

[NCUIH Joins Tribal Partner Organizations Letter Urging Carciери Fix](#)

Category: Policy Blog

written by Chandos Culleen | June 14, 2022

On April 14, 2022 the United South and Eastern Tribes Sovereignty Protection Fund submitted a letter to the Senate Committee on Indian Affairs (SCIA) calling on the Senate to pass a legislative fix addressing the Supreme Court's decision in [Carciери v. Salazar](#), 222 US 379 (2009). The National Council of Urban Indian Health (NCUIH) joined in this letter, along with the National Congress of American Indians, the National American Rights Fund, the National Indian Gaming Association, and the National Indian Health Board, among other Native advocacy organizations. The full text of this letter is [available here](#).

Carciери v. Salazar and its Impact on Indian Country

In 2009 the Supreme Court issued its decision in [Carciери v. Salazar](#). The case considered whether the Secretary of the Interior could use his authority pursuant to the Indian Reorganization Act (IRA) to take land into trust for the Narragansett Tribe. The Court held that the IRA Act did not apply to Tribes not recognized by the federal government at the time the statute was enacted in 1934. Because the Narragansett were not formally recognized by the federal government until 1983, the Court further held that the Secretary of the Interior did not have the authority to take land into trust for the Tribe.

According to [testimony](#) provided by then-Assistant Secretary for Indian Affairs Larry Echo Hawk in 2011, "The *Carciери* decision was inconsistent with the longstanding policy and practice of the United States under the Indian Reorganization Act of 1934 to assist federally recognized tribes in establishing and protecting a land base sufficient to allow them to provide for the health, welfare, and safety of tribal members, and to treat tribes alike regardless of their date of federal acknowledgment." The Supreme Court's decision has had a significant impact on the federal government's fee-to-trust process, requiring the Department of the Interior (DOI) to engage in extensive legal and historical research prior to taking land into trust and in some cases, stopping DOI from taking land into trust for some tribes all together.

Tribal Partner Organizations Letter Urges Carciери Fix

The April 14, 2022 letter urged SCIA "as the Senate committee tasked with leading strong U.S.-Tribal Nation diplomatic relations and protecting the principles of our sovereign status, to work toward enactment of legislation that would reaffirm the status of existing Tribal trust lands and restore certainty and fairness to the Tribal land into trust process by fixing the flawed *Carciери* decision." The letter notes that twice during the 117th Congress, the House of Representatives had passed legislation to address *Carciери*, and that it is time for the Senate to also pass similar legislation.

As a passionate supporter of Tribal sovereignty and strong Tribal economies, NCUIH was proud to join the Tribal Partners Organization letter with other leading American Indian and Alaska Native advocacy organizations. NCUIH urges Congress to pass legislation which restores the Secretary of the Interior's authority to take land into trust for all federally recognized Tribes and which reaffirms the status of existing Tribal trust lands.