

## 2003 ASSEMBLY JOINT RESOLUTION 37

June 10, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on State Affairs.

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. It is based on 2001 Assembly Joint Resolution 91, which was introduced by the council on the 2000-02 committee's recommendations.

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”; President Clinton issued an executive order to strengthen the  
16 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 President George W. Bush issued a proclamation indicating that his  
20 administration will “continue to honor tribal sovereignty by working on a  
21 government-to-government basis with American Indians”; and

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

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

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

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

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

14           ***Resolved by the assembly, the senate concurring, That*** the Wisconsin  
15 legislature:

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

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

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

