

**The INTER-TRIBAL COUNCIL
of the FIVE CIVILIZED TRIBES**

NUMBER 97-20

A Resolution in Support of the 1997 Tribal Self-Governance Amendments

WHEREAS,

the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 300,000 Indian people throughout the United States, and

WHEREAS,

Secretary of Interior Bruce Babbitt and Attorney General Janet Reno have been discussing law enforcement issues and problems in Indian Country and proposed solutions to such issues and problems; and

WHEREAS,

Among the four proposed solutions to such problems is a proposal to “Transfer all three major law enforcement programs in the BIA (criminal investigations, uniformed police and detention services)” to a new “Indian County Investigative Service” (ICIS) within the Department of Justice (DOJ); and

WHEREAS,

The other three proposals include leaving the Indian County law enforcement system within the BIA, as it currently exists; consolidating all law enforcement within the BIA’s Office of Law Enforcement Services (OLES) which would in turn receive technical assistance and training from the DOJ; or transferring the BIA’s criminal investigative services to ICIS and leaving the other two programs with the BIA; and

WHEREAS,

In the documents proposing these alternative solutions, the BIA and DOJ agree that “Tribes must continue to have the option of contracting or compacting for their own law enforcement services,” but the proposal does not state how or under what system of laws the Tribes could continue such contracting or compacting if some or all programs were to be transferred to the DOJ; and

WHEREAS,

The BIA and DOJ have stated that Tribes are encouraged to submit their own recommendations.

NOW, THEREFORE, BE IT RESOLVED,

That, due to the need for clarification of how and when the proposals would be effected, and the absence of any statutory mechanism which would allow Tribes to contract or compact law enforcement programs with DOJ, the Inter-Tribal Council of the Five Civilized Tribes must oppose any proposed transfer of law enforcement programs and/or control of same from BIA to DOJ.

BE IT FURTHER RESOLVED,

That the Executive Committee of the Inter-Tribal Council of the Five Civilized Tribes recommends that the heads of the Departments, Interior and DOJ, consider having all law enforcement programs remain in the BIA, with the DOJ providing resources, funding, assistance, training and guidance in law enforcement functions, by way of an inter-departmental memorandum of agreement or other arrangement similar to that between the BIA and Federal Highway Administration, and provide the Tribes with the option of contracting or compacting law enforcement programs under Title I and IV of the Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended, through the Bureau of Indian Affairs.

CERTIFICATION

Adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting held at Muskogee, Oklahoma on September 9, 1997, by a vote of 5 for, 0 against, and 0 abstentions.

Joe Byrd Signed
Joe Byrd, Principal Chief
Cherokee Nation

Greg E. Pyle Signed
Gregory E. Pyle, Chief
Choctaw Nation

Perry Beaver Signed
Perry Beaver, Principal Chief
Muscogee (Creek) Nation

Jerry Haney Signed
Jerry Haney, Principal Chief
Seminole Nation

Bill Anoatubby Signed
Bill Anoatubby, Governor
Chickasaw Nation