



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SPO-16-047

TITLE: Secretary of Interior to Establish Guidelines or Regulations for Public Law 280 Retrocession Building on Experience with the Yakama Nation

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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, in 1953, Congress passed Public Law 83-280, commonly known as Public Law 280, which authorized six states (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin) to exercise certain criminal and civil adjudicative jurisdiction in Indian country, and eliminated much of the federal Indian country criminal jurisdiction in those states; and

WHEREAS, Public Law 280 also authorized other states to assume similar jurisdiction; and

WHEREAS, states have assumed Public Law 280 jurisdiction without the consent of the Indian tribes affected and without regard to the practices and precedent of government-to-government consultation; and

WHEREAS, the nonconsensual imposition of state jurisdiction violated treaty rights of some of the affected Indian nations and demonstrated disrespect for the sovereignty of all affected Indian nations; and

WHEREAS, Public Law 280 also reflected an abdication of the federal trust responsibility toward affected Indian nations; and

WHEREAS, Indian nations' concerns about Public Law 280 have included lack of adequate state and local law enforcement response to on-reservation crime, disrespect for tribal authorities, and discriminatory administration of criminal justice; and

WHEREAS, the termination policy that inspired Public Law 280 was officially rejected by President Nixon in 1970, and prevailing federal Indian policy supports tribal self-determination; and

WHEREAS, continued state jurisdiction under Public Law 280 without tribal consent directly contradicts currently prevailing federal Indian policy favoring tribal self-determination; and

WHEREAS, many Indian nations believe that they can provide more effective law enforcement when criminal activity has occurred or presents a threat than that which is currently provided by local law enforcement under Public Law 280; and

WHEREAS, since 1968, six Indian nations in the original six Public Law 280 states have been the subjects of retrocession, the Yakama Nation being the most recent; and

WHEREAS, Indian nations that seek retrocession are required, at considerable time and expense, to work with their state governments and obtain state approval before their request can be reviewed by the Secretary of the Department of the Interior; and

WHEREAS, crime rates are unacceptably high in Indian country, and that the federal government has a moral and trust responsibility to protect the public safety and ensure safe and secure communities for Indian nations; and

WHEREAS, despite decades of experience at the Department of Interior with retrocession efforts, there currently exists no guidance or procedures for the process of retrocession and the wheel has to be reinvented each time creating great expense and delays.

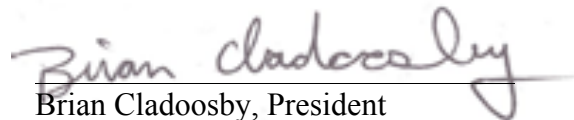
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians does hereby support the efforts of tribes subject to Public Law 280 to build capacity in the area of law enforcement and criminal justice and remove impediments to Self-Determination; and

BE IT FURTHER RESOLVED, that the NCAI does call upon the Secretary of Interior to create guidance or regulations for the process of retrocession, building upon the recent experience with the Yakama Nation; 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 by the General Assembly at the 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary