



2022 Winter Convention Tulalip, Washington

RESOLUTION #2022 - 42

“Calling On President Biden To Issue An Executive Order Affirming The United States Of America’s Commitment To Treaties, Indian Sovereignty, Self-Determination, Self-Government And Territorial Integrity”

PREAMBLE

We the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives (AI/AN) and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources and tribal sovereignty are primary goals and objectives of the ATNI; and

WHEREAS, Tribal nations are the original American sovereigns and for thousands of years, Native Sovereign Nations were independent sovereign nations prior to the formation of the United States of America; and

WHEREAS, When Europeans first landed on American shores, the Dutch, French, English and others sought out Native Sovereign Nations to enter into treaties defining colonial territory and boundaries. Native Nations reserved our sovereignty, self-determination and our lands as permanent homelands. At its foundation, America recognized prior Native Nation rights; and

WHEREAS, Under America’s Articles of Confederation, the Delaware, Six Nations Confederacy, Cherokee, Wyandot, and other nations entered into treaties with America on a Nation-to-Nation basis, guaranteeing native territory, reserving self-determination and self-government; and

WHEREAS, After the Revolutionary War, the United States of America established the Constitution with the authority of “We, the People ... Excluding Indians Not Taxed.” The Constitution continued the original nation-to-nation relations between America and Indian nations; and

WHEREAS, In the Constitution, there are several provisions relating to Indian affairs:

- In the Supremacy Clause, prior Indian treaties were affirmed, recognizing Indian nation as sovereigns, and treaties, along with the Constitution and statutes, are the Supreme Law of the Land;
- In the Treaty Clause, the President with the advice and consent of the Senate was empowered to enter into treaties;
- The President and Congress were vested with War powers, including the power to make peace;¹
- Congress was vested with power to regulate foreign commerce, interstate commerce, and “Commerce ... *with* the Indian Tribes;”
- In the Apportionment Clause, “Indians Not Taxed” were excluded from Apportionment of Congress and Direct Taxation;
- In the 14th Amendment, the Citizenship Clause acknowledges that Tribal Citizens are primarily subject to the jurisdiction of Indian nations while the Apportionment Clause “Excluding Indians not Taxed” affirms the original understanding of the Constitution that Indian nations are prior sovereigns with authority over native citizens and territory;

and

WHEREAS, More than 375 treaties with Indian nations were ratified on a nation-to-nation based on mutual consent, securing original inherent sovereignty, rights to self-determination and self-government, and territorial integrity; and

¹ The Tenth Amendment provides: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The Tenth Amendment has little application to Indian affairs because the United States was vested by the Constitution with power to manage Indian affairs on a nation-to-nation basis. The Equal Footing Doctrine informs us that later states must respect Native Sovereign Nations as New York, Connecticut, Massachusetts, Maine, Maryland, North Carolina, South Carolina, Georgia and Virginia did at the time of the ratification of the Constitution.

WHEREAS, The Constitution of the United States, vested with the President and Congress with authority to manage America's nation-to-nation relations with Native Peoples; now

THEREFORE BE IT RESOLVED that ATNI calls upon President Biden to issue an Executive Order on Nation Sovereign Nations, Sovereignty and Self-Determination with the following elements:

- Affirmation of Nation-to-Nation Relations with Native Sovereign Nations as reflected in the America's Constitution, treaties, statutes, agreements and Executive Orders.
- Affirmation of America's recognition of Native Sovereign Nation permanent Indian country homelands.
- Establishment of a Permanent White House Council with Native Nations co-chaired by the Vice President and the Secretary of the Interior to work with Native Sovereign Nations based upon nation-to-nation relations through mutual consent concerning Indian Self-Determination, Self-Government, Treaties, Statutes, Executive Orders, and Agreements, Indian Country and Indian Lands, Tribal Jurisdiction and Tribal Economic Self-Sufficiency.
- Preemption of contrary State Taxation, Regulation, and Jurisdiction that would Interfere with Indian Sovereignty, Self-Government, Treaty Rights and the Trust Responsibility.

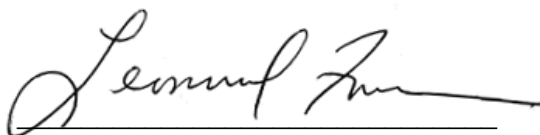
Congressional legislation should affirm the essential provisions of the Executive Order. Treaty rights, statutory agreements, and Executive Orders establishing Indian Reservations must be protected from unwarranted state law encroachment; and

BE IT FURTHER RESOLVED that ATNI calls upon Congress to enact Legislation that would: 1) pre-empt state jurisdiction over crimes by non-Indians against Indians; and 2) reaffirm that states have no power to tax or regulate tribal activities in the Indian Country; and

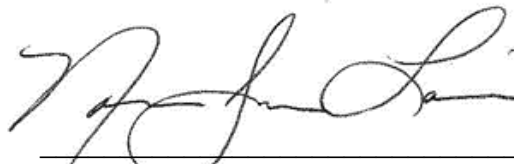
BE IT FINALLY RESOLVED that this resolution shall be the policy of ATNI unless and until withdrawn by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2022 Winter Convention of the Affiliated Tribes of Northwest Indians, Tulalip Resort, Tulalip, Washington September 18 – 22, 2022 with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary