TITLE: Calling on the Federal Government and Congress to Resolve Pending Tribal Trust Claims

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 United States, in its capacity as trustee for Indian lands and resources, has a fundamental trust responsibility to wisely manage the trust fund resources of tribal nations, including land, water, and other natural resources, and the moneys acquired from those trust fund resources; and

WHEREAS, dozens of Indian tribes have been compelled by their duty to their citizens to seek justice against the federal government for refusing to provide an accounting for the management of those trust fund resources; and

WHEREAS, many of those lawsuits have been resolved as a direct result of an enlightened federal policy, allowing not only for the past issues of federal mismanagement to be laid to rest in many cases, but also providing hope for a future where such mismanagement will not occur again; and

WHEREAS, Congress has recently acted, providing for additional measures that allow the federal government to account in the future for its trust management; and

WHEREAS, any consideration of tribal trust accounting litigation must take cognizance of a federal lawsuit, started in 1996, by individuals seeking an accounting of funds that were acquired and disbursed on behalf of the individual tribal citizens from trust lands managed on their behalf by the United States as trustee, commonly called the “Cobell” lawsuit after the name of the lead plaintiff in the case; and
WHEREAS, while the resolution of the Cobell case and the other tribal trust cases is a step forward, many tribes are still seeking lawsuits resolve their trust fund accounting claims; and

WHEREAS, the United States efforts to resolve these cases should not be only a half measure, providing only for partial justice for some tribes, while none for others; and

WHEREAS, Congress remains in a key position to be able to provide a fair and equitable settlement of the remaining tribal trust accounting cases.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians does hereby continue to support the efforts of the remaining tribal litigants, and their effort to bring justice to tribal citizens and to tribes for the mishandling of trust funds by the Bureau of Indian Affairs and to resolve long-standing issues regarding mismanagement of trust fund resources; and

BE IT FURTHER RESOLVED, that the NCAI continues to support the efforts of the federal government to come up with a settlement of these issues in the next Congress and with the next Administration; 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 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.

ATTEST:

Brian Cladoosby, President

Aaron Payment, Recording Secretary