



2010 Annual Conference Spokane, Washington

RESOLUTION #10 - 51

"RECOGNITION OF INDIAN PREFERENCE BY THE DEPARTMENT OF HOMELAND SECURITY"

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 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 are primary goals and objectives of the ATNI; 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, Indian Tribes and Native Nations are recognized by the U.S. Constitution as prior sovereigns, with inherent and treaty protected rights to self-government and self-determination; and

WHEREAS, the United States Supreme Court, in *Morton v. Mancari*, 417 U.S. 535 (1974) recognized that the federal policy of according some hiring preference to Indians in the Indian service dates at least as far back as 1834, and held that Indian preference in hiring practices is important recognition of tribal sovereignty and does not violate the U.S. Constitution; and

WHEREAS, the Indian Self-Determination and Education Assistance Act (ISDEAA) established a clear policy of self-determination which encourages maximum Indian participation in the direction of educational and other federal services to Indian communities, 25 U.S.C. 450a(a); and

WHEREAS, Indian Tribes are exempt from Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e(b); and

WHEREAS, the Department of Homeland Security requires that federal contractors utilize the E-Verify system, an internet based employment eligibility database, for all federal contracts awarded after September 8, 2009, that call for a time of performance that exceeds 120 days and that have a value greater than \$100,000; and

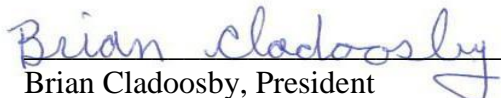
WHEREAS, in order to use the E-Verify system, employers are required to agree to a Memorandum of Understanding that does not recognize tribal sovereignty or the tribal exemption to Title VII of the Civil Rights Act of 1964, and which also conflicts with federal Indian preference mandates that apply to Indian Tribes and organizations that are wholly owned and managed by Indian Tribes and are operating under Self-Determination Act contracts with the U.S. Bureau of Indian Affairs; now

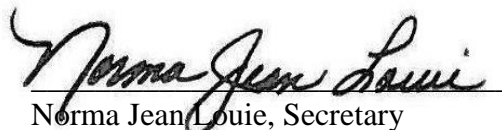
THEREFORE BE IT RESOLVED, that ATNI does hereby call on the Department of Homeland Security to revise its E-Verify Memorandum of Understanding to recognize and accept the sovereignty of Indian Tribes and Indian Preference in Indian Service; and

BE IT FURTHER RESOLVED, that ATNI provides a copy of this resolution to the Department of Homeland Security and to the White House Office of Intergovernmental Affairs.

CERTIFICATION

The foregoing resolution was adopted at the 2010 Annual Conference of the Affiliated Tribes of Northwest Indians, held at the Northern Quest Resort and Casino in Spokane, Washington, September 20-23, 2010 with a quorum present.


Brian Cladoosby, President


Norma Jean Louie, Secretary