



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ATL-14-040

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**TITLE: To Oppose the \$66.5 Million Default by the Barron Collier Companies on its Debt Owed to the United States for Indian Education and to Urge the Department of the Interior and the U.S. Congress to Take All Actions Necessary to Recover or Replace these Funds for the Benefit of Indian Education in Arizona**

**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 1988, Congress enacted the Arizona-Idaho Conservation Act of 1988 (P.L. 100-696), which authorized Barron Collier Companies (Collier) to acquire 72 acres of valuable commercial property in downtown Phoenix, Arizona, at the site of the closed Phoenix Indian School, in exchange for lands owned by Collier and Collier's agreement to pay to the United States principal owing in the amount of \$34.9 million, plus annual interest payments of \$2.9 million per year over a term of 30 years, for the benefit of Indian education, youth programs and other tribal purposes for those Tribes that had once relied on the Phoenix Indian School to educate their children; and

**WHEREAS**, in 1997, Collier began paying \$2.9 million in annual interest payments to the United States for the benefit of the Intertribal Trust Fund and Navajo Trust Fund which have been used by qualified member of the Inter Tribal Council of Arizona, Inc. (ITCA) and the Navajo Nation for tutoring and academic counseling for tribal youth, tribal culture and language education and the construction of tribal educational projects, including tribal libraries, pre-school and child care facilities, youth foster care homes and other projects; and

**WHEREAS**, in 1997, Collier also began making payments to an annuity in annual installments that was to yield a principal fund of \$34.9 million at the end of the 30-year payment period, at which time the qualifying ITCA member Tribes and the Navajo Nation would be able to allocate the funds to further the Indian educational purposes of the original legislation; and

**WHEREAS**, in 2013, despite the solvency and current success of the Barron Collier Companies, Collier notified the United States of its decision to strategically default on the remaining \$66.5 million in principal and interest owed to the United States for the benefit of the Indian education; and

**WHEREAS**, Collier has failed to pay property taxes in the amount of \$100,569 owed on the only remaining parcel of land located at the Phoenix Indian School that was intended by Congress to serve as collateral for the debt owed by Collier to the United States; and

**WHEREAS**, the decision by Collier to default on its \$66.5 million obligation has already and will continue to visit significant hardship on Tribal communities in Arizona by leaving them without a crucial source of funding for Indian education – funding that Congress intended would continue to be available to support Indian education through 2026 and thereafter; and

**WHEREAS**, the eligible member Tribes of the ITCA are entitled to rely on these funds to underwrite Indian education programs at the level and in the manner originally contemplated by Congress as part of the original agreement with Collier under P.L. 100-696.

**NOW THEREFORE BE IT RESOLVED**, that that the members of the NCAI strongly oppose the decision by the Barron Collier Companies to engage in a strategic default of its financial obligations to the United States and Indian children in Arizona; and

**BE IT FURTHER RESOLVED**, that the members of the NCAI call on the U.S. Department of the Interior to take all necessary steps to recover the \$66.5 million in principal and interest still owed by Collier to the United States for the benefit of the Indian education and to refuse to settle its current litigation in *United States v. Barron Collier Company, CV 14-00161-PGR* for anything less than the full amount of Collier's debt owed to the United States for Indian education; and

**BE IT FURTHER RESOLVED**, that the members of the NCAI hereby call on the United States Congress and the President of the United States to consider the enactment of legislation, should it become necessary, to ensure that funding is available to replace any shortfall in funds owed by Collier in order to preserve a future funding stream for Indian education in Arizona, as originally contemplated by Congress in P.L. 100-696; and

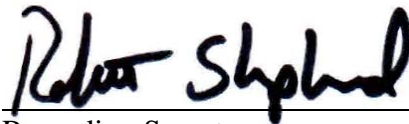
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.

  
President

**ATTEST:**

  
Recording Secretary