



## 2005 ASSEMBLY JOINT RESOLUTION 17

February 24, 2005 – Introduced by Representative MUSSER. Referred to Committee on State Affairs.

1     **Relating to:** state recognition of the sovereign status of federally recognized  
2           American Indian tribes and bands.

3           Whereas, article I, section 8, of the U.S. Constitution gives Congress the power  
4     “to regulate Commerce with foreign Nations, and among the several States, and with  
5     the Indian Tribes,” thus recognizing American Indian tribes and bands as separate  
6     and independent political communities within the territorial boundaries of the  
7     United States; and

8           Whereas, the U.S. Supreme Court has interpreted the U.S. Constitution as  
9     recognizing the sovereignty of American Indian tribes and bands by classifying  
10    treaties between the United States and American Indian tribes as part of the  
11    “supreme law of the land,” and by establishing Indian affairs as a unique area of  
12    federal concern; and

13           Whereas, Congress has enacted measures that promote tribal economic  
14    development and tribal self-government and self-determination; and

1           Whereas, previous U.S. presidents have affirmed tribal sovereignty and, thus,  
2 the rights of American Indian tribes and bands in the following ways: President  
3 Lyndon B. Johnson recognized “the right of the first Americans ... to freedom of choice  
4 and self determination”; President Nixon strongly encouraged “self-determination”  
5 among American Indian people; President Reagan pledged “to pursue the policy of  
6 self-government” for American Indian tribes and reaffirmed “the  
7 government-to-government basis” for dealing with American Indian tribes;  
8 President George Bush stated that a government-to-government relationship  
9 between the American Indian tribes and the federal government was “the  
10 cornerstone of [his] Administration’s policy of fostering tribal self-government and  
11 self-determination”; President Clinton issued an executive order to strengthen the  
12 United States’ government-to-government relationships with American Indian  
13 tribes and to establish regular and meaningful consultation and collaboration with  
14 tribal officials in the development of federal policies that have tribal implications;  
15 and President George W. Bush issued a proclamation indicating that his  
16 administration will “continue to honor tribal sovereignty by working on a  
17 government-to-government basis with American Indians”; and

18           Whereas, Governor Jim Doyle issued Executive Order #39 on February 27,  
19 2004, recognizing the unique status of American Indian tribes and their right to  
20 existence, self-government, and self-determination and directing cabinet agencies  
21 to recognize the unique legal, government-to-government relationship between the  
22 state of Wisconsin and American Indian tribes, to take tribal interests into account  
23 when administering formerly federal programs and, when feasible and appropriate,  
24 to consult with tribal governments regarding state actions anticipated to directly  
25 affect an American Indian tribe or its members; and

1           Whereas, the Wisconsin legislature is committed to strengthening and  
2 assisting tribal governments in their development and to promoting tribal  
3 self-governance; and

4           Whereas, the Wisconsin legislature supports and is committed to the  
5 enforcement of the Indian Civil Rights Act of 1968 (25 USC 1301 and following),  
6 which safeguards tribal sovereignty while simultaneously ensuring that the civil  
7 rights of American Indians are protected; and

8           Whereas, the Wisconsin legislature wishes to promote positive  
9 government-to-government relations between the state of Wisconsin and each of the  
10 federally recognized American Indian tribes and bands in this state; and

11           Whereas, the Wisconsin legislature recognizes and respects tribal customs and  
12 traditions and considers it important that state government work to preserve tribal  
13 cultures; and

14           Whereas, tribal governments are now able to provide tribal members with  
15 better health care services, education, job training, employment opportunities, and  
16 other basic essentials; now, therefore, be it

17           ***Resolved by the assembly, the senate concurring, That*** the Wisconsin  
18 legislature:

19           (1) Affirms state recognition of the sovereign status of federally recognized  
20 American Indian tribes and bands as separate and independent political  
21 communities within the territorial boundaries of the United States to the fullest  
22 extent provided by federal law;

23           (2) Encourages all state departments and agencies, when engaging in activities  
24 or developing policies affecting American Indian tribal rights or trust resources, to  
25 do so in a knowledgeable manner that is respectful of tribal sovereignty;

1 (3) Encourages all state departments and agencies to continue to reevaluate  
2 and improve the implementation of laws that affect American Indian tribal rights;  
3 and

4 (4) Encourages future governors to reaffirm and continue the policies specified  
5 in Executive Order #39; and, be it further

6 ***Resolved, That*** the assembly chief clerk shall provide copies of this joint  
7 resolution to all federally recognized American Indian tribes and bands in  
8 Wisconsin, the governor, the departments and agencies in the executive branch,  
9 members of Congress representing Wisconsin, and the President of the United  
10 States.

11 (END)