



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-03-058

Title: Standing Rock Telecommunications Project

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 Standing Rock Sioux Tribe has undertaken a thorough and comprehensive analysis of the state of its telecommunications services on the Standing Rock Reservation and has found a pattern and practice of discriminatory, unsafe and inadequate service for Tribal members on the Reservation, their permanent homeland; and

WHEREAS, the conditions of telecommunication services on the Standing Rock Reservation illustrate similar problems in other Indian communities served by outside telecommunication providers; and

WHEREAS, contrary to the Federal Communications Commission's strong government-to-government policy and recognition of tribal jurisdiction over telecommunication services provided to tribal members within reservations, the North Dakota Public Services Commission continues to take the legal position that the Standing Rock Sioux Tribe lacks regulatory jurisdiction over the telecommunication companies operating on the Standing Rock Reservation; and

WHEREAS, North Dakota law exempts telephone cooperatives from the regulatory control of the Public Service Commission, which means the Public Services Commission is harboring discriminatory, unsafe and improper practices of telephone cooperatives under the color of state law; and

WHEREAS, the Federal Government has a trust obligation under the Fort Laramie Treaty of 1868 to ensure that Indian people of the Sioux Nation enjoy the same rights and benefits available to other Americans; and

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WHEREAS, telecommunication services are essential to: economic development; access to emergency services, such as fire, police and emergency medical services; educational and informational opportunities; critical health care services; participation in governmental affairs and services, and, basic communication with friends and family; and

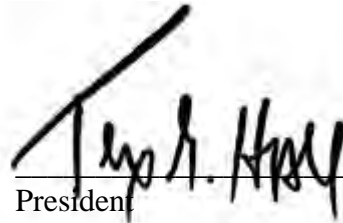
WHEREAS, a civilized society must not tolerate the withholding from many Indian communities essential and adequate telecommunication services under the color of state law.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the Standing Rock Sioux Tribe in its efforts to correct discriminatory, unsafe and inadequate practices of telecommunication providers on the Standing Rock Reservation, and it urges Congress and the Federal Government to take corrective action; and

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

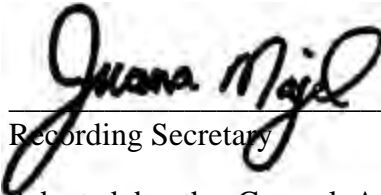
CERTIFICATION

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.