



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-016

TITLE: Urging Congress to Amend the Alaska Native Vietnam Veterans Allotment Act to Obtain Allotments within the State of Alaska

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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, since 1906, Alaska Natives have had the right to obtain allotments of land under the Alaska Native Allotment Act that was repealed in 1971 by the Alaska Native Claims Settlement Act, but with a saving clause for pending applications; and

WHEREAS, before the 1971 repeal of the Alaska Native Allotment Act, few allotment applications had been filed or approved because most rural Alaska Natives did not learn of the opportunity for an allotment until 1970 when the federal government initiated an effort to inform and assist potential allotment applicants; and

WHEREAS, many Alaska Native Vietnam era veterans did not have the opportunity to apply for allotments before the Alaska Native Allotment Act was repealed because they were serving in the military; and

WHEREAS, Southeast Alaska is within the Tongass National Forest and the Glacier Bay National Park – all of which restricts “any” Southeast Alaska Native veterans from reclaiming their land (allotment); and

WHEREAS, the United States Congress enacted the Alaska Native Vietnam Veterans Allotment Act, in 1998 to allow certain veterans a chance to apply for allotments, but the numerous restrictions in this Act, have unfairly disqualified the majority of the applications filed and discouraged many from applying; and

WHEREAS, amendments to the Alaska Native Vietnam Veterans Allotment Act that provide a fair opportunity for Alaska Native Vietnam veterans to obtain allotments were previously introduced in the United States Congress to remove many of the obstacles preventing Alaska Native Vietnam veterans from obtaining an allotment; and

WHEREAS, Basic justice will also be served by the Congress's enacting legislation that will allow approximately 300 allotment cases closed under the federal court decision in *Shields v. United States*, 698 F.2d 987 (9 Cir., 1983), to be reopened and approved; and

WHEREAS, given that land in Southeast Alaska was withdrawn for the Tongass National Forest by 1909 and that allotment applications are required to "use" land claimed for an allotment before that land was withdrawn has resulted in an unfair distribution of allotments statewide, with few in Southeast Alaska; and

WHEREAS, the federal court, in *Shields v. United States*, decided that the "use" requirement meant the applicant's personal use of the land before it was withdrawn, not use by the applicant's ancestors. "Use" should be defined by Congress to include ancestral use.

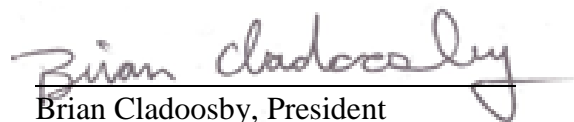
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges Congress to pass legislation which amends the Alaska Native Allotment Act and the Alaska Native Vietnam Veterans Allotment Act in order to allow and to provide fair opportunity for more allotments for Native Vietnam veterans regardless of discharge status and to take actions that would move such legislation forward to a vote in 2015; and

BE IT FURTHER RESOLVED, NCAI urges Congress to enact legislation that would reopen and legislatively approve allotments in the Tongass National Forest that were closed under the decision in *Shields v. United States*; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary