

APPENDIX E

AMERICAN INDIAN DECLARATION OF SOVEREIGNTY

The National Congress of American Indians assembled at the Royal Inn in San Diego, California for the Thirty First Annual Convention during the period of October 21-25, 1974, hereby declares:

1. The Sovereign Aboriginal American Indian Nations and the United States of America, from time to time, subsequent to the year 1776 A.D., did negotiate and did enter into solemn treaties to exchange territorial rights for the mutual benefit and welfare of both parties to the negotiated treaties, and that,

2. The Sovereign Aboriginal American Indian Nations through said direct binding relations, whether written or implied by the sacred treaties, the Constitution of the United States of America, or by Executive, legislative, or judicial action, did believe and do hereby further declare that,

3. The Government of the United States of America in negotiating said solemn treaties, did recognize Aboriginal sovereignty and by its sacred honor, did agree to honor, preserve, protect and guarantee to other states and nations and to the Aboriginal Tribes and nations those inherent sovereign rights and powers of self-government and self-determination afforded every sovereign nation of the world, and

4. The government of the United States of America did accept an obligation to assume a Trust Responsibility to honor, enforce, preserve, protect, and guarantee, without interference, the inherent sovereign rights and powers of self-government to the recognized and specified Aboriginal American Indian Nations, and,

5. The government of the United States of America, by acceptance and assumption of Trust Responsibility, did obligate itself to provide and to establish the necessary Federal Governmental instrumentalities required to honor, enforce, preserve, protect, and fulfill the treaty obligations and the general constitutional obligations pursuant thereto, and

6. The government of the United States of America is, by the conditions of said treaties and other agreements, and by legislation, and by results of litigation, required to assist in the management, development, preservation, protection, and guarantee of sovereign status of all of the Exclusive rights of the Aboriginal American Indian Nations to their Aboriginal or Treaty Territorial Domain, to the assets of natural resources of the surface, subsurface, and above-surface, to include but not limited to, hunting, fishing rights, land, water, air, wild rice, minerals, and timber, and

7. The government of the United States of America is further required to insure adequate Federal facilities and services, to be staffed with sufficient professional and qualified technical personnel for Health, Education, Welfare, and personal services to be commensurate with the predominant society, and

8. The National Congress of American Indians hereby States that the Government of the United States of America, in performance and recognition of its treaty obligations and responsibilities, has Failed and Neglected:

a. To fully recognize inherent Aboriginal American Indian sovereignty and the rights and powers of self-government and self-determination, and

b. To provide and fulfill its Trust Obligations and Responsibilities to establish Independent Governmental Instrumentalities, free from conflicts of interest, to insure inherent rights and powers of self-government as guaranteed by the negotiated treaties with Aboriginal American Indian Nations, and

c. To honor, preserve, protect, and guarantee the Aboriginal American Indian Tribes and Nations' territorial integrity and other rights guaranteed by treaties which under article six of the Constitution of the United States of America is the supreme law of the land, and therefore,

9. The National Congress of American Indians *declares and hereby petitions* the Congress of the United States of America to initiate and implement immediate corrective legislation to:

a. Honor and recognize the sovereignty and rights of Aboriginal American Indian Tribes and Nations, whether they exist by treaty or non-treaty, and

b. Re-establish those independent Aboriginal American Indian Tribes and Nations which were terminated by executive order or legislative action without the consent of the Tribe or Nation, and

c. Establish a Single, Independent, Federal Governmental Instrumentality with Concurrence of the Majority of the Recognized Aboriginal American Indian Tribes and Nations, in order to implement and guarantee the treaty responsibilities and Trust Obligations of the United States of America under Article Six of the Constitution of Said Nation.

d. We, the assembled members of the National Congress of American Indians and of various tribes do hereby adopt this declaration and pledge our honor toward instituting its intent to the end that the Indian people shall enjoy the fruits of liberty, justice and the right to maintain their culture and religious heritage.

CERTIFICATION

At a duly called meeting of the National Congress of American Indians held in San Diego, California, on October 24, 1974, the foregoing declaration was passed by a unanimous vote for passage of said declaration.

[s] MEL TONASKET,
President.

[s] ERNEST L. STEVENS,
First Vice President.

[s] KATHERINE WHITEHORN,
Recording Secretary.

APPENDIX IX

POSITION ON TRIBAL PURPOSE

PREAMBLE

Sovereign Aboriginal Indian nations and the United States of America, from time to time, did enter into solemn treaties. As an outgrowth of these treaties, the United States of America accepted a trust obligation to preserve and protect and guarantee the inherent sovereign rights and powers of self-government to Indian nations without interference. In so doing, the United States of America did obligate itself to establish Federal governmental machinery to provide health, education and welfare, preserve, protect, and guarantee Indian natural resources and lands, and the exclusive rights of Indians to (but not limited to) water, timber, and minerals.

Therefore, the United States of America is obligated to establish independent governmental machinery to insure the inherent powers of self-government and a permanent home and abiding place for all Indians with full guarantees by the trustee that under the supremacy clause of the United States Constitution, it shall preserve, protect, and guarantee the above.

At no time shall said independent governmental machinery occasion conflicts of interest. It shall protect Indian cultural integrity and provide that Indian nations shall be an integral part of the policy and decision making process.

PROPOSAL SUMMARY

The National Congress of American Indians in its 31st Annual Convention, San Diego, California, has concluded that it is timely and appropriate that a "Proposal for Readjustment of Indian Affairs," be forwarded to advance the interests of Indian Country. Contained in the proposal for readjustment of Indian Affairs is the specific proposal for the establishment of independent federal governmental machinery to replace the Bureau of Indian Affairs, other federal agency involvement in Indian Affairs, and State involvement in the affairs of Indian nations.

It is proposed that the service obligations of the United States be administered by an Independent National Indian Commission which includes all financial and service support now being provided by several governmental institutions (Federal, State, County, and Municipal), and a multitude of agencies and offices.

It is proposed that the National Indian Commission be guided in its administration of services through Indian Nations by nine Indian Commissioners. These commissioners shall be selected by Indians through a series of elections beginning at the tribal level and culminating in national elections on a vote distribution system.

Three of the nine Commissioners so selected shall be nominated by the President and confirmed by the Senate to carry out the responsibilities of the Trust Council Authority in addition to the policy making responsibilities required of the remaining six commissioners.

The National Indian Commission shall select and confirm National Administrative Staff and establish such offices as necessary to provide services at the local level. Commissioners responsible for trust obligations shall select and confirm adequate national staff and local office level staff to insure trust guarantees.

STATEMENT OF PURPOSE

The purpose of the National Indian Commission and the Trust Council Authority is to provide health, education and welfare, preserve, protect and guarantee Indian natural resources and lands, and the exclusive rights of Indians to (but not limited to) water, timber, and minerals.

STATEMENT OF GOALS

The goals of the National Indian Commission and the Trust Council Authority shall be to:

1. Develop a unified program of natural resource conservation, utilization and protection of the environment.
2. Develop a unified program of economic development on Indian Reservations and for Indian people.
3. Develop or maintain tribal autonomy and sovereignty.
4. Protect Tribal Cultural integrity.
5. Protect individual and tribal rights.
6. Develop a unified program of human resource development and care.
7. Assure that there is no conflict of interest within Indian Affairs or with any other agency.
8. Provide procedures through which Indian Nations shall have an integral part in the policy and decision making process.

STATEMENT OF OBJECTIVES

1. Increase tribal and individual income to at least parity with the general non-Indian population in the United States.
2. Increase Tribal Governmental authority to exercise self-government.
3. Establish legal mechanisms to adequately protect individual and tribal rights.
4. Increase the Natural Resource Base.
5. Increase the average educational level to at least parity with the general non-Indian population.
6. Increase age of mortality to at least parity with the general non-Indian population.

PROGRAM AND BUDGET

To insure that the Tribal Government shall have the widest possible flexibility in designing programs and setting priorities for their tribal members all program and funding efforts will begin at the tribal level.

The program divisions of the Commission will be obliged to design their program and budgetary efforts to specifically carry out the programs of each tribe. All program fund appropriated will be allotted directly to the level of the commission dealing directly with tribal government.

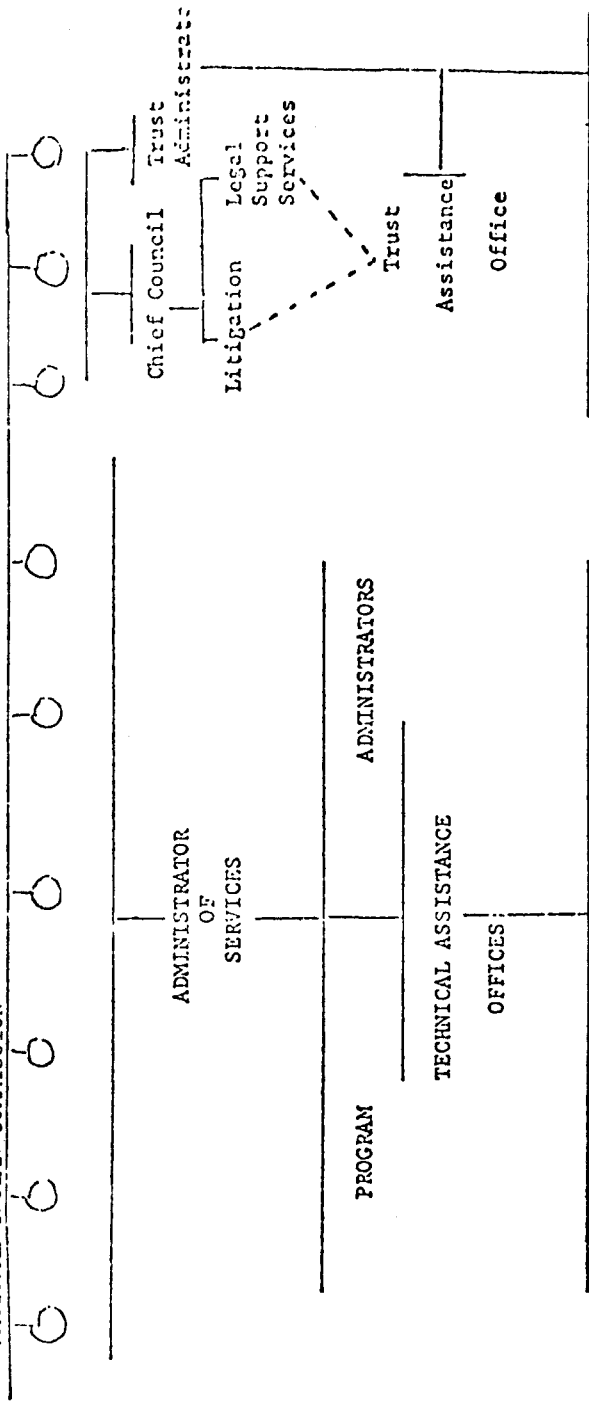
The program divisions shall include but not be limited to: Education, Health Manpower, Housing, Justice and Law Enforcement Assistance, Economic Development, Social Services and Family Assistance, and shall provide Management, Administration Legal and Technical Assistance to the local level out of an Administrative Budget as determined by the Commission responding to needs expressed by the Tribal Government. The National Indian Commission shall appeal directly to the United States Congress for its administrative and service budget while Trust Council Authority must enter its request for administrative and Trust budget into the President's Budget.

CONGRESS

PRESIDENT

TRUST COUNCIL AUTHORITY

NATIONAL INDIAN COMMISSION



FIELD OFFICES

AT

TRIBAL LEVEL

FIELD TRUST OFFICES

AT

TRIBAL LEVEL

INITIAL IMPLEMENTATION

1. That the Referendum (Resolution) by the 31st Convention of the National Congress of American Indians be considered as a draft recommendation to every Indian Tribe in the United States.

2. That this proposed proclamation be forwarded to each governing body for its recommendations and/or ratification.

3. That each Tribe's recommendation be duly recorded and that a draft on the basis of these recommendations be prepared and acted on by the National Congress of American Indians Executive Council in January, 1975.

4. That this final recommendation be submitted to the "American Indian Policy Review Commission" as stipulated by S.J. 133 and H.J. Res. 117 to be used as the basis and direction for the Commission and its Committees.

5. That the process of conducting a national Indian referendum be financially supported by the Office of Management and Budget.

6. The National Congress of American Indians, in recognition of the sovereignty and powers of the several Tribes and Nations, does further declare that the foregoing document is subject to debate, discussion, amendment and ratification of said Tribes and Nations, and shall not become effective until

CERTIFICATION

At a duly called meeting of the National Congress of American Indians held in San Diego, California, on October 24, 1974, the foregoing position was passed by a unanimous vote for passage of said position.

MEL TONASKET,
President.
ERNEST L. STEVENS,
First Vice President.
KATHERINE WHITEHORN
Recording Secretary.