

RESOLUTION # \_\_\_\_\_

**A RESOLUTION RECOGNIZING THE  
PREEXISTING PONCA TRIBAL LAW OF NATURE**

**WHEREAS**, the Ponca Tribe of Indians of Oklahoma (herein the “Tribe” or the “Ponca Tribe”) is an Indian Tribe existing from time *in memoriam*, which has for many generations governed itself to provide for the common peace and the common protection of all things in Nature; and

**WHEREAS**, today the Ponca Tribe is a United States federally recognized Tribe of nearly 4,000 members with the headquarters located in White Eagle, Oklahoma; and

**WHEREAS**, the Ponca Tribal Business Committee is authorized to conduct and transact all business of the Ponca Tribe subject to the requirements of the Ponca Constitution duly adopted on September 20, 1950; and

**WHEREAS**, the Ponca Tribal Business Committee is authorized to exercise all executive, legislative, and judicial powers of the Tribe, in accordance with the Tribal Constitution; and

**WHEREAS**, Ponca people, like all people, are a part of nature. Nature gives all physical sustenance and affords all the opportunity for all People for all intellectual, moral, social and spiritual growth; and

**WHEREAS**, the protection of Nature is a major issue which affects the well-being of people throughout the world; and

**WHEREAS**, in the long evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, many people have acquired the power and the desire to transform Nature in countless ways and on an unprecedented scale; and

**WHEREAS**, in the short time of the lives of the signatories to this Law we have witnessed that humans have transformed Nature. That power, if used wisely, can serve to protect Nature and to enhance the quality of the lives of all things, including People alive today and for the People and all living things in future

generations. Wrongly or heedlessly applied, the same power can do incalculable harm to Nature, to humans, and to all living things.

**WHEREAS**, we, the signatories of this law, see around us growing evidence of human-made harm in Nature: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances in the processes of Nature; and gross deficiencies, harmful to the physical, mental and social health of all sentient beings, all caused by the unmanaged, powerful science and technology of humans; and

**WHEREAS**, one of the largest oil companies in the world began in the heart of Ponca Tribe and it has since expanded around the world; and

**WHEREAS**, the unfettered and ever-growing use of oil, gas and coal – all revived from the decayed remains of living being that died millions of years ago, and which Nature largely sequestered away from those things living today – not only severely changes our climate, it physically and spiritually places living things in Nature today squarely in contact with that which died and was buried long ago; and

**WHEREAS**, we as Poncas see increased rates of death in our community which have no explanation other than the severe alteration of Nature caused by human technology, science, and the unthinking, unmanaged and unfettered use of oil, gas and coal; and

**WHEREAS**, a point has been reached in history when we as Poncas feel it necessary to take every step we can to ensure prudent care for Nature, not only because of the consequences to us as people, but also because of our ethical duty to not harm all things in Nature which are related to us and are a part of us. Through ignorance or indifference, we can do, and already have done, massive and irreversible harm to Nature. We as Ponca People accept that responsibility; and

**WHEREAS**, through fuller knowledge and wiser action, and by acknowledging our responsibility for the past we can in the future protect Nature, reverse many of the harms we and others have caused, and protect not just for humans, but for all things, a good and free life. Attaining freedom will require all humans to use knowledge to act in collaboration with Nature. To defend and improve the condition of all living things, presently and in the future has become an imperative goal for humankind. This is a goal to be pursued together with, and in harmony with all things in Nature, and in concert with all humans who aspire to be bound to the established and fundamental goals of peace; and

**WHEREAS**, achieving this goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future; and finally

**WHEREAS**, we believe that Ponca Law has always recognized Right of Nature, and therefore, we **RESOLVE** that the following shall be immediately recorded as the customary law of the Ponca Tribe, existing since time in memoriam until the end of all days:

#### **Article 1. Nature**

- (1) Nature is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all other beings. The term “being” includes ecosystems, natural communities, species and all other natural entities which exist as part of Nature.
- (2) Each being is an integral part of Nature.
- (3) The inherent rights of Nature are inalienable in that they arise from the same source as existence.
- (4) All beings are entitled to all the inherent rights recognized in this law without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.
- (5) All beings have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.
- (6) The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that respects Nature and each being within Nature.

#### **Article 2. Inherent Rights Nature**

- (1) Nature and all beings of which it is composed have the following inherent rights:
  - a. the right to life and to exist, subject to the traditional roles and ethical harvesting of plants and animals by humans for sustenance;
  - b. the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;

- c. the right to clean water as a source of life;
  - d. the right to clean air as a source of life;
  - e. the right to a climate that is habitable, supports life, sustains culture, and is not disrupted by humans;
  - f. the right to be free from contamination, pollution and toxic or radioactive waste;
  - g. the right to not have its genetic structure modified or disrupted;
- (2) Each being has the right to a place and to play its role in Nature, which may include the responsible and ethical taking and consuming of living beings as is traditional, ethical, just and proper for sustenance and the perpetuation of life;
- (3) Every being has the right to well-being and to live free from torture or cruel treatment by human beings.

### **Article 3. Duties of Human Beings to Nature**

- (1) Every human being is responsible for respecting and living in harmony with Nature.
- (2) Within the Jurisdiction of the Ponca Tribe, all human beings, all governments, all corporations and public and private institutions must act in accordance with the rights and obligations recognized in Article 2 of this Law, and the failure to do so shall constitute a crime against Nature;
- (3) Within the Jurisdiction of the Ponca Tribe, the possession or use of nuclear materials for any purpose other than for medical diagnostic or medical treatment shall constitute a crime against Nature; and
- (4) Within the Jurisdiction of the Ponca Tribe, the possession or use of biological or chemical weapons shall constitute a crime against Nature.
- (5) The Jurisdiction of the Ponca Tribe extends to all that area currently owned, managed, controlled or occupied by the Tribe or its members, wherever be located, as well as all those elements of nature found within those lands described in Article 1 of the Treaty between the United States of America and the Ponca Nation of March 12, 1858.

### **Article 4. Penalties for Crimes against Nature**

- (1) A Crime against Nature shall be enforced by the Ponca Tribal Court and the rules of Criminal Procedure then normally applicable in the Ponca Tribal Court shall apply to all Crimes against Nature.
- (2) The Ponca Tribal Prosecutor shall, in her discretion, prosecute all Crimes against Nature as is her custom and practice.
- (3) A Crime against Nature shall be considered a misdemeanor if the result of the Crime does not pose a substantial threat to the continued existence of a population of beings or if the perpetrator of the Crime against Nature agrees within a reasonable time to restore the population of beings impacted by the Crime against Nature.
- (4) A Crime against Nature shall be considered a Felony if the crime poses a substantial threat to the continued existence of a population of beings or if the perpetrator of the Crime against Nature refuses within a reasonable time to restore the population of beings impacted by the Crime against Nature.
- (5) Violations of Article 3 (3) and Article 3 (4) shall always be considered a felony.
- (6) Misdemeanor Crimes against Nature shall incur, in the discretion of the Ponca Tribal Court, a maximum sentence of 30 days in prison, and a fine of \$500, for each day of each offense, and the sentences may be added together and shall maintain their status as a misdemeanor no matter how many days in prison or dollars ultimately result.
- (7) Felony Crimes against Nature shall incur, in the discretion of the Ponca Tribal Court, a maximum sentence of 1 year in prison, and a fine of \$5,000, for each day of each offense, and the sentences may be added together and shall maintain their status as a Felony no matter how many days in prison or dollars ultimately result.
- (8) If the offender is a corporate entity, the Chairman of the Board of the Corporate entity who serves in that position at the time the Crime of Nature is committed shall personally serve the sentence for any Crime against Nature caused by the corporation.