

Rep. Diane Watson of California Attacks the Cherokee Nation of Oklahoma With Introduction of H.R. 2824 Legislation

WASHINGTON D.C.-
By Shelley Bluejay Pierce (bluejay@3riversdbs.net) 8/12/2007

Questions about tribal sovereignty and who can be a registered citizen of an Indian tribe in the USA became the focus for the Cherokee Nation of Oklahoma this past month. California Congresswoman, Diane E. Watson, introduced legislation that calls for a severing of U.S. relations with the Cherokee Nation of Oklahoma. (full text of H.R. 2824 located at <http://www.govtrack.us/congress/billtext.xpd?bill=h110-2824>) Included within the bill are recommendations that cut all federal funding to the tribe until such time that the Cherokee Nation restores full tribal citizenship to a group of African Americans known as Freedmen.

Congresswoman Watson's H.R.2824 essentially punishes the Cherokee Nation for requiring its citizens to have Indian ancestry. Approximately 500 other Indian tribes across the USA mandate that citizens be of verifiable Indian bloodline in order to be a citizen of that tribe. The Cherokee Nation is the second largest tribe in the United States, with about 280,000 members including more than 1,500 citizens who are descendants of Freedmen who have proven Indian ancestry.

Freedmen approached members of the Congressional Black Caucus requesting their assistance in restoring their citizenship in the Cherokee Nation. Rep. Diane Watson, joined by 11 other lawmakers, introduced the bill that threatens to cut millions of dollars in federal funding to the Cherokees.

"A member of congress didn't like a decision that a tribe made and then decided that the tribes' actions warranted congressional intervention and basically tried to serve a death sentence to the tribe. Congress is taking a step toward telling the tribes how to run their nations and going so far as to tell a tribe who is "Indian" and who is not," stated Mike Miller, Communications Officer for the Cherokee Nation of Oklahoma.

The Cherokee Nation voted on March 3, 2007 to amend their Constitution to clarify eligibility for Cherokee citizenship. 77% of the voting citizens approved this amendment with more than 8,700 citizens voting which the Cherokee website states, "was a higher turnout than the vote for the Cherokee Nation's constitution, four years ago." The vote followed a petition drive for a ballot measure to determine who is a citizen of the Cherokee Nation.
(<http://www.cherokee.org/home.aspx?section=services&service=CitizenStatusChanges&ID=beL7Iwv6q28=>)

Cherokee Nation spokesman, Mike Miller, further explained, "We have more than 1500 Cherokee citizens who are Cherokee by blood but who also have Freedmen ancestors. We have thousands of other Cherokee citizens who are also African American. The point is if you have an Indian ancestor on our Dawes rolls, then you can be a Cherokee citizen. If you do not have the bloodline connection then you are not a citizen of the Cherokee Nation. This is a question of being INDIAN without discussing any other race involvement. Every other Indian tribe bases their

membership this way so why are the Cherokee being treated differently?"

H.R. 2824 has drawn strong reaction from the general public. In what seems a backward process, the Cherokee Nation has been given possible penalties by lawmakers prior to official investigations or discussions with proper agencies that deal with tribal affairs. H.R. 2824 details what the lawmakers are requesting in a final phase of judgment, even going so far as to suggest enormous penalties for non-compliance, before formal discussions or investigations have taken place between the leaderships.

The National Congress of American Indians (NCAI) voiced strong opposition to the bill in a press statement released on June 26, 2007. In the statement, Joe Garcia, the President of NCAI stated, "It is outrageous to propose to terminate the existence of an Indian Nation. This is an uncalled for response to a legal question of treaty interpretation. When Alabama or California takes an action inconsistent with Congressional views, there is no discussion of revoking their statehood. The attempt to revoke tribal nationhood is equally inappropriate. Not since the Termination Era of the 1950's, when the official policy of the federal government was complete destruction of indigenous peoples, have we seen such a piece of legislation. NCAI was founded to oppose termination of Indian tribes."

Additionally, the bill addresses actions directed at other tribes who have Freedmen connections stating, "Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue a public report to Congress on the status of freedmen in the Cherokee, Choctaw, Chickasaw, Muscogee (Creek), and Seminole Nations of Oklahoma."

Chief Chad Smith has stated in previous press coverage, "My roll as Principal Chief was to bring the issue of citizenship to a vote. Determination of citizenship is the decision of the people, not the Principal Chief, not the tribal council and not the court."

H.R. 2824 suggests punishing tribes for decisions made within their own nations if this bill is approved in its current form. Tribal sovereignty refers to the inherent authority of indigenous tribes to govern themselves. Native tribes have fought a long battle to secure tribal sovereignty in regards to fair and equitable relationships between Washington leadership and the tribes.

A 1981 legal case, *Montana v U.S.*, clarified that, 'tribal nations possess inherent power over their internal affairs, and civil authority over non-members within tribal lands to the extent necessary to protect health, welfare, economic interests or political integrity of the tribal nation.' Elected tribal governments have the legal ability to determine actions that impact their citizens as well as setting their own criteria for membership. The Indian Education and Self-Determination Act in the mid-1970s sought to re-establish sovereignty amongst the Indian nations. H.R. 2824, in its current form, is suggested to undermine all the progress that has been made in regards to the tribes maintaining self-determination.

"To say that the Freedmen have always been members of the Cherokee Nation regardless of blood quantum is not accurate. From 1975 to 2006, each citizen of the Cherokee Nation had to have provided a blood relation link to an Indian citizen on the rolls. Blood line had to be established or you were not accepted into the Cherokee Nation," stated Mike Miller.

The Cherokee official website explains that Freedmen and other non-Indians were granted tribal citizenship under a tribal court ruling just one year ago. Prior to that and following this vote, to be part of the Cherokee Nation at least one Indian ancestor listed on the base roll was required for Cherokee citizenship status to be granted.

Some vocal critics of the Cherokee Amendment suggest that they have been denied membership based on greed. In earlier mainstream press reports, references to the large sums of money earned by various casinos are targeted as a possible reason for the Cherokee Nation limiting its membership. In discussing this with Native American Times, spokesman, Mike Miller, explained the many inaccuracies in this suggestion.

Cherokee casino earnings are invested back into the nation and are not paid out to individual citizens. (<http://www.cherokee.org/docs/WTMGWeb.pdf>) The casino earnings are used to help fund and expand important government services including health care and education. Though many other tribes across the USA pay out a per-capita check that each citizen of the tribe receives from casino earnings, the Cherokee Nation of Oklahoma does not follow this method.

The Bureau of Indian Affairs acknowledged in a letter dated August 9, 2007, that the federal government no longer has the authority to approve amendments to the Cherokee Nation Constitution. Carl Artman, BIA's top official, cited a June 23, 2007 vote of the Cherokee people and agreed that federal approval of amendments to the Cherokee Nation Constitution would no longer be necessary. The letter ends an eight-year struggle by the Cherokee Nation to remove the BIA from its Constitutional process.

When U.S. lawmakers return from their Summer break, committee meetings and investigations will continue into the issue of Cherokee citizen requirements and take aim at the very foundations of tribal sovereignty. While the process moves forward to resolution, the business operations of the Cherokee Nation of Oklahoma are expected to move forward unhindered.

In a letter to Chief Chad Smith, the U.S. Department of the Interior, Bureau of Indian Affairs Deputy Director, Jerry Gidner, stated that the Department intended to continue providing Federal funding to the Cherokee Nation, unless otherwise directed by a Federal court or Federal legislation.