



2009 Annual Conference Tacoma, Washington

RESOLUTION #09 - 53

“CALL TO HAVE DOI REVISIT 1940 SOLICITOR’S OPINION ON EXCLUDING INDIANS NOT TAXED”

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 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 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 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 are primary goals and objectives of ATNI; and

WHEREAS, the United States (US) Congress, during the Bicentennial Celebration, enacted the Iroquois Resolutions referenced as Senate Concurrent Resolution #76 and House Concurrent Resolution #331 both which recognized that the

United States has a government to government relationship with the Indian Tribes based on the US Constitution; and

WHEREAS, the US Congress authorized and directed the US Presidents (1787 to 1871) to negotiate treaties with the Indian tribes and the US has entered into over 700 peace treaties with said tribes, and the US Senate ratified half of the said treaties, and the US took the benefit of all said treaties (ratification by action) and secured itself to nearly four million square miles of land and natural resources for its posterity; and

WHEREAS, Indian Country recognizes that said Concurrent Resolutions recognized the application of the treaty clause (Article II, Sec. 2, Cl.2) and the Indian Commerce Clauses (Art. I, Sec. 8, Cl. 3), and recognized the power of the Supreme Court to review treaties made (Art. III, Sec. 2 & Cl. 1) as Supreme law of the land (Art. VI, Cl.2) but failed to address the “Exclusion” of tribal Indians from the Apportionment Clause and the reinforcement of that exclusion by the Fourteenth Amendment (Sec. 1 & Sec. 2); and

WHEREAS, the Apportionment Clause excluded said “Tribal Indians” from being included for purposes of representation in the House of Representatives, and excluded from taxation for purposes of apportionment thereof, and that at the time the Senate represented the States until the Constitution was amended to make the election of Senators a popular sovereignty process; and

WHEREAS, the 1924 Indian Citizenship was enacted for the specific purpose of providing tribal Indians with First Amendment Religious Freedom since they were being prosecuted under the DOI/BIA Religious Crimes Code, and said enactment did not amend the Apportionment Clause nor the intent and purposes of the 14th Amendment, as so much applied to the tribal Indians (as concluded in Elk. v. Wilkins, 1884), nor is the use of the Naturalization Clause (Art. I, Sec.8, Cl. 4) lawfully applied since the Apportionment Clause and the 14th Amendment specifically forbid its application to the Tribal Indians otherwise known as “Excluding Indians not Taxed”; and

WHEREAS, the US Department of Interior, Solicitor’s Office, in November 1940, issued a faulty legal opinion that there are no more tribal Indians, and that there is no longer a valid application of the constitutional language that recognized tribal Indians as “Excluding Indians not Taxed” and that this is in direct contravention of the “Canon of Construction” of written constitutions and has caused serious economic and governmental damage to the Indian tribes and tribal people, as exemplified by the Internal Revenue Service applying the whole Internal Revenue Code to tribal Indians because they are classified as “citizens”; and

WHEREAS, Indian Country is composed of over 550 federally recognized Indian tribes and each tribe has enrolled tribal members that are recognized by the US government as entitled to benefits of Self-determination, Self-government, and Indian Health Services, and that this is proof that the Indian Nations and Tribal Indians have never been successfully terminated, exterminated, or destroyed as tribal people or tribal

nations with inherent sovereignty protected by the US Constitution from external interference by the national and individual state governments; and

WHEREAS, the current Assistant Secretary of the Department of Interior (DOI) and has jurisdiction over Indian Affairs for the Department and has access to the Solicitors that advise the Department on matters of federal Indian law, as so much falls in compliance with “Canons of Construction of Written Constitutions” and the Supreme Law of the Land; now

THEREFORE BE IT RESOLVED that ATNI calls on the Assistant Secretary of the Department of Interior, to meet with the Secretary of Interior and the Obama Administration to secure authorization to revisit and rewrite the 1940 Solicitor’s Opinion on “Excluding Indians not Taxed” in compliance with “Canons of Construction” of written constitutions, and thereby protect the constitutional status of “Tribal Indians”; and

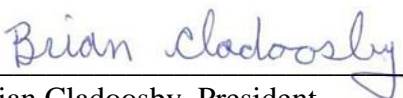
BE IT FURTHER RESOLVED, that ATNI requests the Assistant Secretary of the Department of Interior to meet with the elected tribal leadership of ATNI, the National Congress of American Indians, the National Indian Gaming Association, the Great Plains Tribal Chairman’s Association, the Tribal Alliance of Sovereign Indian Nations, the All Indian Pueblo Council, Montana/Wyoming Tribal Leaders Council and other such regional and national intertribal organizations and tribal leadership to address this subject matter, as an issue of great concern that should be and must be subjected to “Consultation” with the Indian tribes.

BE IF FURTHER RESOLVED, that ATNI submit to the Department of Justice Attorney General at its Listening Conference to be held in Minneapolis Minnesota on October 28 & 29, 2009, and to the US Senate Finance Committee; and

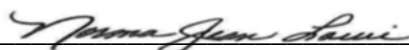
BE IT FINALLY RESOLVED, that this resolution will be the position of ATNI until revoked.

CERTIFICATION

The foregoing resolution was adopted at the 2009 Annual Conference of the Affiliated Tribes of Northwest Indians, held at the Greater Tacoma Convention & Trade Center, Tacoma, Washington on September 21 - 24, 2009 with a quorum present.



Brian Cladoosby, President



Norma Jean Louie, Secretary