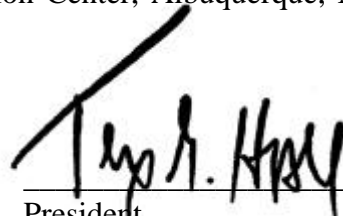
NOW THEREFORE, BE IT RESOLVED, that the NCAI does hereby support the efforts of the New Mexico Pueblos to preserve the “Indian country” status of their land grants at issue in *United States v. Arrieta*, No. CR-00-411-JC (D. N.M.); and

BE IT FURTHER RESOLVED, that the NCAI hereby requests the United States Attorney for the District of New Mexico comply with its trust obligation to defend Pueblo “Indian country” and to reverse its position taken in *United States v. Arrieta*, No. CR-00-411-JC (D. N.M.), in favor of the position taken by the Pueblos as *amicus curiae* in that case; 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 60th Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, Albuquerque, New Mexico, on November 21, 2003 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during 60th Annual Session of the National Congress of American Indians, held in Albuquerque, New Mexico, from November 17-21, 2003.