

UNITED SOUTH AND EASTERN TRIBES

RESOLUTION NO. C-85-151

A RESOLUTION TO SUPPORT THE EASTERN BAND OF CHEROKEE INDIANS
WITH RESPECT TO ENROLLMENT IN BIA SCHOOLS

- WHEREAS, it is the sovereign right of Indian Tribal governments to determine their own membership criteria; and
- WHEREAS, the Appropriations Committee of the United States Senate in its report on the fiscal year 1985 appropriations bill for the Interior Department and Related Agencies has proposed "elimination of funding under the (ISEP) formula for students who do not meet the Bureau requirement of one-quarter blood quantum . . . the cost of their education . . . not (being) the responsibility of the Bureau of Indian Affairs . . . (under) Title 25, United States Code 297 . . .," and
- WHEREAS, 25 USC 297 was codified after having appeared only in a 1918 Appropriations Bill; and
- WHEREAS, in 1924 the United States Congress enacted the Cherokee Allotment Act and established therein a standard for Tribal membership as one-sixteenth degree Indian blood (over the objections of the Tribe) and
- WHEREAS, in preparing the FY '85 Report, the Appropriations Committee held no hearings to attempt to obtain Indian input, and the BIA did not request the inclusion of such language in the committee's report; and
- WHEREAS, while the report's language appears to apply to Tribes in general, the amount of decrease projected in the budget seems based solely on the savings which would accrue at Cherokee; and
- WHEREAS, rather than carrying out a policy decision as part of the law-making process, with hearings held and demographic studies developed to estimate the full impact of such an approach, the committee has chosen somewhat capriciously to address the matter through a budget bill; and
- WHEREAS, the children who would be affected would be discriminated against because they have historically been considered to be Indians by both the Tribe and its non-Indian neighbors, and are in fact, enrolled members of a federally recognized Tribe, and they should have the right to attend school in their community; and

WHEREAS, to take those children to the off-reservation public schools would result in the students spending three to four hours a day in buses and that the Bureau of Indian Affairs has found that public schools in the area of the Eastern Band of Cherokee Reservation are " . . . overcrowded, and . . . have indicated to us in writing that they will not and cannot accept students at this time," and

WHEREAS, no major Indian Act in the past half-century, including the Indian Reorganization Act, the Indian Education Act, the Indian Self-Determination Act and Title XI of the Education Amendments have required quarter-blood as a criteria for definition of an Indian, and

WHEREAS, the Board of Directors of United South and Eastern Tribes believes that within the bounds of reason the Bureau of Indian Affairs and the Congress should honor a Tribes sovereign right to determine its own membership and should serve those persons designated as members; and


NOW THEREFORE BE IT RESOLVED, that the Board of Directors of United South and Eastern Tribes does hereby declare its support for the Eastern Band of Cherokee Indians in the matter of school enrollment in the BIA Cherokee Schools, enrollment which has traditionally included all school age members of the Tribe, regardless of blood quantum; and

THEREFORE BE IT FURTHER RESOLVED, that the Board of Directors of the United South and Eastern Tribes does hereby request the Senate Select Committee on Indian Affairs and/or the House Interior Committee to hold hearings on this matter and on the entire question of arbitrary governmental restrictions of services to Tribal members of one-quarter degree Indian blood and does hereby urge the Conferees on the FY '85 Interior Appropriations Bill (or continuing Resolution) to disagree with the existing Senate Report language and allow full funding for all enrolled members of the Eastern Band of Cherokees attending Cherokee schools; and

THEREFORE BE IT FURTHER RESOLVED, that no further funding restrictions be initiated by Congress until the BIA, the Tribes and the Congressional Authorizing Committees have had an opportunity to thoroughly review this important matter and come to a decision on it.

CERTIFICATION

This resolution was duly passed at the USET Executive Committee Meeting, at which a quorum was present in Cherokee, North Carolina, October 4, 1984.



Leonard V. Garrow
President
United South and Eastern Tribes



Joel M. Frank
Secretary
United South and Eastern Tribes