

NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #FTL-04-021



TITLE: Support for Alaska Tribal Sovereignty

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 and their way of life, 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, at the 60th NCAI Convention, in the wake of congressional riders that limited the ability of Alaska Tribes to directly receive Tribal funding for law enforcement and Tribal Court institutions, NCAI adopted Resolution # ABQ-03-045 which: (1) condemns any initiative to terminate the federally recognized tribal status of Alaska Native villages, (2) calls upon all members of Congress to actively oppose any initiative to terminate the federally recognized tribal status of Alaska Native villages, (3) condemns all riders that would take funding away from Alaska Native tribes, (4) calls upon all members of Congress to actively oppose such riders, (5) calls upon the Department of the Interior and the Department of Justice to continue their active defense of the federally recognized tribal status of Alaska Native villages, and (6) supports the development of a constructive dialogue within the Alaska Native community and the Alaska Congressional delegation that maximizes the delivery of governmental services to Alaska Native people consistent with the principles of tribal self-determination for all Alaska Native villages; and

WHEREAS, the NCAI has consistently opposed the development of federal Indian policy through appropriations riders, which are being used without consultation to incrementally reduce Tribal funding and diminish Tribal sovereignty; and

WHEREAS, the NCAI and its member Tribes support Alaska Tribes' opposition to "regionalization," a concept which includes the forced re-direction of federal funding and authority from individual Tribes to regional or other organizations or to the State of Alaska; and

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WHEREAS, since the adoption of Resolution #ABQ-03-045 another rider was passed by Congress, Sec. 112 to FY04 Consolidated Appropriations Act of HR 2673, without tribal consultation and opposed to by Alaska tribes which established an Alaska Rural Justice and Law Enforcement Commission and tasked the Commission with the job of making recommendations to Congress that will include "creating a unified law enforcement system, court system, and system of local laws or ordinances for Alaska Native villages and communities of varying sizes, including the possibility of first, second, and third class villages with different powers." This process for classifying tribes sets a precedent for a new federal Indian policy that can be applied later to all federally recognized tribes; and

WHEREAS, the Senate Appropriations Committee has also included another rider in the FY2005 proposed appropriation for the Indian Health Services, section 343, making permanent a moratorium prohibiting Alaska tribes from directly operating health care services under the Indian Self Determination Act; and

WHEREAS, a series of tribal forums convened throughout Alaska for the purpose of allowing tribes to discuss the issue of regionalization has led to a consensus among tribal leaders to oppose regionalization because it:

- Adversely affects Tribes' ability to deliver services to their tribal members and communities;
- Moves vital resources (including money, jobs, training and infrastructure needed to support Tribal governments) out of tribal communities; and
- Will affect Tribes nationally by establishing a precedent for the treatment of Tribal governments; and

NOW THEREFORE BE IT RESOLVED that the NCAI, in convention assembled in Ft. Lauderdale, Florida this 15th day of October 2004, hereby reaffirms NCAI Resolution # ABQ-03-045; and

BE IT FURTHER RESOLVED that the NCAI supports Alaska Tribes in their opposition to regionalization and the incremental diminishment of tribal self-determination and sovereignty, and is opposed to any diminishment of rights for all tribes; and

BE IT FURTHER RESOLVED that the NCAI directs staff to:

- (1) Call upon all members of Congress to actively oppose any riders that alter existing law;
- (2) Actively oppose through all available means regionalization and any diminishment of tribal rights before members of Congress and the Executive Branch;
- (3) Call upon members of Congress to restore local Tribal funding for law enforcement and Tribal Courts, and to repeal funding changes enacted in fiscal year 2004, and
- (4) Work with and educate all NCAI member tribes about the issues in this resolution and seek their active support to work with their delegations to oppose regionalization and any diminishment of tribal rights in Alaska.

CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.

President

ATTEST:

Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center, in Fort Lauderdale, Florida.