



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ABQ-03-063

### Title: To Support the Seneca Nation of Indians

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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**, the Seneca Nation is recognized as a Sovereign Nation and has the inherent right to govern and protect the people of the Seneca Nation; and by self-governance has the ability to develop its own economic base and resources; and to control the use and development of resources, businesses or industries on the Territories of the Seneca Nation; and

**WHEREAS**, the Seneca Nation has sovereign rights independent from the State of New York and must protect and preserve the Sovereignty of our Great Nation against all attempts, intrusions and threats from New York State to illegally extend its civil regulatory laws upon reservation activities; and

**WHEREAS**, the Seneca Nation is protected against state taxation by virtue of our Treaties including the **1842 Buffalo Creek Treaty**, Article 9 that specifically states that our Territory is free “from all taxes and assessments for roads, highway or any other purpose”; and

**WHEREAS**, the Seneca Nation is greatly concerned that New York State has again taken unconstitutional action to erode the sovereignty of the Nation and in doing so will severely damage the economy of the Seneca Nation and its businesses by passing regulations to collect taxes on the Nation Territories; and

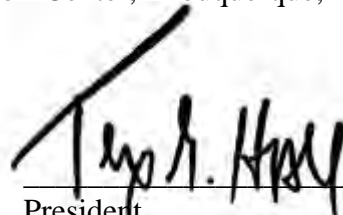
**WHEREAS**, the Seneca Nation in defense of their Sovereignty must convince New York officials to abandon their unconstitutional plans to force the Nation and Indian retailers to collect state taxes contrary to the New York Convenience Stores case that has held regarding Indian Reservation sales that “since Indian Tribes possess substantial attributes of sovereignty...notably, “Indian tribes have immunity from suit and cannot be sued to accomplish tax collection. This immunity extends to Tribal retailers” (Sconiers Decision of May 16, 1997) and this immunity also extends to our Tribal Membership.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support Seneca Nation development of an on-going state wide strategy to convince NYS leaders through an anti-tax campaign in order to protect the Treaties of the Seneca Nation, and further to protect the Sovereignty and the rights of our Great Nation, and in so doing, shall put forth a Resolution to the United South and Eastern Tribes (USET) requesting ongoing support from the USET Nations; and

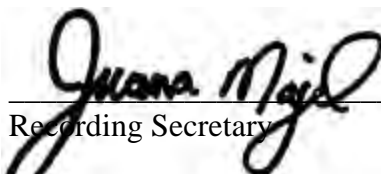
**BE IT FURTHER RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted at the 60<sup>th</sup> 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:**

  
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Recording Secretary

Adopted by the General Assembly during 60<sup>th</sup> Annual Session of the National Congress of American Indians, held in Albuquerque, New Mexico, from November 17-21, 2003.