

THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION #2020-01

TITLE: TRIBAL CITIZENSHIP POLICY AND PROTECTION TASK FORCE

WHEREAS, the National Native American Bar Association (“NNABA”) was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA promotes and addresses social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, Indigenous societies and nations in the United States possess and have always possessed the inherent right to decide who belongs to an Indigenous society or nation; and

WHEREAS, Article 9 of the United Nations Declaration on the Rights of Indigenous Peoples recognizes and affirms that “Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right”; and

WHEREAS, Indigenous kinship and tribal citizenship have been impacted by colonial and federal treaties and laws since the eighteenth century, including the Indian Reorganization Act of 1934, which defined “Indian” to “include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and . . . all other persons of one-half or more Indian blood”; and

WHEREAS, the federal Indian Civil Rights Act of 1968, 25 U.S.C. 1302(a)(8), provides that: “No Indian tribe in exercising powers of self-government shall . . . deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law; and

WHEREAS, a growing body of Indigenous scholarship warns that arbitrary and incongruent definitions of tribal citizenship threaten the future of Indigenous citizenries and nations; and

WHEREAS, NNABA has not heretofore passed any Resolution affirming Indigenous kinship or tribal citizenship rights; and

WHEREAS, it is within NNABA’s purview to offer education, guidance, and advocacy needed by Indigenous nations as they wield their sovereign powers to establish and maintain harmonious kinship relations and protect the human and civil rights of their citizens; and

NOW THEREFORE BE IT RESOLVED, that the NNABA affirms that Indigenous nations enjoy the inherent right to decide who belongs to an Indigenous nation and individuals enjoy the right to belong to an Indigenous nation free from discrimination or due process deprivation; and

BE IT FINALLY RESOLVED, that NNABA supports the establishment of a Tribal Citizenship Policy and Protection Task Force to study, educate, and advocate regarding issues of Indigenous kinship and tribal citizenship.

CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association on October 14, 2020, via online voting pursuant to § 4.9 of the Native American Bar Association Bylaws.

Thomasina Real Bird

Thomasina Real Bird, President

ATTEST:

Katie Jones

Katie Jones, Secretary