

**THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION**

**RESOLUTION # 2020-04**

**TITLE: Calling on Congress to Introduce and Support Reparation Legislation for the Treatment of American Indians and Alaska Natives**

**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,** reparations, or the concept of governmental compensation for past wrongs, has been a recent policy topic in the mainstream media and politics, including the 2020 presidential elections; and

**WHEREAS,** the vast majority of the national reparations conversation so far has not addressed the United States’ litany of wrongs and human rights violations undertaken against American Indian and Alaska Native people, ignoring the forced removal, land theft, and genocide that the United States is founded on; and

**WHEREAS,** the atrocities the United States has carried out against American Indians and Alaska Natives can be directly traced to the European “Doctrine of Discovery” and its religious, cultural, and racially based ideas of the superiority of Europeans over indigenous people; and

**WHEREAS,** the Doctrine of Discovery was embraced by the United States Supreme Court in *Johnson v. M’Intosh*, a case that continues to serve as the foundation of modern U.S. Indian policy, where the Court referred to Indians as “heathens” in justifying the United States’ attempt to divest Tribes of Indian land, resources and governmental rights; and

**WHEREAS,** since *M’Intosh*, all three branches of the United States government have continued to apply this imperialist doctrine to justify the decisions and policies that have sought to assimilate, dispossess, and eliminate every aspect of American Indian and Alaska Native life, culture and sovereignty; and

**WHEREAS,** the United States’ policies and actions have profoundly handicapped American Indian and Alaska Native sovereignty and self-determination and continue to present barriers to the creation of Tribal economic success and American Indian and Alaska Native peoples access to jobs, housing, education, and health care; and

**WHEREAS,** while various efforts have been made to settle American Indian and Alaska Native claims for the United States’ historical wrongdoings, those efforts have been woefully inadequate due to procedural hurdles and the inadequate representation and remedies that do not account for Tribal treaty rights or Tribes standing as sovereign governments; and

**WHEREAS,** for these reasons, in order to meaningfully address the long legacy of legal and moral harms inflicted on American Indians and Alaska Natives, the United States must study and enact a policy of reparations; and

**WHEREAS,** any reparations policy should be developed with and informed by American Indians and Alaska Natives who continue to suffer from the inter-generational historical trauma inflicted by the United States and should not be limited to monetary compensation; and

**NOW THEREFORE BE IT RESOLVED,** that NNABA hereby calls on members of the United States Congress to develop, introduce, and support legislation that seeks to address the policies, decisions, and institutions of the United States which have caused and continue to cause historical trauma and harm to American Indians and Alaska Natives through enactment of reparations legislation.

**BE IT FURTHER RESOLVED**, that NNABA makes the recommendations set forth in Exhibit A to the United States Congress;

**BE IT FINALLY RESOLVED** that NNABA supports this resolution as policy until it is withdrawn or modified by subsequent resolution.

**Certification**

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on November 16, 2020, with a quorum present.



Thomasina Real Bird, President

Attest:



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Heather Torres, Secretary

**Exhibit A**

**Reparations for American Indians –**

**A White Paper on the Necessary First Step to Healing Historical Wrongs**

[*attached*]