

# The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

## *A Resolution Supporting The Government-To-Government Relationship Between The United States and Tribes and Protecting Tribal Sovereignty*

### Resolution No. 18-10



Bill John Baker  
Principal Chief



Bill Anoatubby  
Governor



Gary Batton  
Chief



James R. Floyd  
Principal Chief



Greg P. Chilcoat  
Chief

**WHEREAS,** the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing approximately 750,000 Indian people throughout the United States; and

**WHEREAS,** since the formation of the Union, the United States (U.S.) has recognized American Indian Tribes as sovereign nations; and

**WHEREAS,** as grounded in the U.S. Constitution and reflected in numerous treaties, statutes, federal case law, regulations, executive orders, a long-standing and unique government-to-government relationship exists between American Indian Tribes and the Federal Government; and

**WHEREAS,** as long affirmed by court rulings and established Federal law and policy, Federal Government exercise of its law making powers in fulfillment of its trust obligations to American Indians and Alaska Natives is lawfully based on the unique political relationship between the United States and American Indian Tribes and the political status of individual American Indians and Alaska Natives as citizens or members of those Tribes; and

**WHEREAS,** as long affirmed by court rulings and established Federal law and policy, Federal Government exercise of its law making powers in this manner is *not* based on race or any other suspect classification under the United States Constitution or Federal statute; and

**WHEREAS,** notwithstanding these long affirmed rules, the U.S. Health and Human Services has taken the public position administrative action to fulfill the Federal Government's trust responsibilities relating to the provision of health care to American Indians and Alaska Natives would raise unexplained "civil rights issues"; and

**WHEREAS,** based on this public position, Health and Human Services will not act to protect U.S. Indian Health Service access to Medicaid reimbursement funding; and

**WHEREAS,** this public position marks a material departure from the established law and understanding of the unique political relationship between the United

States and American Indian Tribes and the political status of individual American Indians and Alaska Natives as citizens or members of those Tribes; and

**WHEREAS,** among other potential adverse effects, a direct consequence of this public position will be harm to Congress's established mechanism for ensuring Indian Health Service has access to Medicaid reimbursement dollars, which will put at risk the provision of critical health care services to American Indians and Alaska Natives throughout Indian country.

**NOW, THEREFORE LET IT BE RESOLVED THAT,** the ITC is deeply troubled by Health and Human Services' material departure from the established law and understanding of the unique political relationship between the United States and American Indian Tribes and the political status of individual American Indians and Alaska Natives as citizens or members of those Tribes; and

**BE IT FURTHER RESOLVED THAT,** the ITC will continue to promote and support Tribal Sovereignty and to protect the unique government-to-government relationship between American Indian Tribes and the Federal Government; and

**BE IT FURTHER RESOLVED THAT,** the ITC will continue to educate the Federal Government, whether it be members of Congress or the Administration, on the unique political status of American Indian Tribes, the Federal; trust responsibility, and the necessary provisions and protections for American Indians and Alaska Natives in Federal health care laws, all of which have been enacted in full accord with long-established Federal law and policy; and

**BE IT FURTHER RESOLVED THAT,** the ITC will continue to advocate for the unique political status of Tribes and their members, and to promote and protect that political status, taking all actions necessary, possible, and practical to uphold that political status and prevent any Federal or State policymaking that misinterprets long-established Federal law and policy.



**CERTIFICATION**

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Tulsa, Oklahoma on this 1st day of May, 2018, by a vote of 21 for 0 against and 0 abstentions.

Bill Anoatubby  
Bill Anoatubby, Governor  
The Chickasaw Nation

James R. Floyd  
James R. Floyd, Principal Chief  
Muscogee (Creek) Nation

Gary R. Batton  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

Greg P. Chilcoat  
Greg P. Chilcoat, Chief  
Seminole Nation of Oklahoma

Bill John Baker  
Bill John Baker, Principal Chief  
Cherokee Nation