



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO PRESENT RESOLUTION FOR LEGISLATIVE FIX TO UNITED STATES SUPREME COURT DECISION IN *CARCIERI V. SALAZAR* RESOLUTION 06-10-09 O

- WHEREAS,** on November 1, 1994, the United States 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, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; 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,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native Tribal Governments; and
- WHEREAS,** NCAI has long supported federal recognition for all Indian tribes that have maintained tribal relations with the federal government from historical times; and
- WHEREAS,** on February 24, 2009 the United States Supreme Court issued a decision in *Carcieri v. Salazar* that called into question almost 75 years of Indian relations with the federal government, more specifically, the Department of Interior's ability to take land into trust for Indian tribes that do not fall under the United States Supreme Court's interpretation of the definition of "Indian" in the *Indian Reorganization Act of 1934*; and
- WHEREAS,** the NCAI should use its lobbying strength to encourage the United States Congress to adopt legislation that clarifies that all tribes that have had a historical relationship with the federal government and have been considered recognized prior to the *Carcieri* decision fit within the definition of "tribes" in the *Indian Reorganization Act*; and
- WHEREAS,** the Attorney General of the Ho-Chunk Nation has prepared a Resolution to present to NCAI for NCAI to address this issue, which is attached; and
- WHEREAS,** representatives of the Ho-Chunk Nation will be attending the NCAI 2009 Mid-Year Conference in Niagra Falls, New York.

### Executive Offices

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**NOW THEREFORE BE IT RESOLVED**, that the Legislature, pursuant to its Constitutional authority, authorizes those individuals from the Ho-Chunk Nation attending the NCAI meeting in New York to present the attached Resolution to the NCAI 2009 Mid-Year Conference in Niagara Falls, New York.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of **11 members** of whom **9** constituting a quorum were present at a meeting duly called and convened and held that on the **10<sup>th</sup> day of June, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 0 abstaining**, pursuant to the 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 the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
\_\_\_\_\_  
Elliott Garvin, Tribal Secretary

6-10-09  
\_\_\_\_\_  
Date

