WHEREAS, United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and

WHEREAS, the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations’ leadership; and

WHEREAS, H.R. 4864, “The No Haven For Dangerous Fugitives Act of 2018,” would provide that individuals, including Native Americans, accused of, or subject to, state felony offenses, convictions, custodial orders, subpoenas to give testimony, or subpoenas to assist with an investigation, who enter or leave Indian Country would be guilty of the federal offense of flight to avoid prosecution (18 USC § 1073); and

WHEREAS, this law would apply to Indian Country across the United States with no consultation with Tribal Nations regarding its extensive ramifications; and

WHEREAS, without Tribal Nation consultation and consent, it is unacceptable to provide that an individual, including Tribal citizens within their homelands, would be guilty of a federal offense simply because that individual travels on or through a Tribal reservation while subject to a state criminal matter; and

WHEREAS, the issue of extradition of alleged felons within Indian Country has been addressed responsibly through cross-deputization and extradition agreements, which recognize the sovereign nature of Tribal Nations and their primary public safety responsibility with regard to activities on Tribal lands; and

WHEREAS, there are significant issues regarding notice to individuals as to whether they have entered Indian Country; and

WHEREAS, the United States Constitution recognizes and affirms the sovereign status of Tribal Nations and with that, the right of Tribal Nations to self-government, including the maintenance of law and order, public safety, and the administration of justice within Indian Country; 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 SPF Board of Directors maintains that the sponsors of H.R. 4864, “The No Haven for Dangerous Fugitives Act of 2018,” should have consulted with Tribal Nations before introducing legislation that burdens the right of Tribal citizens to travel to and from
Indian country and undermines Tribal self-government, including public safety, law enforcement and the administration of justice; and before taking any action in furtherance of the enactment of legislation; and, be it further

RESOLVED the USET SPF Board of Directors strongly oppose H.R. 4864 “The No Haven for Dangerous Fugitives Act of 2018” and urges the sponsors to withdraw the bill due to devastating Tribal implications and lack of Tribal consultation.

CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting, at which a quorum was present, in Arlington, VA, February 8, 2018.

Chief Kirk E. Francis, Sr., President
Chief Lynn Malerba, Secretary
United South and Eastern Tribes
United South and Eastern Tribes
Sovereignty Protection Fund
Sovereignty Protection Fund