



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2018 SPF:016

OPPOSING H.R. 4864, THE NO HAVEN FOR DANGEROUS FUGITIVES ACT OF 2018

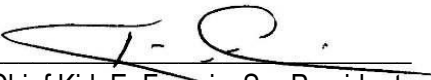
- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member 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

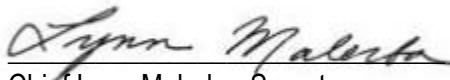
Indian country and undermines Tribal self-government, including public safety, law enforcement and the administration of justice; and **before** taking any action in furtherance of the enactment of legislation; and, be it further

RESOLVED the USET SPF Board of Directors strongly opposes 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
United South and Eastern Tribes
Sovereignty Protection Fund


Chief Lynn Malerba, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund