



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MOH-17-057

### **TITLE: Opposing any Diminishment or Disestablishment of any Indian Reservation or Indian Lands**

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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**, under Supreme Court precedent, consistent with the United States' longstanding position on this issue, and as recognized by the Department of the Interior, the original boundaries of a reservation remain intact unless Congress clearly evidences an intention to diminish that reservation; and

**WHEREAS**, the Supreme Court reaffirmed this principle in 2016 with its unanimous decision written by Justice Thomas in *Nebraska v. Parker*; and

**WHEREAS**, NCAI previously resolved to oppose any diminishment or disestablishment of any Indian reservation of Indian lands in the United States in Resolution # SD-02-071; and

**WHEREAS**, in various states throughout the United States, local and state governments continue to bring legal action against Indian tribes to diminish and disestablish reservation lands and boundaries; and

**WHEREAS**, these pernicious lawsuits continue to threaten the culture, the future, the economic development, self-sufficiency, self-determination, and sovereignty of each of the targeted tribes, and drain precious tribal resources; and

**WHEREAS**, these additional attempts to disestablish reservations by local and state government sponsored litigation not only injure specific tribes but also are an assault on all of Indian Country and every Indian tribe.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians reaffirms and restates its Resolution # SD-02-071 strongly opposing the diminishment or disestablishment of any Indian reservation or Indian lands in the United States; and

**BE IT FURTHER RESOLVED**, that the NCAI hereby resolves that the original boundaries of a reservation must remain intact unless Congress clearly evidences an intention to alter the boundaries with the free, prior and informed consent of the affected Tribal Nation; and

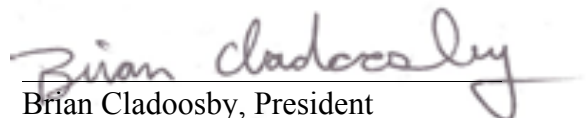
**BE IT FURTHER RESOLVED**, that the NCAI urges its member tribes to be vigilant to this nefarious effort and assist tribes in their defense; and

**BE IT FURTHER RESOLVED**, that the NCAI urges the federal government, including but not limited to the US Department of Interior, the US Department of Justice, the US Environmental Protection Agency, and the US Department of Energy, to fulfill its treaty and trust obligations and vigorously oppose any diminishment or disestablishment of Indian reservations or Indian lands in the United States and assist tribes in their defense; and

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

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.

  
Brian Cladoosby, President

ATTEST:

  
Aaron Payment, Recording Secretary