



UNITED SOUTH AND EASTERN TRIBES, INC.


USET Resolution No. 2005:054


REQUEST TO UPHOLD THE NONINTERCOURSE ACT

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** Indian Tribes are sovereign indigenous nations, with rights of self-government pre-dating the United States; and
- WHEREAS,** the Constitution of the United States, treaties, statutes, and executive orders acknowledge the sovereign status of Indian Tribes as governments and the rights of Indian Tribes to the free use and enjoyment of their lands; and
- WHEREAS,** the Oneida Indian Nation is a member of USET and a federally-recognized Indian Nation with a reservation situated in upstate New York; and
- WHEREAS,** the Oneida Indian Nation, over the past twenty years, has reacquired approximately 17,000 acres of land located within the boundaries of it's reservation; and
- WHEREAS,** several local governments have initiated foreclosure proceedings for nonpayment of property taxes against lands owned, possessed and controlled by the Oneida Indian Nation; and
- WHEREAS,** the efforts of said local governments to foreclose upon and seize the lands of the Oneida Indian Nation clearly violate the Nonintercourse Act (25 U.S.C. § 177), which expressly prohibits the transfer, conveyance or dispossession of any lands owned and possessed by an Indian Tribe without the prior approval of Congress; and
- WHEREAS,** in June 2005, an official within the Bureau of Indian Affairs issued a letter expressing his opinion that the lands owned by the Oneida Indian Nation are not restricted against alienation and are not protected by the Nonintercourse Act; and
- WHEREAS,** the views expressed by this BIA official are: (a) inconsistent with the plain and express language of the Nonintercourse Act, (b) cannot be reconciled with longstanding policies and practices of the United States Department of the Interior requiring congressional approval prior to the conveyance of any land owned by an Indian Tribe, and (c) threaten the status and property rights of numerous Indian Tribes across the United States; therefore be it
- RESOLVED** that USET calls upon the United States Department of Interior to withdraw and correct its erroneous determination that the lands owned and possessed by the Oneida Indian Nation are not restricted lands; and, be it further
- RESOLVED** that the USET Board of Directors calls upon the United States Department of Interior and the Bureau of Indian Affairs to uphold, enforce and abide by the Nonintercourse Act.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting at which a quorum was present in Mashantucket, CT, on Thursday, June 30, 2005.


Keller George, President
United South and Eastern Tribes, Inc.


Eddie L. Tullis, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”