

2003 SENATE JOINT RESOLUTION 36

June 5, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

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 senate, the assembly 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

