

2001 ASSEMBLY JOINT RESOLUTION 91

February 5, 2002 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Government Operations.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This joint resolution was prepared for the joint legislative council's special committee on state-tribal relations.

This joint resolution affirms state recognition of the sovereign status of federally recognized American Indian tribes and bands as separate and independent political communities within the United States. It also encourages all state agencies, when engaging in activities or developing policies affecting American Indian tribal rights or trust resources, to do so in a knowledgeable manner that is respectful of tribal sovereignty. In addition, it encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights.

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

1 “supreme law of the land,” and by establishing Indian affairs as a unique area of
2 federal concern; and

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

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

20 Whereas, the Wisconsin legislature is committed to strengthening and
21 assisting tribal governments in their development and to promoting tribal
22 self-governance; and

23 Whereas, the Wisconsin legislature supports and is committed to the
24 enforcement of the Indian Civil Rights of Act of 1968 (25 USC 1301 and following),

1 which safeguards tribal sovereignty while simultaneously ensuring that the civil
2 rights of American Indians are protected; and

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

6 Whereas, the Wisconsin legislature recognizes and respects tribal customs and
7 traditions and considers it important that state government work to preserve tribal
8 cultures; and

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

12 ***Resolved by the assembly, the senate concurring, That*** the Wisconsin
13 legislature:

14 (1) Affirms state recognition of the sovereign status of federally recognized
15 American Indian tribes and bands as separate and independent political
16 communities within the territorial boundaries of the United States;

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

20 (3) Encourages all state departments and agencies to continue to reevaluate
21 and improve the implementation of laws that affect American Indian tribal rights;
22 and, be it further

23 ***Resolved, That*** the assembly chief clerk shall provide copies of this joint
24 resolution to all federally recognized American Indian tribes and bands in
25 Wisconsin, the governor, the departments and agencies in the executive branch,

1 members of Congress representing Wisconsin, and the President of the United
2 States.

3 (END)