

**The National Congress of American Indians
Resolution #PSC-26-xxx**

Opposing Destructive Border Wall Construction That Impedes Indigenous Border Crossing Rights and Illegally Diminishes Tribal Reservations, and Condemning the Use of Bureau of Indian Affairs and Other Federal Agents Against Tribes in Violation of the Duty to Support Tribal Self-Government and Protect Indian Lands and Resources

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; 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, tribes and First Nations communities pre-exist the establishment of the United States and its international boundaries with Canada and Mexico, and NCAI has long supported Indigenous peoples' border crossing rights (NCAI Resolution KAN-18-031); and

WHEREAS, NCAI also opposes "the construction of a physical wall on the southern border of the United States on tribal lands without the consent of affected tribes" (NCAI Resolution ECWS-17-002); and

WHEREAS, the United States Department of Homeland Security (DHS) is constructing or preparing to construct destructive border walls, roads, and infrastructure (collectively, "border wall") through the aboriginal lands and tribal reservations along the United States' international boundary with Mexico; and

WHEREAS, while NCAI has opposed the Department of Homeland Security (DHS) Secretary's waiver of laws to build a border wall (NCAI Resolution ECWS-08-001), the Secretary has chosen to waive the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), the Eagle Protection Act (16 U.S.C. 668 et seq.), the Archeological Resources Protection Act (Pub. L. 96-95 (16 U.S.C. 470aa et seq.)) and numerous additional cultural, environmental, and other laws; and

WHEREAS, DHS's ongoing border wall construction that is conducted without environmental, endangered species, archeological, or other protections found in such laws has resulted in the disturbance or destruction of tribal archeological and sacred sites, human remains, wildlife, water, cultural practices, and natural resources; and

WHEREAS, numerous non-Indian border communities and faith communities are also negatively impacted by a border wall on federal, state, and private lands on the Mexican border and oppose border wall construction; and

WHEREAS, tribal people, lands, water, animals, natural resources, sacred places, cultural resources, and relationship to the land are interconnected through their cultures and ways of life, and they will be irreparably damaged by border wall construction activities and associated ground disturbances; and

WHEREAS, the (DHS) Consultation and Coordination with Tribal Nations Directive Number: 071-04 mandates consultation with an Indian Tribe when DHS is planning to take an action that causes, or is likely to cause, a substantial direct effect on the self-government, trust interests, or other rights of an Indian tribe; and

WHEREAS, instead of consulting with tribes as legally required, DHS and its component agencies, United States Customs and Border Protection and United States Border Patrol, have declared that they will build a destructive double wall on tribal lands and have given as little as two minutes' advance notice that contractors are entering reservation trust lands to conduct construction activities that undermine tribal powers of self-government and rights; and

WHEREAS, in direct violation of the Bureau of Indian Affairs' (BIA) duty to support tribal self-government and protect Indian lands and resources, and the BIA Office of Justice Services' (OJS) mission to uphold tribal sovereignty, the BIA-OJS has deployed armed agents against tribal people on their own reservations to support trespassing border wall contractors; and

WHEREAS, border wall construction on any tribal reservation would unlawfully diminish the reservation itself in violation of federal law and the United States' trust obligations; and

WHEREAS, border wall construction has destroyed or will destroy additional lands, water, animals, natural resources, sacred places, and cultural resources and practices of tribes across the United States' southern boundary with Mexico, and will prevent border crossings for ceremonies, burials, and religious and cultural practices; and

NOW THEREFORE BE IT RESOLVED, that the NCAI:

(1) opposes the DHS Secretary's waivers of laws that have allowed destructive border wall construction, all border wall construction activities on tribal lands without express tribal consent, and border wall construction and other federal actions that limit Indigenous border crossing rights;

(2) condemns the BIA-OJS's deployment of armed agents against tribes on reservation lands in violation of the BIA-OJS's duty to uphold tribal sovereignty; and

(3) calls on the Secretary for the Department of the Interior and the Assistant Secretary-Indian Affairs to publicly commit that their personnel will not be deployed to support border wall construction within Indian country or on aboriginal tribal lands without tribal consent and will not otherwise violate their duty to support tribal self-government and protect Indian lands and resources.

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2026 Annual Convention of the National Congress of American Indians, held October 18-22, 2026 in Palm Springs, California, with a quorum present.

Mark Macarro, President

ATTEST:

Christie Modlin, Recording Secretary