



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-080

TITLE: Support the Ute Indian Tribe’s Jurisdictional Authority and Legal Effort to Protect the Tribe’s Uncompahgre Reservation

EXECUTIVE COMMITTEE

PRESIDENT
Jefferson Keel
Chickasaw Nation

FIRST VICE-PRESIDENT
Juana Majel Dixon
Pawnee Band of Mission Indians

RECORDING SECRETARY
Edward Thomas
Central Council of Tlingit & Haida Indian Tribes of Alaska

TREASURER
W. Ron Allen
Jamestown S’Klallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA
Mike Williams
Akiak Native Community

EASTERN OKLAHOMA
S. Joe Crittenden
Cherokee Nation

GREAT PLAINS
Robert Shepherd
Sisseton Wahpeton

MIDWEST
Matthew Wesaw
Pokagon Band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quinalt Indian Nation

PACIFIC
Don Arnold
Scots Valley Band of Pomo Indians

ROCKY MOUNTAIN
Ivan Posey
Shoshone Tribe

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
George Thurman
Sac and Fox Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh

WESTERN
Ned Norris, Jr
Tobacco Ojibwa Nation

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

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 Ute Indian Tribe (Tribe) was a founding member of NCAI and has been an active member and participant since NCAI was first established; and

WHEREAS, since 1985, federal courts have recognized, and have repeatedly reaffirmed, that the Tribe’s Uncompahgre and Uintah Valley Reservations (presently referred to as Uintah and Ouray Reservation) remain intact and that the Tribe maintains jurisdictional authority over all “Indian Country” lands, including certain fee lands, within the exterior boundaries of the Tribe’s reservation; and

WHEREAS, despite the binding effect of the federal court rulings that adjudicated the Tribe's reservation boundaries over the course of more than twenty years of protracted litigation, and notwithstanding other federal laws which recognize and confirm the parameters of Tribal jurisdiction in “Indian Country”, the Ute Indian Tribe’s authority has been repeatedly challenged by the state of Utah and local counties, where several members of the Ute Indian Tribe are currently being prosecuted by the local counties after being arrested *inside* the Tribe’s reservation boundaries, and county and state police departments continue to execute unlawful traffic stops and arrests of tribal members in Indian Country, all in violation of federal and tribal law; and

WHEREAS, the Bureau of Indian Affairs currently provides law enforcement services for the Tribe on the Uintah and Ouray Reservation and they are charged with the duty and obligation to affirmatively enforce the Tribe’s laws on all areas that are defined as “Indian Country” within the Tribe’s reservation; and

WHEREAS, the actions of local county and state police departments attempting to assert jurisdiction and unlawfully harass, detain and arrest Tribal members within areas defined as “Indian Country” on the Uintah and Ouray Reservation unlawfully encroaches upon the duty and legal obligation of the Bureau of Indian Affairs law enforcement officers to police such areas within the reservation and to provide law enforcement services for the protection of Tribal members; and

WHEREAS, on April 17, 2013, the Tribe through its elected Tribal Business Committee filed a petition in the case of *Ute Tribe v. State of Utah, Duchesne, County, Roosevelt City, Duchesne City, and Uintah County*, (case no. 75-cv-00408, United States District Court for the State of Utah) to protect both the integrity of the Ute Tribe’s reservation boundaries and to seek an injunction to enjoin local county prosecutions of Ute tribal members for alleged criminal offenses that have occurred inside the Tribe’s reservation boundaries in “Indian Country”; and

WHEREAS, an adverse ruling against the Ute Indian Tribe in this matter would potentially undermine the sovereign authority of all Tribes to enforce their laws with the jurisdictional boundaries of Tribal reservations on areas defined under federal law as “Indian Country” and would potentially limit the authority of Tribes to make their own laws and be governed by them; and

WHEREAS, the United States Department of Interior and Department of Justice have a legal obligation to protect Indian Country jurisdiction, as set forth and defined under 18 U.S.C. 1151, and pursuant to the United States’ treaty and trust obligations to the Ute Indian Tribe and other tribes throughout the United States, to also ensure that tribal lands and the rights of Tribal members are protected and maintained against unlawful acts and intrusions by local state and county actions; and

WHEREAS, the Ute Indian Tribe has formally requested the United States intervene and support its recent petition filed in *Ute Tribe v. Utah et al.*, in which it is asking the federal court to enjoin the State of Utah from prosecuting Ute tribal members unlawfully arrested by State and Uintah County law enforcement officers inside the Tribe’s Reservation, but no action has been taken by the United States to intervene or file a separate case to support the Tribe’s effort and protect the Tribe’s reservation boundaries; and

WHEREAS, NCAI believes that intervention by the United States is both necessary and appropriate pursuant to the United States’ legal obligation to protect Indian Country jurisdiction and in light of the treaty and trust responsibilities owed to the Tribe which requires the United States ensure that these issues are resolved in the Tribe’s favor so as to preserve the sovereignty and jurisdiction authority of both the Bureau of Indian Affairs law enforcement officers and the Tribe.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby supports the Ute Indian Tribe’s effort to ensure the Tribe’s present day reservation remains intact and requests that the Bureau of Indian Affairs Office of Justice Services assist the Ute Indian Tribe in its effort to maintain jurisdictional authority over all “Indian Country” lands within the exterior boundaries of the Tribe’s reservation by providing law enforcement services to the Ute Tribe and other Tribes on all areas within a reservation determined to be “Indian Country” under 18 U.S.C 1151, and not just on trust lands within a Tribe’s reservation.

BE IT FURTHER RESOLVED, that NCAI requests the U.S. Department of Interior and Department of Justice, pursuant to their legal obligation to protect Indian Country jurisdiction for all Tribes under 18 U.S.C. 1151, seek to either intervene in *Ute Indian Tribe v. State of Utah* case and/or institute a separate legal action to protect both the Ute Indian Tribe's reservation boundary and the finality of past federal court rulings adjudicating the Tribe's reservation boundaries.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

BE IT FINALLY RESOLVED, that the National Congress of the American Indians Executive Committee and Executive Director is empowered to take any action consistent with and in order to carry out the intent of this Resolution.

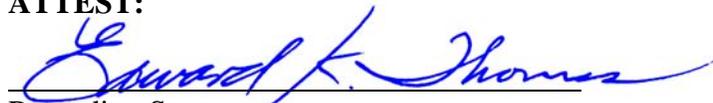
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary