



National
Congress of
American
Indians

May 20, 2020

The Honorable David L. Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Bernhardt,

It is with much thought and deliberation that the undersigned Tribal organizations write to request the immediate removal of Assistant Secretary for Indian Affairs (AS-IA) Tara Mac Lean Sweeney from her post. Our solemn conclusion that this must occur is based on the consistent and repeated failures of Assistant Secretary Sweeney to honor and uphold the federal government's trust obligation to Tribal Nations.

The position of AS-IA carries with it sacred, critically important responsibilities, including a deep and thorough understanding of the foundation and principles of the diplomatic relationship that exists between Tribal Nations and the United States. Additionally, the AS-IA is responsible for the promotion, protection, and advancement of the inherent sovereignty of Tribal Nations; meaningful consultation; the restoration of Tribal homelands; and the prioritization of increased funding for Indian Country, among other duties. In addition, the AS-IA is to act as a voice for Indian Country within and outside the Administration. It is always our expectation that any AS-IA ethically and faithfully execute these duties in a way that seeks, to the greatest extent possible, to fully deliver upon the federal government's responsibilities and obligations to Tribal Nations and Native people. During her confirmation hearing, AS-IA Sweeney promised "to make decisions in consultation" with Tribal Nations and their leaders, as well as recuse herself "from any matters regarding Arctic Slope Regional Corporation.....because it is the right thing to do." She also stated for the hearing record that she would "lead Indian Affairs according to our mission, which is

ensuring the federal government is fulfilling its responsibility of [Tribal] sovereignty and self-determination.” Since assuming her official duties on July 30, 2018, she has broken these promises over and over again.

On her first day in office, Sweeney immediately signed a decision to reverse the Department of the Interior’s (Interior) action to acquire trust lands and set aside a reservation for the Mashpee Wampanoag Tribe (Mashpee). She then oversaw Interior’s subsequent withdrawal from litigation in support of Mashpee’s rights to land, failed to protect a critical legal opinion which supported Mashpee in its ongoing court battle to maintain a permanent homeland for its people, and – just days after the United States declared COVID-19 a national pandemic, and before the court had issued any decision requiring Interior to take Mashpee’s lands out of trust status – Sweeney took actions to disestablish Mashpee’s reservation entirely. This type of unilateral assault on Tribal lands has not occurred since the Termination Era more than 60 years ago.

AS-IA Sweeney also failed to protect and preserve the lands rights of the Tohono O’odham Nation. For several years, Interior has refused to require its sister agencies to seek the necessary Tribal consent to develop infrastructure on Tohono O’odham lands and instead has worked to support waivers of such rights. These actions recently resulted in the desecration of unmarked ancestral burial sites, an enduring harm to Native peoples which can never be undone. This lack of basic respect for the sovereign rights of the Tohono O’odham Nation is inexcusable and occurred under AS-IA Sweeney’s watch.

More recently, charged with a large public trust, Sweeney unethically sought to divert emergency Tribal government resources to state-chartered, for-profit corporations, including her former employer and her husband’s client – a wealthy Alaska Native corporation for which he is a registered lobbyist. At the very least, and consistent with her oath to protect and preserve the public trust and to uphold the United States’ treaty and trust obligations to Tribal Nations, she should have recused herself from any decision-making process within Interior regarding this issue. Instead, she has led the charge to divert precious resources allocated to Tribal governments from within, which has resulted in one of the largest litigation efforts brought by Tribal Nations against the United States in recent history.

Finally, at the same time she seeks to enrich Alaska regional and village corporations, she seeks to deny Alaska Native villages inclusion as part of “Indian country,” standing by as Interior continues to deny Alaska Native villages their statutory and regulatory rights to acquire land in trust status via the Alaska Indian Reorganization Act and its incorporation of the Indian Reorganization Act of 1934.

Despite repeated promises made to “learn...from Indian Country through consultation,” and “aggressively advocate” for Tribal self-determination and sovereignty, she has neglected to properly engage with Indian Country throughout her tenure, refusing meaningful public interaction with Tribal Nations and advisory committees, and lacking availability for substantive policy discussions. From our perspective, her voice has been largely absent or silent in the policy-making process, and she has failed to be a strong advocate for our interests across the federal government. Meanwhile, in the face of a reckless breach and public distribution of confidential Tribal government data, AS-IA Sweeney is nowhere to be found. Her performance as AS-IA is not simply

careless or ineffectual, it appears to have become hostile, resulting in dangerous, anti-Tribal decisions being made and defended by the Executive Branch. As Ms. Sweeney herself has noted, her role, “as Assistant Secretary...[is to be] an advocate for Indian Country inside the Administration, inside the leadership of the department, but also across the Executive Branch.” We can point to few examples of Ms. Sweeney fulfilling this role as AS-IA.

Our organizations regret that circumstances require our insistence on AS-IA Sweeney’s removal from office, as many of us supported her nomination and had high expectations for her service. But we owe it to our member Tribal Nations, our children, and our ancestors to ensure that all AS-IAs uphold and faithfully execute the duties of office in a way that advances the authorities, capabilities, and interests of Tribal Nations. AS-IA Sweeney’s behavior is not representative of these objectives, making her unfit for this sacred charge. We urge her swift removal, as well as an immediate investigation into whether ethical or legal violations were committed in the course of deeming ANC’s eligible for government relief funds and the subsequent breach of Tribal data. It is our sincere hope that the execution of these requests will result in a more transparent and honorable partnership between the federal government and Tribal Nations. Thank you for your time and we look forward to swift action in response to these requests.

Sincerely,



Harold Frazier,
Chairman
Great Plains Tribal Chairmen’s Association



Aaron Payment
Acting President
Midwest Alliance of Sovereign
Tribes



Kirk Francis
President
USET Sovereignty Protection Fund



Frank Ettawageshik
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