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WASHINGTON—June 26, 2007—The National Congress of American Indians (NCAI) strongly opposes the recent legislation introduced by Congresswoman Diane Watson

(D–CA), that would terminate the Cherokee Nation over a disagreement on the status of non–Indians within the Cherokee Nation.


“It is outrageous to propose to terminate the existence of an Indian Nation,” said Joe Garcia, the President of NCAI. “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.”

The status of non–Indians within the Cherokee Nation is a complex legal issue with a very long history. It is currently in litigation and the status of the impacted individuals is preserved while the litigation proceeds. “A decision by the courts will shed a lot of light on the legal and historical questions,” said Garcia. “We urge Congress to allow the parties their opportunity to have the issues considered in an orderly fashion.”

The 1866 Treaty with the Cherokee Nation was ratified in the aftermath of the Civil War when Oklahoma was exclusively Indian Territory. The treaty created allotments of land for non–Indians living within the territory of the Cherokee, including freed African–American slaves known as the Freedman. In 1906, when Congress disestablished the Indian Territory and made Oklahoma a state, the Freedmen lands were taken out of tribal jurisdiction and placed under state jurisdiction. “This is not a simple race issue,” Garcia continued. “The Cherokee membership issues are complex, and it does a disservice to both of our communities to oversimplify them.”

“The histories and cultures of African American and Native American communities are intertwined in many places,” said Garcia. “We are friends and allies. We respect the Congressional Black Caucus’ questions and support continued dialogue. But legislation requesting the termination of a sovereign tribal government is outrageous and unacceptable.”

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