UNIVERSAL 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 Confreres 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.

[Signatures]

Leonard V. Garrow
President
United South and Eastern Tribes

[Signatures]

Joel M. Frank
Secretary
United South and Eastern Tribes