



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MSP-15-044

TITLE: Reaffirmation of Tribal Government Trust 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, in February of 2009, the U.S. Supreme Court in *Carcieri v. Salazar* held that the United States Department of Interior can only take land into trust pursuant to the Indian Reorganization Act for those Tribes “under Federal jurisdiction” on June 8, 1934; and

WHEREAS, NCAI recognized not only the immediate harmful impact of the *Carcieri* decision, but also its potential to serve as the basis for additional adverse decisions, and therefore made and continues to make passage of a *Carcieri* fix one of its highest priorities; and

WHEREAS, regrettably, the *Carcieri* decision has led to additional adverse decisions that challenge the stability of current Tribal landholdings including *Match-E-Be-Nash-She-Wish Band of Pottawatomi v. Patchak*, which allowed retroactive challenges to land into trust decisions, and *Big Lagoon Rancheria v. California*, in which the Ninth Circuit held, in a case involving land taken into trust 20 years ago, that there is essentially no time limit on bringing such challenges; and

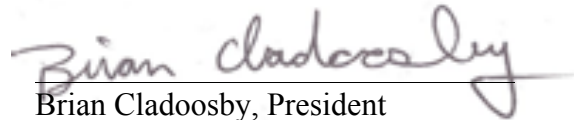
WHEREAS, in the case of one Tribe, the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake), Congress recognized the importance of restoring certainty to current Tribal trust land holdings by passing legislation reaffirming the status of that Tribe’s lands.

NOW THEREFORE BE IT RESOLVED, that the member Tribes of NCAI call on Congress to enact legislation that would reaffirm current trust lands for all federally recognized Indian Tribes in fulfillment of Congress’ intent through enactment of the Indian Reorganization Act; 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 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary