



## **2014 Mid-Year Convention Grand Mound, WA**

### **RESOLUTION #14 - 25**

#### **“NATIVE INTERTRIBAL TRADE NETWORK”**

#### **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**, before the United States, Indian nations were sovereign independent nations; and

**WHEREAS**, in the Treaty and Supremacy Clauses, the Constitution of the United States acknowledges Indian nations and tribes as sovereigns, with self-governing authority over our citizens and territory; and

**WHEREAS**, in the Commerce Clause, the Constitution authorizes Congress to regulate Commerce with the Indian Tribes; and

**WHEREAS**, the United States destroyed traditional tribal economies by taking Indian lands; and

**WHEREAS**, today, Indian nations and tribes are working to create jobs, revitalize tribal economies, promote strong tribal governments; and economic self-sufficiency; and

**WHEREAS**, it is the Policy of the United States to promote Indian Self-Determination, including the overriding goals of promoting tribal economic development and self-sufficiency among Indian nations and tribes; and

**WHEREAS**, the integrity of Indian commerce and trade is critical to the economic development of Indian nations and tribes, and Intertribal Trade is a fundamental aspect of tribal economic development; and

**WHEREAS**, since 1776, the United States has regulated Federal Indian traders engaging in commerce with Indian nations and tribes, and Congress has maintained Federal Indian Traders License Statutes since then; and

**WHEREAS**, under the Indian Self-Determination Policy, the President and Congress have determined that Indian nations and tribes should perform government duties and responsibilities on Indian lands and that the Federal Government must contract with Indian nations and tribes and delegate authority to perform historical Federal functions; and

**WHEREAS**, the Supreme Court has held that under the Indian Self-Determination Policy, with its overriding goal of promoting tribal economic development and self-sufficiency, and to support tribal self-government, the comprehensive Federal Indian Traders License Statutes and regulations pre-empt state taxation and regulation that would interfere with tribal economic development in Warren Trading Post (1965) and Central Arizona Machinery (1980); and

**WHEREAS**, the Supreme Court has held that the Federal and tribal government interests in Indian Self-Determination, economic development and tribal self-sufficiency, pre-empt state taxation and regulation of tribal economic ventures that generate reservation value, *New Mexico v. Mescalero Apache Tribe* (1984) and *California v. Cabazon Band of Mission Indians* (1987); now

**THEREFORE BE IT RESOLVED**, that ATNI urges Congress to update the Federal Indian Traders License Statutes to promote the Indian Self-Determination Policy, including its overriding goal of promoting tribal economic development and self-sufficiency, delegate the

historical Federal authority to regulate Indian commerce to Indian tribes, provide for comprehensive tribal government regulation of Indian trade, including financial regulation, consumer product safety regulations and consumer protections, acknowledge tribal authority to tax Indian commerce, and promote and protect a Native Intertribal Trade Network of products, services and value generated in Indian country; and

**BE IT FURTHER RESOLVED** that pursuant to the Indian Self-Determination Policy, the Secretary of Interior should revise the Federal Indian Traders License Regulations to provide for contracts with, and delegations of authority to, Indian nations and tribes to implement the Federal Indian Traders License Regulations to promote and protect Indian commerce and Intertribal Trade; and

**BE IT FURTHER RESOLVED**, that Indian nations and tribes should receive contracts to perform the background checks, reviews and develop Federal Traders License Applications; and

**BE IT FURTHER RESOLVED**, that the Secretary of Interior should update the Federal Indian Traders License Regulations to require those engaged in Indian commerce to comply with reasonable tribal business regulatory, consumer protection and tax measures; and

**BE IT FURTHER RESOLVED**, that in the revised regulations, the Secretary of Interior should provide that the policy of the United States is to promote Indian Self-Determination, economic development, Indian commerce and Intertribal trade, and economic self-sufficiency; and

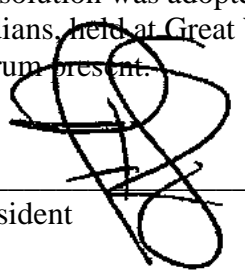
**BE IT FURTHER RESOLVED**, that it is the policy of the United States to remove barriers to Indian economic development, Indian commerce and Intertribal trade, and economic self-sufficiency; and

**BE IT FURTHER RESOLVED**, that the Secretary of Interior should expressly provide that in furtherance of these policies, state regulation and taxation of Indian commerce and Intertribal Trade are pre-empted by Federal law and policy and tribal government interests in self-government, economic development, and self-sufficiency; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of ATNI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted at the 2014 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at Great Wolf Lodge, Grand Mound, Washington, on May 5 – 8, 2014 with a quorum present.

  
\_\_\_\_\_  
Fawn Sharp, President

  
\_\_\_\_\_  
Norma Jean Louie, Secretary