



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #RAP-10-042

**TITLE: Support for the Appeal of the Decision of the United States District Court for the Western District of Oklahoma, in Case No. CIV-09-1251R, Panther Partners, LLC, et al. v. The Honorable Phil Lujan, et al.**

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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**, the Comanche Nation (“the Nation”) is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, education and health status of its members; and

**WHEREAS**, the Comanche Business Committee is the duly elected official body designated to conduct business for and on behalf of the Nation pursuant to Article VI § 7(c) of the Comanche Constitution; and

**WHEREAS**, the United States District Court for the Western District of Oklahoma, in case No. CIV-09-1251R, Panther partners, LLC, et al. v. The Honorable Phil Lujan, et al, has erroneously ruled that the federal regulations limit the civil jurisdiction of the Court of Indian Offenses (CFR Court) in cases involving a non-Indian to cases brought exclusively by an individual Indian as defined by Federal Criminal Law, and thereby excluding an Indian Tribe from using such court to seek redress; and

**WHEREAS**, Federal regulations at 25 C.F.R. Sec. 11.102 declare that the court of Indian Offenses were established “to provide adequate machinery for the administration of justice for Indian Tribes in those areas of Indian country where tribes retain jurisdiction over Indians that is exclusive of State jurisdiction but where tribal courts have not been established to exercise that jurisdiction;” and

**WHEREAS**, excluding an Indian tribe as party to a suit involving a non-Indian frustrates one of the primary purposes for which the Court of Indian Offenses (CFR Court) to enforce its governmental authority to regulate or tax business activities occurring within its Indian Country jurisdiction such as gaming, natural resource production, commercial development, and retail transactions.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby respectfully request that the United States, through the Department of the Interior and the Department of Justice, to fulfill its trust responsibility to the Nation by protecting and defending the authority of the Courts of Indian Offenses as tribal courts to the same degree as recognized for all tribal courts under Federal Law; and

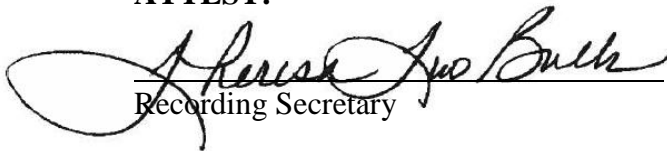
**BE IT FURTHER RESOLVED**, that the NCAI supports all tribes which utilize the Courts of Indian Offenses as their tribal courts, in urging the United States to protect and defend the authority of such courts as tribal courts to the same degree as recognized for all other tribal courts under Federal Law; and

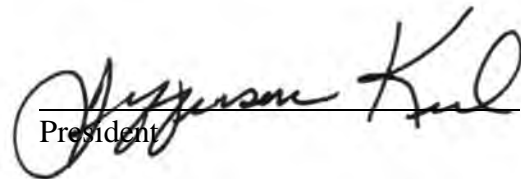
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Mid-Year Session of the National Congress of American Indians, held at the Rushmore Plaza Civic Center in Rapid City, South Dakota on June 20-23, 2010, with a quorum present.

**ATTEST:**

  
Recording Secretary

  
President