The National Congress of American Indians
Resolution #REN-08-018

TITLE: Wabanaki Tribes and Their Respective Settlement Act Amendments

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, United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-five (25) federally recognized Tribes; and

WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and

WHEREAS, the history and Tribal governmental relations of North America and the United States began in the Northeast as early as the sovereign agreements of the 1537 Sec Dilexit and the 1610 Vatican Concordant with the Wabanaki which includes, the Maliseet, the Micmac, the Passamaquoddy and the Penobscot; and

WHEREAS, these Tribes and Bands in 1980 and 1991 entered into agreements to resolve the largest land claim in the history of the United States exceeding well over $25 billion, removing a cloud of ownership of over two-thirds of the entire State of Maine; and

WHEREAS, this agreement with the United States was to protect the Maine Tribes from acculturation and offer protections against this result being imposed by outside entities; and

WHEREAS, Congress explicitly recognized the Wabanaki as separate and apart from the towns and cities of the State of Maine and accepted that the Wabanaki control all internal matters; and

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WHEREAS, the Wabanaki Tribes were to receive full benefits, services and protections of the United States as federally recognized sovereign Tribes to the highest degree of trust fiduciary responsibility; and

WHEREAS, over the last 28 years, there has been a tendency to drift back to the pre-settlement era of suppressive conditions of the State's authority, including the State's redefining the Tribes' sovereignty, jurisdiction and internal Tribal matters; and

WHEREAS, misleading elements beyond those negotiated in 1980 have been applied to the Tribes in the State via legislation, court and within the application and functions of State-Tribal relations well beyond the scope of the Federal and State Settlement Acts; and

WHEREAS, the Trust relationship of the United States has been suppressed and distorted to such an extent that oppressive laws passed by the Congress apply where beneficial laws do not apply, as well, the same pattern exists with respect to the laws of the State; and

WHEREAS, State and Federal courts have disregarded the Federal Acts' intent and truest meaning of the definition of Wabanaki Tribes in being federally recognized sovereign Tribes and Tribal Governments; and

WHEREAS, the Wabanaki Tribes have commenced amending the Maine Implementing Act to uphold the rights of Tribal self-governance in the fullest intent of being a federally recognized sovereign Tribe(s); and

WHEREAS, the Secretary of Interior in carrying out the trust responsibilities of the United States in protecting the Wabanaki Tribes is required to intercede and curtail the behavior of any governmental entity imposing their will on Tribes in any form that diminishes the powers of the Tribal Government; and

WHEREAS, the Wabanaki Tribes cannot continue to maintain such a system that has failed to be a model for all Tribes nationwide, when powers of government are constantly challenged in the courts and legislature of another sovereign, the State, corrupts the basic foundation of each of the Wabanaki Tribes; and

WHEREAS, this type of suppression committed against the Wabanaki population manifests itself in the lack of service, poverty, illness, shortened like expectancy, and general welfare of the Tribes as resources need to be dedicated to ward off State and private party infractions and injustices; and

WHEREAS, the President and the Congress implicitly agreed to alleviate substandard living conditions in Wabanaki Indian Country as part of the Settlement Agreement; and

WHEREAS, USET is very concerned that the unique Trust Relationship of the American Indian Tribes and the United States is being seriously compromised and irreparably damaged as a result of insufficient Federal support and involvement in carrying out and supporting essential Wabanaki Tribal governmental functions; and

WHEREAS, the only solution for government-to-government relations of the Wabanaki Tribes and the United States is for the U.S. Congress and Department of Interior to become fully engaged in supporting the Tribes against all individual State actions detrimental to Tribal Governmental rights.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby respectfully request that the U.S. Department of Interior be called upon to intercede on behalf of the Wabanaki Tribes, to immediately notify the State of Maine of the Departmental responsibilities in protecting the Wabanaki Tribes from any State legislative or judicial impacts to Tribal governments and that the Secretary shall carry out to the highest degree that trust fiduciary responsibility of the United States Government in protecting the Wabanaki Tribes; and

BE IT FURTHER RESOLVED, that the Senate Committee on Indian Affairs; the House Interior, Environment and Related Agencies Subcommittee and National Indian Organizations shall be notified of the action with supporting legislation if necessary to meet the needs of the Wabanaki Tribes being federally recognized sovereign Tribes having protection, services and benefits as agreed to 28 years ago without interference from any entity; and

BE IT FURTHER RESOLVED, that the NCAI shall do everything possible to immediately work with the Bush Administration, Congress and future Administrations to implement this resolution to ensure, "What has happened in the past will never happen again" as was a significant part of the Administration and Congressional intent in their agreement with the Wabanaki Tribes of Maine; and

BE IT FURTHER RESOLVED, that NCAI strongly urges the Governor and Legislature of the State of Maine to recognize the governmental authority of the Wabanaki Tribes and to support amendments to the Maine Implementing Act that will protect the authority of the Wabanaki Tribes to govern their reservations in a manner similar to other federally recognized tribes; 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 2008 Mid-Year Session of the National Congress of American Indians, held at John Ascuaga's Nugget Hotel and Casino in Reno, Nevada on June 1-4, 2008, with a quorum present.

President

ATTEST:

Recording ~~Secretary~~