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## 2001 SENATE JOINT RESOLUTION 61

February 26, 2002 – Introduced by Senator George, cosponsored by Representative Musser. Referred to Committee on Universities, Housing, and Government Operations.

American Indian tribes and bands.

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

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

Whereas, Congress has enacted measures that promote tribal economic

development and tribal self-government and self-determination; and

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

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

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

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

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

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

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

- (1) Affirms state recognition of the sovereign status of federally recognized American Indian tribes and bands as separate and independent political communities within the territorial boundaries of the United States;
- (2) Encourages all state departments and 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; and
- (3) Encourages all state departments and agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights; and, be it further

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