



## United South and Eastern Tribes, Inc.

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### **USET Resolution No. 2014:054**

#### **FULFILLING THE OBJECTIVES OF THE WHITE HOUSE COUNCIL ON NATIVE AMERICAN AFFAIRS AND SUPPORTING ESTABLISHMENT OF A NATIVE NATIONS COUNCIL**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) 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 sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands, and
- WHEREAS,** the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and
- WHEREAS,** in the 1803 Louisiana Purchase Treaty with France, the United States promised to abide by existing Indian treaties between Indian nations and Spain, until the United States "by mutual consent" entered its own treaties with Indian nations; and
- WHEREAS,** Presidents, Congress, and the Supreme Court have repeatedly recognized Indian nations and Tribes, as original American sovereigns, with inherent sovereign authority over our citizens and territory; and
- WHEREAS,** the United States entered into more than 370 Indian treaties with Indian nations and Tribes, enacted numerous statutory agreements with Indian nations and Tribes, and issued numerous Executive Orders establishing Indian reservations and reserving Indian lands as "permanent homes" for Indian nations and Tribes; and
- WHEREAS,** Indian nations and Tribes reserved our original, inherent sovereignty and right to self-government through treaties and agreements with the United States; and
- WHEREAS,** in 1868, after 90 years of treaty-making with Indian nations and Tribes, the United States ratified the 14th Amendment, which repeated the Constitution's original reference to "Indians not taxed" and acknowledged the original jurisdiction of Indian nations and Tribes over our tribal citizens; and
- WHEREAS,** Indian nations and Tribes have recognized authority to govern our citizens, develop, manage, preserve and protect our lands and natural resources, regulate reservation commerce, impose taxes, and administer justice; and

- WHEREAS,** it is the policy of the United States to promote Indian Self-Determination; and
- WHEREAS,** the United Nations has ratified the U.N. Declaration on the Rights of Indigenous Peoples, acknowledging the right of Native peoples to autonomy and self-government within our lands and territories; and
- WHEREAS,** Indian nations and Tribes, USET, Midwest Alliance of Sovereign Tribes and other regional and national Indian organizations, including National Congress of American Indians and National Indian Gaming Association, called upon President Obama to issue a new Executive Order to establish a White House Council on Native Nations; and
- WHEREAS,** President Obama answered the call of Tribal Nations by issuing a new Executive Order establishing the White House Council on Native American Affairs on June 26, 2013; and
- WHEREAS,** the White House Council on Native American Affairs was established to coordinate policy among the federal government, with the goals and objectives of honoring Indian treaty rights and Indian sovereignty, promoting prosperous, sustainable, and resilient Tribal communities; supporting Indian education, Tribal youth, health care, and Tribal justice systems; protecting and preserving Indian lands, natural resources and the environment; and promoting sustainable economic development, including energy development, and Tribal job creation; and
- WHEREAS,** to ensure that the White House Council on Native American Affairs can achieve its objectives, it needs three essential ingredients in addition to the plan that the President outlined in the Executive Order:
- Tribal Leader Participation: Under the Unfunded Mandates Act, the President has authority to appoint Tribal government leaders to serve on a Native Nations Council, Tribal leader participation is essential to the success of the White House Council; accordingly, the President should call upon our Indian nations and Tribes through our 12 Bureau of Indian Affairs (BIA) Regions to nominate one Tribal leader to serve as a representative and one Tribal leader as an alternate to serve on a Native Nations Council that will work in partnership with the White House Council on Native American Affairs on intergovernmental issues; to educate the public about Indian treaties, agreements, laws, and executive orders, Indian sovereignty, and Tribal self-government; and to work directly with Tribal governments nationwide to be constantly informed of the priorities and needs of Indian country; and
  - Executive Director and Staff: Under Presidents Johnson and Nixon, the National Council on Indian Opportunity made great strides in Indian Policy because the policy initiatives of the National Council were followed through, substantiated, and made to happen through an Executive Director and staff. The President and the Secretary of the Interior should appoint an Executive Director, two deputy directors, and administrative support employees to staff the White House Council on Native American Affairs and those appointed should have substantial experience working with Tribal governments; and
  - White House Council on Native American Affairs Subcommittees: To address cross-cutting Indian policy issues that impact the jurisdiction of more than one federal department or agency, the White House Council on Native American Affairs should have several subcommittees to carry on the work of the Council in between its quarterly sessions, including the following:

***“Because there is strength in Unity”***

- Native Children, Youth, Families, Education and Housing; and
- Health Care, Mental Health Care and Suicide Prevention; and
- Indian Lands, Environment, and Natural Resources; and
- Energy, Economic Development, and Jobs; and
- Law Enforcement, Tribal Justice Systems, and Jurisdiction; and

**WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

**RESOLVED** the USET Board of Directors calls upon President Obama to issue a new Executive Order on Native Nations and a special message to Congress to recognize, acknowledge, and affirm the following:

- **NATIVE NATIONS:** The status of Indian Tribes as Native Nations endowed with inherent sovereign authority over our citizens and our territory;
- **THE CONSTITUTION:** the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native Nations established prior to the United States, with inherent sovereign authority over our members and our territory and the bi-lateral government-to-government relationship between the United States and Native Nations;
- **TREATIES, SOVEREIGNTY, MUTUAL CONSENT:** A policy direction to all Departments and Agencies to respect and adhere to Indian treaties; to respect and defer to Indian; and to deal with Indian tribes based upon mutual respect and mutual consent to the greatest extent practicable and permitted by Federal law, and to charge the Native Nations Council with the duty to serve as an alternative dispute resolution system for Indian nations, so that Federal court cases may be deferred and referred to the Native Nations Council to find resolutions based upon mutual consent, whenever possible, in cases between the United States and Indian nations; and
- **U.N. DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES:** An Executive Order policy direction to all Departments and Agencies to adhere to the fundamental principles of respect for indigenous rights set forth in the U.N. Declaration on the Rights of Indigenous Peoples; and, be it further

**RESOLVED** the USET Board of Directors calls upon President Obama and Secretary Jewell as Chair of the White House Council on Native American Affairs to provide for Tribal Leader Participation in the White House Council through the Native Nations Council, to appoint an Executive Director, two deputy directors, and staff members, and to establish subcommittees of the White House Council on Native American Affairs; and, be it further

**RESOLVED** that recognizing the tradition of the National Council on Indian Opportunity, the Vice President should attend meetings of the White House Council on Native American Affairs as an ex officio member; and, be it further

**RESOLVED** the USET Board of Directors calls upon President Obama to issue a special message to Congress and implementing legislation to enshrine the Native Nations policy in legislation; and be it finally

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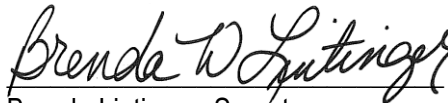
**RESOLVED** the USET Board of Directors calls upon our National Congress of American Indians, National Indian Gaming Association, sister National and Regional Organizations to support a new Obama Native Nations Policy and to promote Tribal Leader Participation, Executive Director and staff, for the White House Council on Native American Affairs.

**CERTIFICATION**

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Bar Harbor, ME, June 4, 2014.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.

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