



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE IN SUPPORT OF SACRED INDIAN TOBACCO & AUTHORIZING NCAI RESOLUTION RESOLUTION 04-05-11 A

**WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

**WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS,** Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and

**WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, contracts, and agreements with other governments, organizations, or individuals; and

**WHEREAS,** Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and

**WHEREAS,** the American Indian Religious Freedom Act of 1978, Public Law No. 95-341, codified 42 USC 1996, is a United States federal law enacted to protect and preserve the traditional religious rights and cultural practices of American Indians, Eskimo, Aleut, and Native Hawaiians. These rights include, but are not limited to, access of sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites; and

**WHEREAS,** the American Indian Religious Freedom Act requires policies of all governmental agencies to eliminate interference with the free exercise of Native religion, based on the First Amendment of the United States Constitution; and

**WHEREAS,** Ho-Chunk Nation men and women have served and are serving in the United States Armed Forces in times of war and peace; and

**WHEREAS,** Ho-Chunk Nation Warriors of our traditional heritage carried and continue to carry and use Sacred Indian Tobacco; and

**WHEREAS,** accusation and abuse, in the form of confiscating Sacred Indian Tobacco and allegations of illegal possession of a controlled substance, have been unjustly placed on Native Americans serving in the United States Armed Forces; and

**WHEREAS,** the Ho-Chunk Nation prays that present and future abuse, harassment, ridicule, and defamation of Native Americans, especially those serving in the United States Armed Forces, practicing their religious freedom rights is terminated; and

#### **Executive Offices**

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**WHEREAS,** the Ho-Chunk Nation Traditional Court has ascertained that “Our traditional practice is that tobacco is but one sacred object that is a talisman from the Creator and is fundamental to the Ho-Chunk Nation way-of-life, as well as other sacred objects that spiritually protect Ho-Chunk Warriors who have and are offering their spirit to protect the Ho-Chunk Nation and the United States of America. Therefore, before leaving on this journey, young Ho-Chunk men and women are given Sacred Tobacco and other sacred objects to protect them on this journey.”

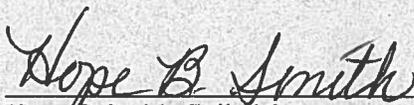
**NOW THEREFORE BE IT RESOLVED,** that the Ho-Chunk Nation does hereby request that the United States Congress pass amendments to the American Indian Religious Freedom Act of 1978 to include permitting traditional Native American practices by allowing Native American men and women the right to possess and use Sacred Indian Tobacco and other sacred religious objects while they are members of the United States Armed Forces; and

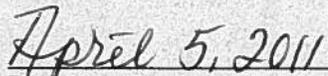
**BE IT FURTHER RESOLVED,** that the Chairman of the United States Joint Chief of Staff command all branches of the United States Armed Forces to adhere to the American Indian Religious Freedom Act of 1978 permitting traditional Native American religious practices and the possession and use of Sacred Indian Tobacco and other sacred religious objects; and

**BE IT FURTHER RESOLVED,** the Ho-Chunk Nation authorizes and supports the National Congress of American Indians (“NCAI”) in adopting the attached NCAI resolution on Sacred Indian Tobacco on behalf of the Ho-Chunk Nation at its next convention.

#### **CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 8 constituting a quorum were present at a meeting duly called and convened and held on the 5<sup>th</sup> day of April, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 members, 0 opposed, and 0 abstaining, pursuant to the authority of Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

  
\_\_\_\_\_  
Date