

2007 SENATE JOINT RESOLUTION 97

March 4, 2008 – Introduced by Senators JAUCH, ROBSON, HARSDORF, PLALE, MILLER, KREITLOW, VINEHOUT, COGGS, LEHMAN, TAYLOR, WIRCH, CARPENTER, RISSER, BRESKE, DECKER, HANSEN, DARLING and SCHULTZ, cosponsored by Representatives MUSSER, SOLETSKI, MURSAU, SHERMAN and GRIGSBY. Referred to Committee on Senate Organization.

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 senate, the assembly 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;

