



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ABQ-19-024

### **TITLE: Supporting the Assertion of Tribal Treaty Rights to Seat a Delegate in the United States House of Representatives**

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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 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 Constitution of the United States, through Treaty, Commerce, Supremacy, and Apportionment Clauses and the 14<sup>th</sup> Amendment, recognizes the inherent sovereignty of Indian Tribes and Nations established prior to the United States; and

**WHEREAS**, through treaties, statutes, executive orders, and other legal agreements and laws, the United States took on many legal and moral obligations to Indian people in exchange for hundreds of millions of acres of land; and

**WHEREAS**, since its founding, NCAI has urged the United States government to fulfill treaty obligations and uphold the federal trust responsibility; and

**WHEREAS**, certain tribes have treaties that included the right to be represented by a delegate in the U.S. House of Representatives; and

**WHEREAS**, for example, Article 7 of the Cherokee Nation's 1835 Treaty of New Echota with the United States states "The Cherokee Nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives in the United States whenever Congress shall make provision for the same;" and

**WHEREAS**, for example, in addition to explicit language in Article 7 of the 1835 Treaty of New Echota, the Cherokee Nation's first treaty with the United States, the 1785 Treaty of Hopewell, also includes the right to a congressional deputy in Article 12 and the 1866 Treaty with the Cherokee Nation, affirms the Cherokee Nation's right to a delegate in Article 31; and

**WHEREAS**, for example, in 2017, the United States District Court for the District of Columbia ruled that the rights and obligations established under the 1866 Treaty remain in effect for the Cherokee Nation and the United States; and

**WHEREAS**, for example, Cherokee Nation recently exercised the Nation's treaty right by appointing its first Delegate under Section 12 of the Cherokee Nation Constitution, which requires the Principal Chief to appoint a Delegate to the United States House of Representatives and that delegate is to be confirmed by the Council of the Cherokee Nation to Congress.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) fully supports the exercise of tribal treaty rights, including the seating of a Delegate in the U.S. House of Representatives where promised, and calls upon the House of Representatives to fulfill its obligation to tribal nations, including the Cherokee Nation by seating its named Delegate in Congress; 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 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



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Fawn Sharp, President

**ATTEST:**



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Juana Majel Dixon, Recording Secretary