



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-06-019

TITLE: Supporting the Havasupai Indian Tribe in their Claim Against the Arizona Board of Regents Regarding the Unauthorized Use of Blood Samples and Research

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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, that NCAI supports the efforts of the Havasupai Indian Tribe to protect against unauthorized genetic research on its Members and other indigenous populations; and

WHEREAS, the Havasupai claim that Arizona State University (ASU) used blood samples taken from its Members for diabetes prevention and treatment to conduct research on schizophrenia and inbreeding, stigmatizing the Havasupai people, damaging their dignity and causing them emotional harm; and

WHEREAS, the Havasupai claim that ASU also used Havasupai blood samples to attempt to prove that the Havasupai and all American Indians are not indigenous to the North American continent and are the descendants of an Asian migratory population, which is contrary to the traditional spiritual beliefs of the Havasupai Tribe; and

WHEREAS, the Havasupai claim that ASU never informed the Tribe or its members that their blood would be used for any purpose other than diabetes prevention and treatment; and

WHEREAS, that NCAI recognizes that the genetic information of isolated indigenous populations like the Havasupai is valuable to research institutions as well as the medical and pharmaceutical industries. Further, tribes have a right to informed consent regarding research projects on their members, and should be afforded a right to negotiate for a share of the benefits from such research, such as patents and medical benefits; and

WHEREAS, the Havasupai claim that ASU intentionally deceived the Havasupai Tribal Council in order to obtain access to the Tribe's valuable genetic information, enriching ASU researchers and their affiliates, and depriving the Tribe of any benefit from said research; and

WHEREAS, the Havasupai Indian Tribe filed a lawsuit against ASU on behalf of its members alleging, *inter alia*, fraud, negligence and infliction of emotional distress, and dignitary harm. The Havasupai's action against ASU is a case of first impression with implications for the rights of all Indian tribes, and the Havasupai seeks resolutions of moral support from Indian tribes and inter-tribal organizations; and

WHEREAS, the costs of litigation have imposed a financial burden on the Havasupai Tribe, which does not engage in gaming and does not have significant financial resources; the Havasupai has established a Public Relations Fund and a Legal Defense Fund to proceed with its litigation and vindicate its rights; and

WHEREAS, NCAI supports the Havasupai Indian Tribe litigation because many tribes have been similarly affected, and the case may set precedent that affects the rights of all Indian tribes.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby issue this resolution of support for the Havasupai Indian Tribe in its efforts to protect its Members against unauthorized research on their blood. Further, the NCAI opposes all unauthorized genetic research on Native American populations by Arizona State University or its affiliates or any unauthorized genetic research by any individuals or institutions; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Governor of the State of Arizona to investigate the claims of the Havasupai Indian Tribe and to confer with the Arizona Board of Regents to ensure that the Havasupai's claims are addressed promptly and appropriately; and

BE IT FURTHER RESOLVED, that NCAI calls upon Arizona Board of Regents and the President of Arizona State University to publicly address the Havasupai's claims and to compensate the Tribe and its members for any and all injuries to the Tribe or benefits received by ASU or its affiliates resulting from its genetic project at Havasupai; and


BE IT FURTHER RESOLVED, that NCAI calls upon Arizona Board of Regents and the President of Arizona State University to ensure that ASU policies and procedures protect Indian tribes and tribal members against unauthorized genetic research without prior written consent; and

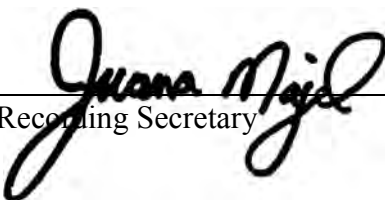
BE IT FURTHER RESOLVED, that NCAI admonishes Arizona State University and the State of Arizona for the apparent fraud on the Havasupai Indian Tribe by knowingly misrepresenting the purpose of the blood draws as diabetes testing in order to get access to the Tribe's genetic material; and

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 2006 63rd Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center in Sacramento, California on October 1-6, 2006, with a quorum present.



President**ATTEST:**

Recording Secretary