



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-10-004

TITLE: Pit River Tribe, California, Petition for the State of California to Retrocede Jurisdiction to the United States

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 Pit River Tribe, California (Includes the XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) is a federally recognized Indian tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), codified at 25 U.S.C. 476, et seq., as amended, by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, the Pit River Tribe, California (“TRIBE”) is composed of eleven autonomous bands located in Northeastern California since time immemorial, as follows: 1) Atwamsini, 2) Atsugewi, 3) Astarawi, 4) Aporige, 5) Ajumawi, 6) Hewisedawi, 7) Illmawi, 8) Itsatawi, 9) Kosaealekte, 10) Hamawi, and 11) Madesi; and

WHEREAS, the TRIBE is represented and governed by the Pit River Tribal Council (“COUNCIL”), a body who is duly elected under the Constitution of the Pit River Tribe, adopted on Sunday, 16 August 1987, and approved by the Assistant Secretary of the Interior-Indian Affairs, on Thursday, 3 December 1987; and

WHEREAS, the COUNCIL is empowered by Articles VII of the Constitution to enact all ordinances and resolutions, which shall be necessary and proper for carrying into effect the tribal council’s powers and responsibilities, contracting with federal, state and tribal agencies, private enterprises, individuals and organizations; and

WHEREAS, the COUNCIL passed resolution 10-07-19 on Thursday, 15 July 2010 petitioning the State of California (“STATE”) to retrocede jurisdiction under Public Law 83-280, as amended (25 United States Code (U.S.C.) §1323) to the United States, restoring freedom to the TRIBE, and supporting the sovereign actions of the COUNCIL; and

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NCAI HEADQUARTERS

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WHEREAS, 25 U.S.C. §1323 provides for the retrocession of jurisdiction by the STATE, allowing the United States to accept retrocession by the STATE of all or any measure of the criminal or civil jurisdiction, or both, acquired by such STATE pursuant to the provisions of Section 1162 of Title 18, Section 1360 of Title 28; and

WHEREAS, the U.S. Department of Justice issued a final report entitled, “Final Report- Law Enforcement and Criminal Justice under Public Law 280,” on Thursday, 1 November 2007, co-authored by Carole E. Goldberg, Professor of Law, University of California, Los Angeles, and Duane Champagne, Professor of Sociology, University of California, Los Angeles, which finds tribal reservations under Public Law 83-280, as amended, to encompass one-fourth of the reservation based tribal populations; and

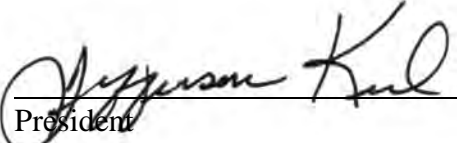
WHEREAS, the University of California, Los Angeles, School of Law, Tribal Legal Development Clinic has provided legal assistance to either amend or revise the constitution of the Pit River Tribe, California, on tribal courts and law enforcement and under the leadership and noted authorities of Professor Carole Goldberg and Professor James Kawahara, regarding Public Law 83-280, as amended.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the petition of the Pit River Tribe, California, for the State of California to retrocede jurisdiction under Public Law 83-280, as amended, to the United States; and

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

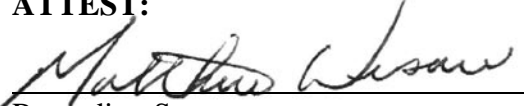
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on November 14-19, 2010, with a quorum present.



 President

ATTEST:



 Recording Secretary