



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-019

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TITLE: Seeking Presidential Action to Achieve Justice and Reconciliation with Respect to Sacred Places in Indian Country

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 Black Hills are the sacred lands of the Oceti Sakowin or Seven Council Fires of the Great Sioux Nation; and

WHEREAS, the 1851 Treaty with the Sioux Nation recognizes the Black Hills as an essential part of the original homeland of the Sioux Nation; and

WHEREAS, the Great Sioux Nation fought and won the Powder River War in 1867 to protect our sacred lands in the Black Hills and the Powder River country; and

WHEREAS, the 1868 Treaty with the Great Sioux Nation reserves the Black Hills for “the absolute and undisturbed use” of the Sioux Nation as an essential part of our “permanent home”; and

WHEREAS, in the 1868 Treaty, the United States pledged its honor that War shall Forever Cease; and

WHEREAS, the United States violated the Treaty and sent three Armies against the Great Sioux Nation, and after General Crook was defeated at the Battle of the Rosebud and Custer was defeated when the Seventh Cavalry attacked our Sioux and Cheyenne village at the Battle of the Little Big Horn, Congress violated our 1868 Treaty and the U.S. Constitution by unlawfully “taking” the Black Hills;

WHEREAS, in *United States v. Sioux Nation*, 448 U.S. 371 (1980), the Supreme Court held that the unconstitutional “taking” of the Black Hills in violation of the 1868 Treaty was “the most ripe and rank case of dishonorable dealing” in American history; and

WHEREAS, the United States offered only money for the Black Hills, and the Sioux Nation has rejected a mere monetary settlement and calls upon the United States to begin the return of the Federal lands in the Black Hills, yet for 40 years, the United States has not acted to bring about justice for the Sioux Nation in the Black Hills; and

WHEREAS, many tribal nations have similar histories of federal takings of sacred places with historic and cultural significance.

NOW THEREFORE BE IT RESOLVED that the NCAI calls upon the Office of the President to issue an Executive Order to begin the process to work towards justice and reconciliation, on a nation to nation basis through mutual consent, for federal takings of sacred places with historic and cultural significance, such as in the Black Hills with the Great Sioux Nation (Oceti Sakowin or Seven Council Fires of the Great Sioux Nation); and

BE IT FURTHER RESOLVED that the NCAI calls upon the President to work through a nation-to-nation dialogue to establish a Presidential—Sioux Nation (Oceti Sakowin or Seven Council Fires of the Great Sioux Nation) Commission on the Black Hills comprised of the White House, the elected tribal leaders and traditional leaders of the Sioux Nation, and the Secretaries of Interior and Agriculture to convene to work out a process for the return of Federal lands in the Black Hills and justice for the Sioux Nation in the Black Hills to develop a legislative proposal, by mutual consent, for presentation during the next session of Congress; and

BE IT FURTHER RESOLVED that the NCAI calls upon the next U.S. Presidential Administration to direct the Secretaries of the Interior and Agriculture to review Federal lands in the Black Hills with the Sioux Nation and elsewhere in Indian Country where similar takings have occurred, and identify unoccupied lands, not essential to agency missions, and begin an immediate return of these surplus lands to the respective tribal nations; and

BE IT FURTHER RESOLVED that the NCAI calls upon the Office of the President to immediately authorize a contract by the Forest Service to transition USFS management of the Black Elk Wilderness to the Sioux Nation for management of the Black Elk wilderness under a Sioux Nation forestry division; and

BE IT FURTHER RESOLVED that the NCAI calls upon the Office of the President to immediately authorize a contract by the National Parks Service to contract the National Parks Service management of Wind Cave National Park to the Sioux Nation for management of Wind Cave by the Sioux Nation as a Tribal National Park; and

BE IT FURTHER RESOLVED that the NCAI calls upon the President to immediately begin a process to work with the Sioux Nation and other tribal nations to achieve justice and reconciliation with respect to sacred lands, such as the Black Hills; and

BE IT FURTHER RESOLVED that NCAI calls upon the State of South Dakota and Pennington County to cease and desist excessive prosecutions of tribal member protestors in the Black Hills, and opposes similar actions by other states and local governments; 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 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary