The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution expressing support for H.R. 1208, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian Tribes.

Resolution No. 24-17

Chuck Hoskin Jr.
Principal Chief

Bill Anoatubby
Governor

Gary Batton
Chief

David W. Hill
Principal Chief

Lewis J. Johnson
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 815,000 Indian people throughout the United States; and

WHEREAS, the United States' policies of allotment and assimilation devastated Tribal land bases and damaged Native communities; and

WHEREAS, the United States Congress, recognizing this great damage, enacted the Indian Reorganization Act in 1934, Pub. L. 73-383, and the Oklahoma Indian Welfare Act in 1936, Pub. L. 74-816, both of which established federal law to support Tribal sovereignty and self-government and to undo the harms of those earlier and flawed policies; and

WHEREAS, those statutes authorize the Secretary of the U.S. Department of the Interior to, among other things, acquire land in trust for the benefit of federally recognized Tribal nations, and that mechanism has been instrumental in Tribal efforts to rebuild sovereign land bases; and

WHEREAS, Tribal nations use trust land resources to support the provision of government programs and services, to pursue economic development, to produce energy and food, build housing, schools, hospitals, and other critical infrastructure to support and stabilize Native communities; and

WHEREAS, today, in Oklahoma and across the country, Tribal nations create jobs and drive broad and productive economic activity through the exercise of sovereignty and use of trust lands; and

WHEREAS, however, in 2009, the U.S. Supreme Court's decision in *Carcieri v. Salazar*, 555 U.S. 379, upended 75 years of precedent and practice by restricting the Indian Reorganization Act's trust land acquisition mechanisms to those Tribes federally recognized in 1934, which created a harmful two-class system—those federally recognized Tribes for whom the United States may acquire lands in trust and those for whom the United States cannot; and

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WHEREAS, as Congressman Cole stated in recent congressional committee proceedings, "[t]his two-class system is truly detrimental to so many Native communities, as it makes it harder for them to manage and expand their territory, as well as puts millions of dollars' worth of trust land in legal limbo"; and
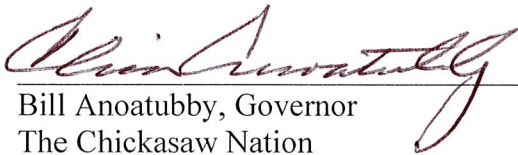
WHEREAS, many Indian tribes were removed or displaced by the United States government, many tribes today are located hundreds, if not thousands, of miles away from their sacred, religious sites as well as the burials of their ancestors, making it very difficult for removed Tribes to protect the graves of their loved ones; and
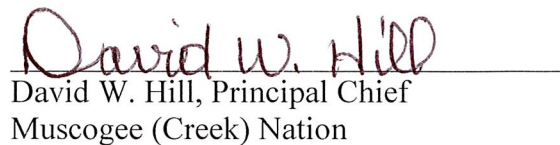
WHEREAS, on February 27, 2023, Congressman Cole introduced H.R. 1208 in the U.S. House of Representatives, which would, if enacted, correct the *Carcieri* decision's error by restoring application of the Indian Reorganization Act's trust land acquisition mechanisms to all federally recognized Tribes and removing the uncertainty that hangs over certain prior trust acquisition; and

NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes expresses its strong and unequivocal support for inclusion of measures that enable removed Tribes to protect their sacred sites in H.R. 1208 and calls on Congress to enact it for purposes of restoring all federally recognized Tribes' access to trust land acquisition mechanisms and to remove the cloud of uncertainty that hangs over the trust land acquisitions done for some Tribal nations.
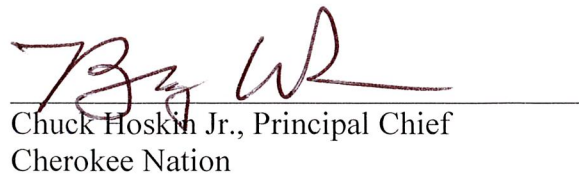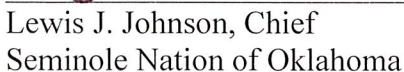
CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Catoosa, Oklahoma on this _12_ day of July, 2024, by a vote of ___22___ for ___0___ against and ___0___ abstentions.

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Bill Anoatubby, Governor
The Chickasaw Nation

_____
David W. Hill, Principal Chief
Muscogee (Creek) Nation

_____
Gary Batton, Chief
Choctaw Nation of Oklahoma

_____
Chuck Hoskin Jr., Principal Chief
Cherokee Nation

_____
Lewis J. Johnson, Chief
Seminole Nation of Oklahoma