



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-026

TITLE: Urging the President to Adopt a Native Nations Policy

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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, Native Americans are the original peoples of the Americas, and from time immemorial, Native Nations were independent sovereign nations, with self-governing societies; and

WHEREAS, the European nations and the United States recognized Indian nations and tribes as the original American sovereigns and entered treaties with Indian nations on a nation-to-nation basis; and

WHEREAS, in the Declaration of Independence, the United States of America is founded upon the self-evident truths that:

- *All Men and Women are Created Equal and Endowed by the Creator with Certain Unalienable Rights,*
- *Among these rights is the Right to Life, Liberty and the Pursuit of Happiness; and*
- *Just Powers of Government flow from the Consent of the Governed;* and

Native peoples are equal and consent to the self-governance through Native Nations in our own homelands; and

WHEREAS, the Constitution of the United States acknowledges Indian nations and tribes as original sovereigns and affirms early Indian treaties from the American Revolution under the Supremacy Clause, Article VI; recognizes a nation-to-nation relationship between Native Nations and the American Republic in the Treaty Clause and the Indian Commerce Clause and refers to Native citizens as “Indians not taxed” in the Apportionment Clause; and

WHEREAS, America’s First President, George Washington, pledged to observe “the utmost good faith towards the Indians” and to protect Indian “liberty and property” in the Northwest Ordinance of 1789; and

WHEREAS, President Thomas Jefferson, author of the Declaration of Independence, affirmed that Indian nations were the original owners of American lands and that the United States would deal with Indian nations through “mutual consent” in the 1803 Louisiana Purchase Treaty; and

WHEREAS, after a century of treaty-making, the 14th Amendment affirms tribal government jurisdiction over Native citizens in the Citizenship Clause, and again calls Native citizens “Indians not taxed” in the amended Apportionment Clause, repeating the Constitution’s original policy to respect Native Nations.

NOW THEREFORE BE IT RESOLVED, that the United States of America should return to the original principles of the Constitution in recognizing the sovereign inalienable rights of our Native Nations to self-determination and self-government in our homelands; and

BE IT FURTHER RESOLVED, that the President of the United States should build upon the work of the Obama Administration and issue a new Executive Order on Native Nations: Nation-to-Nation Policy; and

BE IT FURTHER RESOLVED, that the Executive Order on Native Nations: Nation-to-Nation Policy should provide that the White House Council on Native American Affairs is renamed the White House Council on Native Nations and the White House Council on Native Nations shall be co-chaired by the Vice President and the Secretary of the Interior; and

BE IT FURTHER RESOLVED that the Native Nations Nation-to-Nation Policy should:

- Acknowledge Native Nations as the original American sovereigns, with original, inherent and continuing sovereign authority over our citizens, territory, and sacred sites;
- Elevate the position of Native Nations within the White House, to include an office with adequate staffing to address all of the issues arising out of the Nation-to-Nation relationship;
- Direct all federal agencies to respect, support and defend the sovereign and self-governing authority of Native Nations;
- Direct the White House Council to meet on a quarterly basis with Native Nations to discuss issues of Indian sovereignty, self-government, treaty rights, Indian lands, waters, and resources, and the Federal trust responsibility;
- Invest all Federal Departments and Agencies with the duty to honor the principles of the U.N. Declaration on the Rights of indigenous peoples, including:
 - Respect and protect Indian lands and territories, especially sacred sites;
 - Respect for Native Sovereignty, Self-Determination, Self-Government and free and prior informed consent;
 - Support for Native Education, Health Care, Housing, Economic Development, Transportation, Administration of Justice, and Infrastructure in Native homelands;
 - Respect for Native religions, cultures, languages, life ways and traditions; 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.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary