



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PSP-09-078

### TITLE: Support of Congressional Settlement of Grand Coulee Dam Claims

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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 construction and operation of Grand Coulee Dam on the Columbia River destroyed and continues to injure scarce Tribal resources without payment of fair compensation to the Spokane Tribe for its losses; and

**WHEREAS**, the Spokane Reservation boundaries expressly include the entire adjacent riverbeds of the Columbia and Spokane Rivers; and

**WHEREAS**, construction of the Grand Coulee Dam flooded 40 miles of the Reservation and its river boundaries, inundated valuable power sites available to the Spokane Tribe and cut off fish migration to the Spokane territory; and

**WHEREAS**, while the nation and the region received enormous benefits from the construction and operation of Grand Coulee Dam, the Spokane Tribe suffered devastating impacts on their culture, lands, resources, and economy; and

**WHEREAS**, Grand Coulee generates approximately one billion annually, the Spokane Tribe has received only \$4,700 in compensation for its losses, despite repeated promises by the United States to fairly compensate the Spokane Tribe; and

**WHEREAS**, Grand Coulee makes a critical contribution to the operational flexibility and reliability of the Federal Columbia River Power System; and

**WHEREAS**, in 1992, the U.S. Court of Claims ruled that the United States was liable to the neighboring Colville Confederated Tribes for failing to deal “fairly and honorably” with the Colville tribes by keeping the power value of the river and Grand Coulee Dam to itself, which resulted in Congress enacting the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (P.L. 103-436; 108 Stat. 4577, 103<sup>rd</sup> Congress, November 2, 1994) to provide \$53 million lump sum payment and \$15 million in annual payments in perpetuity to the Colville tribe in settlement of their claims; and

**WHEREAS**, the Colville and Spokane Tribes suffered from identical dishonorable and unfair dealings at the hands of the United States, but because the Spokane Tribe in 1967 had acted in cooperation with the United States to settle its Indian Claims Commission Act case, unaware the United States would later use that settlement as a defense against payment of fair compensation to the Tribe and in reliance on continued negotiations with the United States, the tribe did not file a claim; and

**WHEREAS**, when the Colville Settlement Act was passed by Congress, there was opposition by the Administration to settlement of the Spokane Tribes claims and the Spokane Tribe honored a request by the Colville Tribe to defer Spokane Tribe’s claims so as not to jeopardize the Colville settlement; and

**WHEREAS**, Congress in passing the 1994 Colville Settlement Act, included language in the House Report and Senate colloquy, directing the Departments of the Interior and Justice to negotiate with the Spokane Tribe to settle the Tribe’s claims on its own merits; and

**WHEREAS**, in the thirteen years following enactment of the Colville Settlement Act and approval of the settlement in the Senate in 2004, approval by the House of Representatives in 2005, the United States has still failed to fairly and honorably address and settle the claims of the Spokane Tribe; and

**WHEREAS**, there is ample precedent for a Congressional settlement of the Tribe’s claims in these circumstances.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby believe it is grossly unjust and dishonorable for one tribe to be compensated while a similarly affected neighboring tribe is not, the federal government breached its trust obligations to the Spokane tribe. In the strongest possible terms, we urge the United States Congress to pass a Spokane Tribe Settlement Act so that a fair and equitable settlement of the Tribe’s claims can be reached. Any such settlement must involve payment for past and future power revenues and a return of lands taken from the Tribe by the United States for the project; 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 by the General Assembly at the 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary