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THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SD-02-105

Title: Continued 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 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 and their way of life, 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 in 2001 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 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 a Legislative Options Working Group in preparing draft legislation to reaffirm tribal sovereignty for consideration by all tribes, intertribal organizations and by Congress in 2003; and

WHEREAS, the Tribal Leaders Steering Committee is co-chaired by Tex Hall, NCAI President 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 and Works; 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 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 bill from the Tribal Leaders Steering Committee and Legislative Options Working Group has been reviewed, debated and discussed at the NCAI Annual Convention in San Diego; and

WHEREAS, the attached draft bill as amended continues to be a work in progress and will be further amended by the Tribal Leaders 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

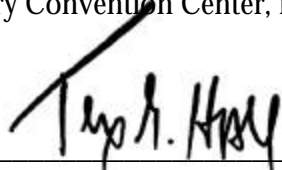
BE IT FURTHER RESOLVED, that the NCAI does hereby request that the Tribal Leaders Steering Committee and Legislative Options Working Group continue discussions with Senate Indian Affairs Committee Chairman Daniel K. Inouye, Vice-Chairman Ben Nighthorse Campbell, and other leaders and members of the Senate and House of Representatives regarding introduction of this draft legislation as amended through further tribal consultation in 2003; and

BE IT FURTHER RESOLVED, that the NCAI does hereby request that the Tribal Leaders 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 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.



Tex Hall, President

ATTEST:



Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.