

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Urging Congress to Allocate Additional Resources for McGirt-response and Urging Congress to Allocate Resources Directly to Tribal Governments

Resolution No. 21-20



Chuck Hoskin Jr.
Principal 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, and Muscogee (Creek), representing approximately 780,000 Indian people throughout the United States; and



Bill Anoatubby
Governor

WHEREAS, through treaties, statutes, executive orders, and other legal agreements and laws, the United States took on many legal and moral obligations to Indian people in exchange for hundreds of millions of acres of land; and

WHEREAS, the *McGirt* decision, issued on July 9, 2020, affirmed that a reservation was established by for the Muscogee Nation and never disestablished by Congress. As a result of their shared legal histories, this decision applies to each of the Five Tribes. The Cherokee Nation and Chickasaw Nation reservations were reaffirmed on March 11, 2021, and the Choctaw Nation and Seminole Nation reservations were reaffirmed on April 1, 2021; and



Gary Batton
Chief

WHEREAS, together, the five reservations span 32,000 square miles, equivalent to 45 percent of the state of Oklahoma and millions of individuals, both citizens of tribal nations and non-Indians alike; and

WHEREAS, the *McGirt* decision was a landmark case resulting in increased caseloads both for tribal and federal courts. The immediate and long-term need for additional resources from the federal government must be met, as it is a legal and moral obligation of the trust and treaty responsibility; and



David W. Hill
Principal Chief

WHEREAS, the President's Budget Request for Fiscal Year 2022 includes additional dollars for the Department of Justice and Bureau of Indian Affairs, including \$25.5 million for the FBI, \$33 million for US Attorneys' offices in Oklahoma, \$8.7 million for the US Marshal Service, \$2.7 million for the Drug Enforcement Administration, and \$10 million for law enforcement activities related to *McGirt*.

WHEREAS, additional resources would allow tribal and federal courts to respond more effectively and efficiently to increased caseloads, and although it is important that the Department of Justice receive additional resources to respond to *McGirt*-related caseload increases, tribal governments should receive the vast majority of these dollars; and

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WHEREAS, the increase in funds requested for the Department of Justice proposed in the President's Budget Request for Fiscal Year 2022 are a critical first step, but alone, are not sufficient;

WHEREAS, some additional resources have already been allocated to the Department of Justice to respond to *McGirt*, including the Special Assistant United States Attorney Program to Support the Response to Precipitous Increase in *McGirt v. Oklahoma*-related Cases, but no additional resources have been provided to tribal governments; and

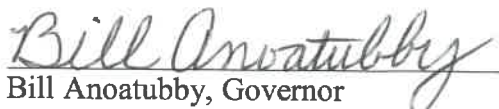
WHEREAS, the tribal governments impacted by the McGirt decision are committed to bolstering their already robust criminal justice systems and providing for the public safety of all Oklahomans living on reservations; and

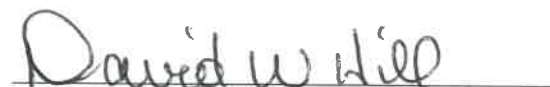
NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes urges Congress to allocate additional resources to the Department of Justice and Bureau of Indian Affairs for *McGirt*-related response activities, including increased caseloads and tribal law enforcement needs, as requested in the President's Fiscal Year 2022 Budget Request and as more broadly requested by the tribal governments impacted by *McGirt*.

BE IT FURTHER RESOLVED, the Inter-Tribal Council of the Five Civilized Tribes urges Congress to ensure that the vast majority of funds allocated for *McGirt* response flow directly to tribal governments, who are most acutely experiencing the effects and shouldering the cost burden of *McGirt*.


CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Tulsa, Oklahoma on this 9th day of July, 2021, by a vote of 18 for 0 against and 0 abstentions.


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