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SELECT PROVISIONS OF THE 1866 RECONSTRUCTION TREATIES BETWEEN THE UNITED STATES AND OKLAHOMA TRIBES

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

JULY 27, 2022

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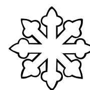

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SELECT PROVISIONS OF THE 1866 RECONSTRUCTION TREATIES BETWEEN THE UNITED STATES AND OKLAHOMA TRIBES

WEDNESDAY, JULY 27, 2022

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. Brian Schatz, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

The CHAIRMAN. Good afternoon. Welcome to the Committee's Oversight Hearing on Select Provisions of the 1866 Reconstruction Treaties between the United States and Oklahoma Tribes.

In the 1830s, the U.S. forcibly removed the Choctaw, Chickasaw, Cherokee, Muscogee Creek, and Seminole nations from their ancestral homelands in the southeast to Oklahoma on the Trail of Tears. At the same time, individual members of the Five Tribes enslaved Black people, continuing to do so through the Civil War. In 1866, the Five Tribes signed treaties with the United States which further reduced their landholdings and contained provisions about emancipation of enslaved peoples who were collectively referred to as the Freedmen.

Now, for the first them in the history of the United States Senate, these sovereign signatory tribes, Freedmen descendants, and the Administration have an opportunity to present their views on the 1866 treaties for the record. I understand and acknowledge that this is a difficult conversation, because this issue at its core involves injustices perpetrated by the United States Government more than a century ago against both Native Americans and African Americans.

It is emotionally charged for many and for good reason. Years-long litigation and disagreement over citizenship status of Freedmen descendants among the Five Treaty Tribes has divided communities and even divided individual families.

But disagreements cannot get resolved in silence. So we will soon be hearing from tribal leaders and representatives for each of the Five Tribes who will speak to their nation's treaty provisions with respect to Freemen descendants; Representative Waters, who has

fought for Freedmen descendants' rights for years, particularly in her leadership of the House Financial Services Committee, as well as Marilyn Vann, whose advocacy through her organization has raised awareness for Freedmen descendants of all Five Tribes.

Later this afternoon, I look forward to a deeper dialogue with individual leaders of Freedmen groups.

So it is our goal today to start a respectful dialogue, to listen to different perspectives, both in a formal setting and informally among members of Congress, tribal leaders, and Freedmen advocates, and to educate the Committee and the public with informed accounts relating to our Nation's two greatest failures: the removal of Native peoples from their traditional homelands and the enslavement of Black people. Descendants of both, many here today, still carry the pain of those grave injustices.

I look forward to a respectful conversation that takes into account the historic importance of this hearing.

I will now recognize Vice Chair Murkowski for an opening statement.

STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman, and thank you for convening today's very, very important and as you have noted, historic hearing. I apologize that I am not there in person, but COVID is keeping me here in Alaska for this week.

The history of the post-Civil War reconstruction treaty tribes, the Cherokee, the Chickasaw, Choctaw, Muscogee, and Seminole nations, often referred to as the Five Tribes, and the Freedmen, the lineal descendants of African American slaves owned by the Five Tribes, is part of a history that perhaps many Americans are not familiar with, nor do they fully understand. It is a complicated history of injustice and of sorrow, for both Indian tribes and African Americans.

As you have noted, Mr. Chairman, this can be an uncomfortable discussion. It can be uncomfortable to talk about what was brought on by the Federal Government's own policies of forced removal of Native peoples from their ancestral homelands, and the enslavement of African peoples.

I understand that each of the Five Tribes has a very unique history of treatment based on separate treaties with the United States. So I am interested in learning more about what these treaties entailed, and the obligations of both the tribes and the Federal Government to Freedmen descendants.

So I do want to say how appreciative I am that the Indian Affairs Committee is examining this history, and that the Five Tribes and the Freedmen descendants are here along with the Department of the Interior to have a constructive and again, a respectful dialogue about how we might move forward together. This is indeed long, long overdue.

I agree with the Chairman that we should task the GAO, the Government Accountability Office, with investigating what Federal services the Freedmen received and should receive in the future from the Federal Government.

With that, I turn back to you, Mr. Chairman. Again, thank you for convening this very important and very substantive hearing. For the many witnesses that are there in person today, thank you for traveling to be before the Committee on a very important topic.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Vice Chair Murkowski. We wish you a speedy recovery and look forward to seeing you soon.

Are there other members of the Committee wishing to make an opening statement? If not, we will turn to our first witness, who is a towering figure in history enough so that she comprises her own panel.

[Laughter.]

The CHAIRMAN. We are pleased to introduce the Honorable Maxine Waters, U.S. Representative for the 43rd Congressional District in California. Congresswoman, your full written testimony will be made a part of the official hearing record, and we look forward to your remarks.

Please proceed with your testimony.

STATEMENT OF HON. MAXINE WATERS, U.S. REPRESENTATIVE FROM CALIFORNIA

MS. WATERS. Thank you very much, Chairman Schatz, Vice Chair Murkowski, and members of the Committee.

Today I am here to discuss an issue I care very deeply about, that has been ignored for far too long. Many remain unfamiliar with the history of those who came to be known as the Native American Freedmen, and the ongoing plight of their descendants. The Freedmen were Black individuals who were enslaved by five formerly slave holding tribal nations, and were forced to walk and suffer on the Trail of Tears, alongside their slave masters.

The year after the Civil War ended, the Five Tribes agreed to abolish slavery and accept Freedmen and their descendants as full tribal citizens under the 1866 Treaty Agreements they made with the United States Government. Specifically, the 1866 Treaties required the Five Tribes to abolish slavery and to agree to treat and accept formerly enslaved individuals and their lineal descendants as equal tribal citizens.

For example, the treaty signed by the Cherokee Nation reads: "All Native-born Cherokee, all Indians and Whites legally members of the Nation by adoption, and all Freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the Country at the commencement of the rebellion and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants who reside within the limits of the Cherokee Nation shall be taken and deemed to be citizens of the Cherokee Nation."

The four other tribes all signed similar treaties.

Despite the fact that these treaty obligations still exist and are binding on the Five Tribes, beginning in the late 1970s, and early 1980s, the tribes began to take formal actions to take away the citizenship rights of descendants of Freedmen. For instance, in 1983, Freedmen were prohibited from voting in Cherokee Nation elec-

tions and received letters informing them that their citizenship had been canceled.

In 2007, the Cherokee amended their constitution to limit citizenship to only individuals who were "Cherokee by blood." These actions led to years of litigation that was finally settled in 2017, when a Federal district court judge ruled in favor of the Freedmen and their right to citizenship.

In this ruling, the judge stated, "In accordance with Article 9 of the 1866 Treaty, the Cherokee Freedmen have a present right to citizenship in the Cherokee Nation that is coexistent with the rights of Native Cherokees." Following the court decision, which the Cherokee Nation accepted as binding, the tribe has taken actions to comply with the decision and ensure that descendants of Freedmen are treated as equal citizens.

Before my committee, Cherokee Nation Principal Chief Chuck Hoskin testified that these actions have made the Cherokee Nation "a better nation for having recognized full and equal citizenship of Freedmen descendants." Despite the actions of the Cherokee to right the wrong inflicted on its Freedmen, the descendants of Freedmen of the other four tribes continue to be denied tribal citizenship and other basic rights associated with citizenship like equal access to federally funded affordable housing.

My committee even heard testimony last year that Freedmen have even been denied access to lifesaving vaccines during the ongoing pandemic. It was this testimony that prompted even the Biden Administration to designate all Seminole Freedmen as eligible for healthcare services, including the COVID vaccine, through the Indian Health Service. However, this decision only applies to Seminole Freedmen and not Freedmen from the other tribes.

We know that equal access to housing sits at the heart of many of the racial and economic injustices we continue to see across the Country today. As chairwoman of the House Financial Services Committee, I recognize that Native communities face some of the worst housing conditions in the United States. It is also important to recognize that the legacy of land and culture disenfranchisement has created and maintained these circumstances.

That is why I propose providing $2 billion for affordable housing in tribal communities in my Housing Is Infrastructure Act, and why I am moving to reauthorize NAHASDA with language that ensures that descendants of Freedmen have equal access to these resources, as the 1866 treaties promised.

When Barney Frank, my predecessor, was Chairman of the House Financial Services Committee, he recognized the plight of the Freedmen and was a staunch advocate for their rights. I worked closely with him on legislation to prevent tribes from disenfranchising their descendants. As Ranking Member and now Chairwoman of the Committee, I continue that fight for justice for the descendants of Freedmen. Currently, there are tribes that are implementing federally funded programs in a way that actively discriminates against descendants of Freedmen in direct violation of treaty obligations.

Congress has every right to ensure that Federal funding is implemented in compliance with all relevant obligations. We will stand by the rights promised to Freedmen and the treaties that guaran-

teed those rights over a century ago, and hold these tribes accountable.

I would like to say how proud I am of the descendants of Native Freedmen who have never waivered in their fight for human dignity and equal recognition, even when it seemed no one would listen, even with the growing movement for reparations that recognizes the forced and uncompensated labor that built this Country, and the riches amassed because of it. It seems that the rights of the descendants of Freedmen still has never been rightfully acknowledged and affirmed.

This pandemic has made clear that the ongoing discrimination of the Freedmen descendants can literally mean the difference between life and death for descendants of Freedmen who have been denied COVID vaccines. So I urge the distinguished members of this Committee, we must honor our word as a Nation and uphold, as honorable people, the obligations of these treaties. This is as much true for the United States Government, which has failed to meet all of its treaty obligations, as it is for the Five Tribes.

This work is ongoing. It is the obligation to the descendants of Freedmen that can't be left out of that conversation.

I want to thank again Senator Schatz for holding this important hearing and working with me on this issue. I must indicate that even though there appears to be only one representative here for the Freedmen, I would like if at all possible to make sure that the voices of other Freedmen are heard in some sense, in some way.

While I am pleased that the United States Senate is finally hearing testimony from a Freedmen descendant, I must state that hearing from more voices, not less, is the key to productive dialogue. It is when we don't expand our table to hear more from those who have been disenfranchised that injustices and systemic inequities are perpetuated.

Moving forward, I am convinced that we can work together to not simply uplift the voices of Freedmen, but also to recognize the shared suffering of Native Freedmen and Native Americans forced to walk that Trail of Tears together, and the need to honor the Treaties of 1866. I do not believe that the documented history of the descendants of Freedmen can be ignored, forgotten, or dismissed any longer.

Thank you, and I am happy to take any questions that you may have.

[The prepared statement of Ms. Waters follows:]

PREPARED STATEMENT OF HON. MAXINE WATERS, U.S. REPRESENTATIVE FROM CALIFORNIA

Thank you, Chairman Schatz, Vice Chair Murkowski, and Members of the Committee. Today, I am here to discuss an issue I care very deeply about but has been ignored for too long. Many remain unfamiliar with the history of those who came to be known as the Native American Freedmen, and the ongoing plight of their descendants. The Freedmen were Black individuals who were enslaved by five formerly slave-holding tribal nations and were forced to walk and suffer on the Trail of Tears alongside their slave masters. A year after the Civil War ended, the Fives Tribes agreed to abolish slavery and accept Freedmen and their descendants as full tribal citizens under 1866 treaty agreements they made with the United States government.

Specifically, the 1866 treaties required the Five Tribes to abolish slavery and to agree to treat and accept formerly enslaved individuals and their lineal descendants

as equal tribal citizens. For example, the treaty signed by the Cherokee Nation reads, "All native born Cherokee, all Indians, and whites legally members of the Nation by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants, who reside within the limits of the Cherokee Nation, shall be taken and deemed to be citizens of the Cherokee Nation." The four other tribes all signed similar treaties.

Despite the fact that these treaty obligations still exist and are binding on the Five Tribes, beginning in the late 1970s and early 1980s, the tribes began to take formal actions to take away the citizenship rights of descendants of Freedman. For instance, in 1983, Freedmen were prohibited from voting in Cherokee Nation elections and received letters informing them that their citizenship had been canceled. In 2007, the Cherokee amended their constitution to limit citizenship to only individuals who were "Cherokee by blood." These actions led to years of litigation that was finally settled in 2017, when a federal district court judge ruled in favor of the Freedmen and their right to citizenship. In his ruling, the judge stated, "In accordance with Article 9 of the 1866 Treaty, the Cherokee Freedmen have a present right to citizenship in the Cherokee Nation that is coextensive with the rights of Native Cherokees."

Following the court decision, which the Cherokee Nation accepted as binding, the tribe has taken actions to comply with the decision and ensure that descendants of Freedmen are treated as equal citizens. Before my Committee, Cherokee Nation Principal Chief Chuck Hoskin testified that these actions have made the Cherokee Nation a "better nation for having recognized full and equal citize nship of Freedmen descendants."

Despite the actions of the Cherokee to right the wrong inflicted on its Freedmen, the descendants of Freedmen of the other four tribes continue to be denied tribal citizenship and other basic rights associated with citizenship like equal access to federally funded affordable housing. My Committee even heard testimony last year that Freedmen have even been denied access to life-saving vaccines during the ongoing pandemic. It was this testimony that prompted the Biden administration to designate all Seminole Freedmen as eligible for health care services, including the COVID vaccine, through the Indian Health Service. However, this decision only applies to Seminole Freedmen, and not Freedmen from the other three tribes.

We know that equal access to housing sits at the heart of many of the racial and economic injustices we continue to see across the country today. As Chairwoman of the House Financial Services Committee, I recognize that Native communities face some of the worst housing conditions in the U.S. It is also important to recognize that the legacy of land and cultural disenfranchisement has created and maintained these circumstances. That is why I proposed providing $2 billion for affordable housing in tribal communities in my "Housing is Infrastructure Act" and why I am moving to reauthorize NAHASDA with language that ensures that descendants of Freedmen have equal access to these resources, as the 1866 Treaties promised.

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Currently, there are tribes that are implementing federally funded programs in a way that actively discriminates against descendants of Freedmen in direct violation of treaty obligations. Congress has every right to ensure that federal funding is implemented in compliance with all relevant obligations.

We must stand by the rights promised to Freedmen and the treaties that guaranteed those rights over a century ago and hold these tribes accountable. I'd like to say how proud I am of the descendants of Native Freedmen, who have never wavered in their fight for human dignity and equal recognition, even when it seemed no one would listen. Even with the growing movement for reparations that recognizes the forced and uncompensated labor that built this country, and the riches amassed because of it, it seems that the fight of the descendants of Freedmen still has never been rightfully acknowledged and affirmed.

This pandemic has made clear that the ongoing discrimination of the Freedmen descendants can literally mean the difference between life and death for descendants of Freedmen who have been denied COVID vaccines. So, I urge the distinguished Members of this Committee: We must honor our word as a nation and uphold, as honorable people, the obligations of these treaties. This is as much true for the U.S. government, which has failed to meet all of its treaty obligations, as it is

for the Five Tribes. This work is ongoing, and it is the obligation to the descendants of Freedmen that can't be left out of that conversation.

I want to again thank Senator Schatz for holding this important hearing and working with me on this issue. And before I conclude, I must highlight the imbalance of today's hearing panel and the need for improved Congressional and federal government processes to ensure historically marginalized voices are heard. Today's witnesses include representation from each of the Five Tribes, representation from the Department of the Interior, and Ms. Marilyn Vann, who, it seems is expected to serve as the sole representative of all Native Freedmen. While I'm pleased that the U.S. Senate is finally hearing testimony from a Freedmen descendant, I must state that hearing from more voices-not less-is the key to productive dialogue. It is when we don't expand our table to hear more from those who have been disenfranchised that injustices and systemic inequities are perpetuated.

So, moving forward, I am convinced that we can work together to not simply uplift the stories of Freedmen, but also to recognize the shared suffering of Native Freedmen and Native Americans forced to walk the Trail of Tears together and the need to honor the treaties of 1866. I do not believe that the documented history of the descendants of Freedmen can be ignored, forgotten, or dismissed any longer.

Thank you and I'm happy to take any questions.

*The following attachments have been retained in the Committee files and can be found at *https://www.indian.senate.gov/sites/default/files/Testimony_of_Chairwoman_Maxine_Waters_before_SCIA_re_Native_American_Freedmen_7.27.22.pdf*

1. 1866 U.S. Treaty with the Creek Nation
2. 1866 U.S. Treaty with the Cherokee Nation
3. 1866 U.S. Treaty with the Seminole Nation
4. 1866 U.S. Treaty with the Choctaw and Chickasaw Nations
5. Statement for the Record, Angela Walton-Raji
6. Statement for the Record, Damario Solomon-Simmons
7. Statement for the Record, Terry Ligon
8. Statement for the Record, Sharon Lenzy
9. Statement for the Record, Various Seminole Freedmen
10. Statements for the Record, Freedmen Seminole Band Chief

The CHAIRMAN. Thank you very much, Congresswoman Waters. We appreciate your testimony.

Members may submit follow-up questions for the record, and you are excused as we prepare our next panel.

Ms. WATERS. Thank you very much.

The CHAIRMAN. Thank you.

If the panelists will take their seats as we are introducing them, I would appreciate it.

For our second panel, we have the Honorable Bryan Newland, Assistant Secretary for Indian Affairs at the U.S. Department of Interior; the Honorable Chuck Hoskin, Jr., Principal Chief, Cherokee Nation in Oklahoma; the Honorable Lewis J. Johnson, Chief of the Seminole Nation of Oklahoma; the Honorable Michael Burrage, General Counsel, Choctaw Nation; the Honorable Jonodev Chaudhuri, Ambassador, the Muscogee Creek Nation; Mr. Stephen Greethman, Senior Counsel, The Chickasaw Nation; and Ms. Marilyn Vann, President, The Descendants of Freedmen of the Five Tribes Association, in Oklahoma.

I want to remind our witnesses that your full written testimony will be made part of the official hearing record. We would really appreciate it if you could keep your remarks to five minutes, because this is an extraordinarily packed panel. We will start with Secretary Newland. Please proceed with your testimony.

STATEMENT HON. BRYAN NEWLAND, ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. NEWLAND. Thank you, Mr. Chairman. Good afternoon. Thanks to Vice Chair Murkowski and members of the Committee. It is great to be here today.

My name is Bryan Newland. I have the privilege of serving as Assistant Secretary for Indian Affairs here at the Department of the Interior.

I want to thank the Committee for the opportunity to present the department's testimony at this important oversight hearing on select provisions of the 1866 Reconstruction Treaties between the United States and the Five Tribes in Oklahoma. Several of these treaty provisions provide certain rights and privileges to some Freedmen, who are people who were enslaved and later released from servitude by the Cherokee, Choctaw, Chickasaw, Muscogee Creek and Seminole Nations, called at times the Five Tribes. The department appreciates the opportunity to discuss these important treaty provisions.

Each of the Five Tribes enacted laws supporting enslavement and/or restricting the rights of enslaved people. In 1866, after the Civil War, each of the Five Tribes entered into treaties with the United States. Those treaties contained provisions addressing the status and rights of Freedmen and persons of African descent residing amongst the Five Tribes.

It is important to understand that there is no single treaty or uniform law that applies to all Freedmen. The Cherokee Nation and Muscogee Creek Nation and the Seminole Nation each have their own treaty with the United States, and the Chickasaw and Choctaw Nations share a treaty in common with the United States. All four of these treaties have slightly different provisions relating to the Freedmen.

In 1896, Congress established a commission to the Five Civilized Tribes to prepare membership rolls for each of the tribes in anticipation of allotting their lands. Congress directed the commission to determine applications for citizenship in each of the Five Tribes in accordance with their treaties and their laws.

Congress also required the commission to make a roll of Freedmen entitled to citizenship in said tribes, and to include their names in the list of members. The final rolls would remain with the Commissioner of Indian Affairs and be considered the true and correct roll of persons entitled to the rights of citizenship in each tribe.

In the past half century, there have been disputes within some of the Five Tribes regarding the legal status of Freedmen descendants. The Cherokee Nation resolved the dispute over the status of Cherokee Freedmen utilizing its own judicial and political processes.

In May of last year, Secretary Haaland approved the Cherokee Nation constitution that explicitly secures the citizenship and political rights of Cherokee Freedmen. In a statement accompanying her approval, Secretary Haaland stated that the new constitution "fulfilled the Nation's obligations to the Cherokee Freedmen and encouraged other tribes to take similar steps to meet their moral and legal obligations to the Freedmen."

In February, I participated in consultation sessions with leaders of the Five Tribes to consider the potential for some direct services to the Freedmen from the BIA and the BIE. In particular, we asked the tribes' views on whether the Bureau of Indian Education should admit certain Freedmen descendants as students at Haskell Indian Nations University and at Southwestern Indian Polytechnic Institute. We continue to review feedback and comments received from that consultation and have not made any decisions on a path forward.

Determining eligibility for those services is a challenge for the department when considering the Freedmen descendants. The department generally defers to tribes to determine who is and who is not a tribal citizen, as tribes have inherent authority to determine who qualifies as a tribal citizen. As the sovereign parties to treaties, tribes have an important role to play in interpreting those treaties with the United States.

However, as Secretary Haaland stated last year, the department continues to encourage tribes to take steps to meet their moral and legal obligations to Freedmen descendants.

The department is grateful to have the Five Tribes here together today, along with Ms. Vann. We look forward to continuing our work with the Five Tribes and with the Committee as we consider the legal rights and the status of Freedmen descendants.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Newland follows:]

PREPARED STATEMENT OF HON. BRYAN NEWLAND, ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Aanii (Hello)! Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Bryan Newland, and I am the Assistant Secretary for Indian Affairs at the U.S. Department of the Interior (Department). Thank you for the opportunity to present the Department's testimony at this important oversight hearing on Select Provisions of the 1866 Reconstruction Treaties between the United States and Oklahoma Tribes. Several of these treaty provisions provided certain rights and privileges to people commonly referred to as Freedmen, or people who were enslaved by citizens of the Cherokee, Choctaw, Chickasaw, Muscogee (Creek), and Seminole nations, commonly referred to in federal statues as the "Five Civilized Tribes" (Five Tribes) and later released from enslavement. The Department appreciates the opportunity to discuss these important provisions.

Background

The history of the Five Tribes is one "steeped in sorrow as a result of United States governmental policies that marginalized Native American Indians and removed them from their lands."[1] Each of the Five Tribes had citizens that enslaved people and enacted laws supporting enslavement and/or restricting the rights of enslaved people. Those laws are no longer in effect today. In 1866, following the Civil War, each of the Five Tribes entered into treaties with the United States containing provisions addressing the status and rights of freed slaves and persons of African descent residing among the Five Tribes.

It is important to understand that there is no single or uniform law or treaty that applies to all Freedmen. The Freedmen provisions in each of the 1866 treaties differed in important respects.

- Treaty with the Seminole, March 21, 1866, 14 Stat. 755: Article 2 of the Seminole Nation of Oklahoma's 1866 Treaty provides that "inasmuch as there are among the Seminoles many persons of African descent and blood, . . it is stipulated that hereafter these persons and their descendants . . shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equal-

[1] *Cherokee Nation v. Nash*, 267 F. Supp. 3d 86, 89 (D.D.C. 2017).

ly binding upon all persons of whatever race or color, who may be adopted as citizens or members of said tribe."

- Treaty with the Choctaw and Chickasaw, April 28, 1866, 14 Stat. 769: Under that treaty in Article 3, the Choctaw and Chickasaw Nations ceded certain lands in exchange for the sum of $300,000, which the United States was to hold in trust until the Choctaw and Chickasaw Nations enacted "such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations."
- Treaty with the Creeks, June 14, 1866, 14 Stat. 785: Article 2 of the Muscogee (Creek) Nation's 1866 Treaty provides that "inasmuch as there are among the Creeks many persons of African descent, . . these persons . . and their descendants . . shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe."
- Treaty with the Cherokee, July 19, 1866, 14 Stat. 799: Article 9 of the Cherokee Nation's 1866 Treaty provides that "all Freedmen who have been liberated . . , as well as all free colored persons who were in the country at the commencement of the rebellion . . , and their descendants, shall have all the rights of native Cherokees."

In 1896, Congress established a Commission to the Five Tribes to prepare membership rolls for each in anticipation of breaking-up and allotting their respective lands.[2] Congress directed the Commission to determine applications for citizenship in each of the Five Tribes in accordance with all their laws "not inconsistent with the laws of the United States, and all treaties with . . said . . tribes," and giving "due force and effect to the rolls, usages, and customs of each . . . ."[3] It also required the Commission to "make a roll of freedmen entitled to citizenship in said tribes" and to "include their names in the lists of members . . . ."[4] Once completed, the final rolls would remain with the Commissioner of Indian Affairs, by whom they were to be considered the "true and correct rolls of persons entitled to the rights of citizenship" in each Tribe.[5] These lists are commonly referred to as the "Dawes Rolls."

In the past half-century, there have been disputes within some of the Five Tribes regarding the legal status of Freedmen.

The Cherokee Nation ultimately resolved its dispute over the status of Freedmen when in May 2021, Secretary Haaland approved a Cherokee Nation Constitution that explicitly secures the citizenship and political rights of Cherokee Freedmen. In a statement accompanying her approval of the Cherokee Constitution, Secretary Haaland stated that the new Constitution "fulfilled [the Cherokee Nation's] obligations to the Cherokee Freedmen" and "encourage[d] other Tribes to take similar steps to meet their moral and legal obligations to the Freedmen."[6]

With respect to the status of the Freedmen in the Choctaw, Chickasaw, Muscogee (Creek), and Seminole Nations, the Department recognizes there remain issues to be resolved and we look forward to working on those important issues with the Tribes.

The Department of the Interior's Actions

In response to requests from representatives of Freedmen associations, the Department has considered whether certain Freedmen are eligible for some direct federal services. In February, I participated in consultation sessions with leaders of the Five Tribes to consider whether to admit certain Freedmen descendants as students at Haskell Indian Nations University (Haskell) and Southwestern Indian Polytechnic Institute (SIPI)—two colleges operated by the Bureau of Indian Education. We are continuing to review the feedback and comments received as a result of that consultation and have not made any decisions regarding potential enrollment of Freedmen at Haskell and SIPI.

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[2] Act of June 10, 1896, ch. 398, 29 Stat. 321, 339–40.
[3] *Id.* at 339.
[4] *Id.* at 340.
[5] *Id.* at 339.
[6] *https://doi.gov/pressreleases/secretary-haaland-approves-new-constitution-cherokee-nation-guaranteeing-full.*

One of the challenges the Department faces when considering direct federal services for Freedmen is determining eligibility. The Department of the Interior does not presently verify or determine who is a Freedman descendent. The Department generally defers to Tribes to determine who is and is not a tribal citizen. Tribes have the inherent and long-recognized authority to determine who qualifies as a tribal citizen; and, as sovereign parties to treaties, Tribes also have an important role in interpreting the meaning of those treaties. However, as Secretary Haaland stated in May 2021, the Department encourages Tribes to take steps to meet their moral and legal obligations to the Freedmen. The Department recognizes that there is more work and collaboration to be done with Tribes to get to that point.

Conclusion

The Department is grateful to have the Five Tribes together today. We look forward to continuing our work with the Five Tribes and the Committee as the moral and legal obligations to the Freedmen are considered.

The CHAIRMAN. Thank you, Mr. Newland.

Chief Hoskin, please proceed with your testimony.

STATEMENT OF HON. CHUCK HOSKIN, JR., PRINCIPAL CHIEF, CHEROKEE NATION

Mr. HOSKIN. Osiyo, Mr. Chairman, members of the Committee. Wa do for inviting me to speak today.

Supreme Court Justice Hugo Black once wrote that “Great nations, like great men, should keep their promises.” Cherokee Nation is keeping our promise to the Cherokee Freedmen and their descendants under our Treaty of 1866.

That treaty, Mr. Chairman, is a living, powerful and foundational document that ties together every one of our agreements with the United States. When we speak of our most important treaty rights, our reservation in northeast Oklahoma, our right to a delegate in the House of Representatives, for example, we point to the language in the Treaty of 1866 which reaffirms all of our prior treaties, not inconsistent with that treaty.

Cherokees must defend and we must preserve the Treaty of 1866. Article 9 of that Treat states that “All Freedmen and their descendants shall have all the rights of Native Cherokees,” not some of the rights, all of the rights. Treaty obligations ought to mean something, Mr. Chairman. You can’t pick and choose what parts of the treaty to uphold. We criticize the United States when it fails to live up to its treaty obligations, yet we in Cherokee Nation have a responsibility to live up to ours.

For Cherokee Nation, the issue of Freedmen citizenship was settled 156 years ago. It was settled in a treaty agreed to by the Cherokee people, ratified by this Senate, and signed by the President of the United States. Our ancestors agreed in 1866 to forever cede the right to exclude Freedmen and their descendants.

This means that Cherokee Nation’s past actions to exclude Freedmen descendants from Cherokee Nation were void ab initio, void from the beginning.

The enslavement of other human beings and the subsequent denial to them and their descendants of their basic rights is a stain on the Cherokee Nation. It is a stain that must be lifted.

Mr. Chairman, I offer an apology on behalf of the Cherokee Nation for these actions. Just as important, I offer a commitment to reconciliation.

I am proud of the many actions that we have taken over the last five years toward reconciliation. In 2017, a Federal district judge decided the Nash case. That case confirmed that the 1866 Treaty remains alive and well and guarantees that descendants of Cherokee Freedmen shall have "all the rights of Native Cherokees." To bring that matter to a close, Cherokee Nation did not appeal.

The day after that historic decision, our own Supreme Court affirmed full citizenship for Freedmen. We immediately began processing applications for citizenship from Freedmen descendants. To this date, Mr. Chairman, more than 11,800 applicants have become citizens.

In 2021, our Supreme Court unanimously ruled that the "by blood" language in our constitution also violated our obligations in the Treaty of 1866. Our high court determined that those words were invalid from inception and must be removed.

As noted, Secretary Haaland reviewed our constitution later than year. She wrote the Cherokee Nation had "fulfilled their obligations to the Cherokee Freedmen."

The Nash decision and our swift actions to implement it was a beginning, it was not an end. We understand that we must embrace the spirit of equality each day.

For more than a century prior to the Nash case, Freedmen had been disconnected from the Cherokee Nation. Many in the Freedmen community did not have the same experiences, the same access to services, the same opportunities as non-Freedmen citizens. It is essential that we work to bridge that gap.

In 2020, I issued an executive order on equality, reiterating our commitment to that idea. We also need to make sure that we are mindful of the Freedmen experience. So in 2021, I announced the Cherokee Freedmen Art in History project, which seeks to ensure that Freedmen voices are represented within the Cherokee story.

I am proud to appear with my friend, Marilyn Vann, who I appointed last year to our Environmental Protection Commission, the first Cherokee citizen of Freedmen descent to hold a Cherokee Nation appointed government post.

Mr. Chairman, I am here today because it is a moral imperative that I be here. I am here to proclaim that having finally kept your promise to Cherokee Freedmen, Cherokee Nation is a better nation. It is a stronger nation.

Mr. Chairman, I am here representing a great nation. Wa do.

[The prepared statement of Mr. Hoskin follows:]

PREPARED STATEMENT OF HON. CHUCK HOSKIN, JR., PRINCIPAL CHIEF, CHEROKEE NATION

Chairman Schatz, Vice Chairman Murkowski, and members of the Senate Committee on Indian Affairs:

Osiyo, and thank you for holding this important hearing. It is my honor to speak with you today on behalf of the more than 429,000 citizens of Cherokee Nation.

Supreme Court Justice Hugo Black concluded his dissent in *Federal Power Commission v. Tuscarora Indian Nation* with a powerful reminder. "Great nations, like great men, should keep their promises."

At its essence, today's hearing is about promises, and the historic failure of great nations to keep those promises. For far too long, Cherokee Nation failed to uphold a solemn promise made to the Cherokee Freedmen more than 156 years ago.

But I can sit before you today, next to my fellow Tribal leaders and my good friend Marilyn Vann, and honestly and proudly speak to the many recent actions

taken by Cherokee Nation to help right this wrong. I can tell you Cherokee Nation is a better nation for having recognized full and equal citizenship of Freedmen descendants. I can tell you that we are a nation that keeps its word.

Our obligation to the Cherokee Freedmen and all enrolled citizens of Freedmen descent is found within Article 9 of our Treaty of 1866:

> *The Cherokee Nation having, voluntarily, in February, eighteen hundred and sixty-three, by an act of the national council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntary servitude exist in their nation otherwise than in the punishment of crime, whereof the party shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees.*

What the opponents of Freedmen rights ignore is that the issue of full Freedmen citizenship was settled long before 2021, 2017, or 2007. It was settled in 1866, by a treaty that was ratified by the Senate, signed by the President of the United States, and is the supreme law of the land. This is and was not a living issue—it was settled by our ancestors.

The Treaty of 1866 is our last treaty with the United States, and it also reaffirmed important portions of all previous treaties, including the 1835 Treaty of New Echota that provides for our delegate to the U.S. House of Representatives.

The Treaty of 1866 remains alive and well, as a federal judge affirmed in 2017. Its relevance today impacts everyone within our treaty-based reservation, which was reaffirmed by the U.S. Supreme Court through the historic *McGirt* decision.

The Treaty of 1866 is a legally binding document that ties together every agreement Cherokee Nation has ever had with the United States. Breaking the Treaty of 1866 could be our undoing.

Through Article 9 of the Treaty of 1866, we agreed to give Freedmen "all" the rights of native Cherokees. Not some rights. Not rights subject to a popular vote. Not rights with an expiration date. "All the right of native Cherokees." Any right Cherokee Nation had to enslave human beings, or deny them or their descendants full citizenship, was disposed when we entered into this treaty.

Certain Cherokee Nation leaders, however, opted to ignore our 1866 Treaty and its strong commitment to equality and push policies designed to exclude Freedmen descendants from their political community. This was most apparent in 2007, when we amended our constitution to limit citizenship "to only those persons who were Cherokee, Shawnee, or Delaware by blood."

In the wake of this unfortunate action, Congress added limitation language to a reauthorization of the Native American Housing Assistance and Self Determination Act (NAHASDA):

> SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.
>
> *No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.*

As the Congressional Research Service wrote, at the time of the 2008 reauthorization "some lawmakers supported denying NAHASDA funding to the Cherokee Nation if it did not restore tribal citizenship rights to the Cherokee Freedmen. Others opposed such efforts, citing reluctance to intervene in a dispute that was being considered in the courts and concerns about the effect that denying NAHASDA funding would have on low-income members of the Cherokee Nation."

Ultimately, Congress prohibited Cherokee Nation from receiving NAHASDA funding unless (1) a specific temporary injunction in tribal litigation on the Cherokee Freedmen dispute remained in effect during litigation or (2) there was a settlement to the litigation.

This litigation ended in 2017, when Judge Thomas F. Hogan of the U.S. District Court for the District of Columbia ruled in favor of the Freedmen in *Cherokee Nation v. Nash*. Per Hogan's opinion, the 1866 Treaty guarantees that extant descendants of Cherokee freedmen shall have "all the rights of native Cherokees," including the right to citizenship in the Cherokee Nation.

Although the Cherokee Nation Constitution defines citizenship, Article 9 of the 1866 Treaty guarantees that the Cherokee Freedmen shall have the right to it for as long as native Cherokees have that right. The history, negotiations, and practical construction of the 1866 Treaty suggest no other result. Consequently, the Cherokee Freedmen's right to citizenship in the Cherokee Nation is directly proportional to native Cherokees' right to citizenship, and the Five Tribes Act has no effect on that right.

The Cherokee Nation can continue to define itself as it sees fit but must do so equally and evenhandedly with respect to native Cherokees and the descendants of Cherokee freedmen. By interposition of Article 9 of the 1866 Treaty, neither has rights either superior or, importantly, inferior to the other. Their fates under the Cherokee Nation Constitution rise and fall equally and in tandem. In accordance with Article 9 of the 1866 Treaty, the Cherokee Freedmen have a present right to citizenship in the Cherokee Nation that is coextensive with the rights of native Cherokees.

We did not appeal this decision. We immediately began accepting and processing citizenship requests from Freedmen descendants. To date, we have approved and processed approximately 11,834 citizenship requests.

Shortly after the Federal court decision, the Cherokee Nation Supreme Court issued its own order binding the Nation as a matter of settled tribal law in complete accordance with the Federal District Court's order in *Nash*. Specifically, the Supreme Court determined,

that the [Nash] case was entered into voluntarily by the Nation, that the Nation had a full and proper presentation of its case, and that the Nation is therefore now subject to the opinion of the D.C. District Court.and. [f]urther, this Court recognizes that the Treaty of 1866 has been and remains fully binding on both the Cherokee Nation and the United States, and to recognize the rights of those individuals who can trace an ancestor to the Dawes Freedmen rolls to obtain citizenship within the Nation.

Therefore, the Court,

Order[ed], Adjudge[d], and Decree[d] that the memorandum opinion issued August 30, 2017 by the District Court of the District of Columbia. . .is enforceable within and against the Cherokee Nation, and that therefore the Cherokee Nation Registrar, and the Cherokee Nation government and its offices, are directed to begin processing the registration applications of eligible Freedmen descendants, and that such Freedmen descendants, upon registration as Cherokee Nation citizens, shall have all the rights and duties of any other native Cherokee.

Most recently, at the request of Attorney General Sara Hill, the Cherokee Nation Supreme Court unanimously ruled that the "by blood" language included the Cherokee Nation Constitution violated the Treaty of 1866 and was thus void. The order states the language is "illegal, obsolete, and repugnant to the ideal of liberty," and the words "by blood" are "void, were never valid from inception, and must be removed wherever found throughout our tribal law."

Unequivocally, Freedmen have rights equal to "by blood" or native Cherokees. . Freedmen rights are inherent. They extend to descendants of Freedmen of as a birthright springing from their ancestors' oppression and displacement as people of color recorded and memorialized in Article 9 of the 1866 Treaty. . . . The "by blood" language found within the Cherokee Nation Constitution, and any laws which flow from that language, is illegal, obsolete, and repugnant to the ideal of liberty. These words insult and degrade the descendants of Freedmen much like the Jim Crow laws found lingering on the books in Southern states some fifty-seven years after the passage of the 1964 Civil Rights Act. "By blood" is a relic of a painful and ugly, racial past. These two words have no place in the Cherokee Nation, neither in present day, nor in its future. . . From this day forward, may we prosper as a nation and embrace one another with mutual respect, regardless of color, race, and ancestry, as that which we are: Cherokee citizens.

The "by blood" language was a stain on our history and a haunting remnant of a sad period. We could not move forward with those words remaining in our constitution and laws, as some within the Nation were clinging to them in order to divide our people and belittle and demean the rights of Freedmen.

Last year Interior Secretary Deb Haaland approved the Cherokee Nation Constitution, which "explicitly ensures the protection of the political rights and citizenship of all Cherokee citizens, including the Cherokee Freedmen." As Secretary Haaland made clear upon approving our constitution, "The Cherokee Nation's ac-

tions have brought this longstanding issue to a close and have importantly fulfilled their obligations to the Cherokee Freedmen."

While in Cherokee Nation, this issue is settled, there is still much work to do. We know the Nash case and subsequent actions were the beginning, not the end.

We are on a path of reconciliation, but we need to do more than acknowledge the legal principle of equality—we must seek to embrace the spirit of equality each day.

Because no nation can truly prosper when any of its citizens are victims of discrimination.

As Native people, we know this all too well. We have experienced too many similar painful chapters—from the Trail of Tears, to governmental policies designed to terminate our political existence and destroy our culture. We must have difficult conversations about these injustices, and the accountability, reconciliation, and restitution that must follow, because they still shape the world that we live in today.

Unity doesn't just happen overnight. For more than a century Freedmen had been disconnected from Cherokee Nation. This exclusion meant many in the Freedmen community did not have the same experiences, the same access to services, the same opportunities, the same understanding of citizenship as non-Freedmen citizens. It is essential that we work to bridge that gap.

Even as we wipe away the overt or hostile discrimination, we need to make efforts to ensure that opportunities afforded to all Cherokee citizens are just that: afforded to all Cherokee citizens.

For this reason, in November 2020 I signed an executive order on equality, reiterating Cherokee Nation's commitment to equal protection and equal opportunity under Cherokee law.

The order directs our executive branch to determine whether barriers to equal access to services exist, to remove such barriers and to establish plans for outreach to citizens of Freedmen descent and other historically excluded communities within our tribe.

We also need to make sure that we are cognizant of the history and the Freedmen experience. In late 2020 I announced the Cherokee Freedmen Art and History Project, which seeks to provide a better understanding of Cherokee Freedmen history and enhance how those voices are represented within the Cherokee story. Cherokee society will be further enriched, and the cause of equality enhanced, by celebrating Freedmen history and art as part of a whole and complete Cherokee story.

The project began last year and is harnessing continued conversations and collaboration with Cherokee Freedmen community advisors to elevate the voice of Cherokee Freedmen. The project will include comprehensive research for historical materials, references, documents, and images, as well as an assessment of current interpretations at all tribal sites.

We will utilize the assessment to identify gaps in its representation and storytelling and develop new content that shares the Freedmen perspective throughout tribal history. The content will help educate Cherokee Nation citizens and the public through special projects, including an exhibit at the Cherokee National History Museum.

Last fall Marilyn Vann became the first Cherokee Nation citizen of Freedmen descent confirmed to a Cherokee Nation government commission.

I will close with a word on NAHASDA, as right or wrong, these issues have become intertwined.

Indian Country needs Congress to make consistent and significant investments in Native housing programs, and that starts with a robust reauthorization of NAHASDA. I urge the committee to swiftly move forward with a bipartisan reauthorization bill that can pass the Senate and be signed into law.

That said, I would respectfully ask the committee to not seek limitation riders that seek to tie needed funding to a desired outcome—on NAHASDA or any other vehicle. One might look at the Cherokee Nation story and come away with the conclusion that the 2008 limitation language brought us to where we are today. This is not the case. So, I request that Members carefully consider the language they put forward, and not look to condition funding for a Tribe or group of Tribes in the hope of achieving a specific outcome.

Thank you for this opportunity to testify on this important topic.

The CHAIRMAN. Thank you very much, Chief Hoskin.

Chief Johnson, please proceed with your testimony.

STATEMENT OF HON. LEWIS J. JOHNSON, CHIEF, SEMINOLE NATION; ACCOMPANIED BY HON. BRIAN THOMAS PALMER, ASSISTANT CHIEF

Mr. JOHNSON. Good afternoon, Chairman, and the rest of the Committee. The Seminole Nation thanks you for this time to be able to speak.

It has been requested of us to expand on selected provisions of the 1866 Treaty. The communication to the Seminole Nation stated that in emails.

The Treaty was written to favor the necessities and the desires of the United States, although it was stated to be mutual necessities. I will now expand from the preamble and certain articles of the 1866 Treaty for the Seminoles.

Selected provisions from the preamble: Whereas existing treaties between the United States and the Seminole Nation are insufficient to meet their mutual necessities, and in view of the urgent necessities for more lands in Indian Territory requires secession by said Seminole Nation, a part of the present reservation, and it willing to pay therefor a reasonable price while at the same time providing new and adequate land for them.

The first phrase of the preamble is the opening words of the 1866 Treaty. The existing treaty referenced is the 1856 Treaty, which was in fact sufficient for the Seminole, for it consisted of millions of acres of land. It provided in the language of that specific treaty that the desires of the United States were the determining factor to the Seminole being the only tribal nation of the Reconstruction Treaty era forced to cede every inch of their land; 2,169,080 acres was ceded at 15 cents an acre.

The Seminole understood the 2,169,080 acres ceded was to be assigned to other Indians and Freedmen to live thereon. This promise was neither fulfilled nor honored. This language is present in Article 3 of the 1866 Treaty. It is the first time in the treaty where the term Freedmen is mentioned.

As stated in the preamble, the need for ceded land was for only a part, not the whole of the Seminole lands on our initial reservation. It is a fact a reasonable price was never paid for the ceded land during this era, 15 cents an acre, nor was adequate sufficient land provided as understood by the Seminole.

The first sentence of Article 3 reflected the intent of the United States as the Seminole understood it to mean. The 1866 Treaty ultimately was not honored in totality by the United States, because the intent of Article 3 was not adhered to.

There are documents from all three branches of the United States Government addressing this specific section of land.

That fulfills my time at this time. I am splitting my time with Assistant Chief Palmer.

The CHAIRMAN. Assistant Chief Palmer, please proceed.

Mr. PALMER. Thank you.

[Greeting and opening in Native tongue.] During opening remarks on NAHASDA reauthorization one year ago on this date, the following was stated: “The United States signed more than 370 treaties, passed laws, and instituted policies that have come to define the special government-to-government relationship between the Federal and tribal governments, and obligates the Federal Gov-

ernment to promote the general well-being of Native American tribes. Yet, the United States has failed to provide that assistance."

Any treaty must be viewed through the authors' eyes, and those who reluctantly agree to it. Weighted consideration must be given to the government's chosen language, intent, and the atmosphere in which it was constructed 156 years ago. This is how the U.S. Constitution is viewed; this is how the treaties are viewed.

Article 2 of the Seminole Nation Treaty of 1866 reads in part, "Many persons of African descent and blood who have no interests or property in the soil and no recognized civil rights shall be permitted to settle, have and enjoy the rights of all Native citizens, equally binding laws, and may be adopted as citizens or members."

The Dawes Commission certainly categorized Freedmen and Seminoles separately and introduced blood quantum. Phrases and terms utilized within the treaty are not the words of the Seminole. They are the words and desires of the Federal Government. This short testimony to discuss select provisions is a disservice to the Seminole and warrants a deeper conversation.

Grossly negligent oversights of the treaty agreements still occur beyond the McGirt case. The government must account for and consider the impact any decision may have on the financial and fragile tribal system that has yet to overcome historical poverty caused by a previous lack of protection defined by the treaties in times of war and hostility, loss of valuable oil and land, and continual suffering from the historical trauma caused by the Indian Removal Act.

As an elected official, under the oath of office of the Seminole Nation, I must uphold the treaty, the tribal and U.S. Constitution, the tribal codes as they are written, as they govern the Seminole.

Wa do.

[The prepared statement of Mr. Johnson and Mr. Palmer follows:]

JOINT PREPARED STATEMENT OF HON. LEWIS J. JOHNSON, CHIEF, SEMINOLE NATION AND HON. BRIAN THOMAS PALMER, ASSISTANT CHIEF

Introduction

Chairman Shatz, Vice Chair Murkowski, and members of the Committee: we are Chief Lewis Johnson and Assistant Chief Brian Palmer of the Seminole Nation of Oklahoma. We are here to provide the history of the Freedman Citizens of the Seminole Nation in the context of the Seminole Nation's history and our 1866 Treaty with the United States.

The Seminole Nation of Oklahoma (Seminole Nation) is made up of the Seminole Indian People and Freedmen citizens descended from the Seminole Citizens and Members whose names appear on the final rolls of the Seminole Nation of Oklahoma (the Final Seminole Dawes Rolls), as approved by the United States Congress pursuant to the Act of April 26, 1906 (34 Stat. 137). The Seminole Nation is a sovereign nation whose membership is based solely on ancestry, not race, revolving around Band membership. As established by the Supreme Court in *Morton v. Mancari*, 417 U.S. 535, 552–553 (1974), membership is well established as a political classification, and not a racial classification. In fact, many people that may be Native American racially are excluded from membership. This follows the same logic that membership is not, and cannot, be based upon DNA tests or claims of Native American heritage. The Seminole Nation, exercising its sovereign authority, has established its citizenship and membership requirements based upon lineal ancestry, very similar to a child's eligibility for United States citizenship through a parent's citizenship.

The Seminole Nation Government and Bands

Many people do not understand the governmental structure of the Seminole Nation. Similar to the United States Government, the Seminole Nation has three

branches of government created under the Constitution of the Seminole Nation, as amended (Seminole Constitution): (1) Legislative—the General Council of the Seminole Nation (General Council); (2) Executive—the Chief and the Assistant Chief; and (3) Judicial—the Seminole Nation Supreme Court. The Chief, Assistant Chief, and members of the General Council are elected pursuant to the requirements of the Seminole Constitution. But unlike the United States government and most state governments, the General Council is made up of two (2) representatives from each Band within the Seminole Nation, and not based on any geographic locations within the Seminole Nation Reservation. This structure of the General Council, as the supreme governing body of the Seminole Nation, emphasizes the importance of Band membership with the Seminole Nation.

The Seminole Nation is currently composed of fourteen (14) Bands. Twelve (12) of which are comprised of Seminole Indians who share a similar language and culture. Two (2) of the Bands are Freedmen Bands. The fourteen (14) Seminole Bands are the backbone of Seminole Society. Originally, each of Seminole Indian Band was a separate Tribe, but the Seminole Bands eventually joined together to form the Seminole Nation in the late 1700's and early 1800's. Through time, the number of Bands has been steadily reduced, as some Bands died out or joined with other related Bands. In the 1830's in Florida, there may have been as many as 35 Bands, in 1860 there were 24, and by 1879 there were only 14 Bands—the current number recognized in the Seminole Constitution.

In 1866, the Dosar Barkus and Caesar Bruner Bands were recognized as two (2) of the fourteen (14) currently assembled Bands. These two Bands are comprised of Seminole Citizens of African descent who had been forcibly removed from Florida with the other Seminole People. Each Band has two (2) Band representatives that are members of the General Council of the Seminole Nation.

Like many Native American cultures, the Seminole Nation is a matrilineal society. Band membership is traditionally determined by ancestry, and a Seminole child is generally enrolled into the Band of their mother. Band membership is not racial, as there are numerous Seminole People who are ethnically diverse, including Members with African, European, Hispanic, Asian, and Native American ethnicity enrolled as Members of various Seminole Bands. The only requirement, as provided in Article II of the Seminole Constitution, is evidence of ancestry traced to a Seminole citizen appearing on the Final Seminole Dawes Rolls.

History of The Seminole Freedmen and Removal

Prior to removal from Florida, most of the people of African ancestry living among the Seminole were not slaves. They were free Africans and escaped slaves, who allied with Seminole living in Spanish Florida. When the Seminole People were forcibly removed by federal troops from their homeland in Florida, most of the population of African ancestry living among the Seminole People were also forcibly removed to Indian Territory later known as Oklahoma.

Following their relocation to Indian Territory later known as Oklahoma, the various Seminole Bands were collectively recognized by the United States Government first as the Seminole Nation and later as the Seminole Nation of Oklahoma and were subsequently grouped with other southeastern Tribes that had been forcibly removed to Indian Territory later known as Oklahoma. These southeastern Tribes, collectively referred to as the Five Tribes (formerly known as The Five Civilized Tribes) include the Seminole Nation of Oklahoma, The Cherokee Nation of Oklahoma, The Choctaw Nation of Oklahoma, The Chickasaw Nation of Oklahoma, and the Muscogee (Creek) Nation of Oklahoma.

Before removal, some of the Five Tribes held enslaved African people. It must be understood not all five tribes had similar practices of chattel slavery. Unfortunately, these Tribes were following the horrific and barbaric practices utilized by the European based culture of the colonists that had come to dominate the Southern region of the United States. During the forced removal of the Five Tribes to Indian Territory later known as Oklahoma, many of the enslaved African people were forced by federal troops to accompany the Native Americans being removed, resulting in their relocation to Indian Territory tribal reservations. Following emancipation from slavery, those African people living among the Five Tribes were generally referred to as Freedmen.

In 1866, each of the Five Tribes signed treaties with the United States Government that ended the practice of slavery and involuntary servitude within the reservations of the Five Tribes and guaranteed equal protection for the Freedmen peoples that lived among the existing members of the Five Tribes. Article II of the 1866 Treaty with The Seminole (1866 Treaty) provides that the people of African descent living among the Seminole (Seminole Freedmen) who settled there (Seminole Na-

tion) were guaranteed civil rights and equal protections as the citizens of the Tribe by stating that:

> [I]nasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights, its stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color who may be adopted as citizens or members of said tribe.
>
> Seminole Nation Treaty of 1866, Article II.

Pursuant to the Seminole Constitution, Seminole Freedmen are Seminole Citizens of the Seminole Nation guaranteed the same civil rights and equal protections of the governing laws of the Seminole Nation, including representation on the General Council (the legislative body of the Seminole Nation). Seminole Freedmen are Citizens of the Seminole Nation but are not classified as "Members" for historical reasons set forth herein. The historical distinction of Seminole Freedmen begins within the 1866 Treaty, when Seminole Freedmen were established as Citizens of the Seminole Nation. This distinction was further perpetuated by the Act of Congress approved March 3, 1893, establishing the Dawes Commission. The Dawes Commission categorized the Seminole Freedmen separately as it allotted lands and assets of the Seminole Nation. The United States agents of the Dawes Commission kept separate rolls for Seminole Freedmen and made separate allotments for Seminole Freedmen. Regardless of their separate categorization by the United States Government, the Freedmen are, as the 1866 Treaty states, Citizens of the Seminole Nation.

The 1866 Treaty further stipulates that the Seminole Nation is subject to the power of Congress and the President so long as those exercises of power do not interfere with the Tribe's sovereign power and status. In Article VII, the Seminole Nation "agree[d] to such legislation as Congress and the President may deem necessary for the better administration of the rights of person and property within the Indian Territory." Seminole Nation Treaty of 1866, Article VII. The terms of the 1866 Treaty made it clear that "said legislation shall not in any manner interfere with or annul their present Tribal organization, rights, laws, privileges, and customs." *Id.* When the 1866 Treaty was signed, the intent was to minimize the negative impact on the right of the Seminole Nation to govern itself. Both the United States and the Seminole Nation saw the importance of the Seminole Nation's General Council making its own laws before and after the Treaty was signed. This intent demonstrated by the 1866 Treaty language stating that "[n]o law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or **existing treaty stipulations with the United States**; nor shall said council legislate upon matters pertaining to the organization, **laws or customs** of the several tribes except as herein provided for." *Id.* (emphasis added).

Congress has Plenary Power Over Indian Tribes

Plenary power over Indian affairs allows Congress to "enact legislation that both restricts and, in turn, relaxes those restrictions on Tribal sovereign authority." *Cohen's Handbook of Federal Indian Law* § 5.02 (Nell Jessup Newton ed., 2017). The United States Supreme Court has held that "[p]lenary authority over the Tribal relations of the Indians has been exercised by Congress from the beginning." *Lone Wolf v. Hitchcock*, 18 U.S. 553, 565 (1903). Congress controls Indian affairs, and this power is "solely within the domain of the legislative authority." Id. at 567. The Treaties that Congress creates and the laws that it makes regarding Indian Tribes must be followed by all parties to the treaty. The Seminole Nation understands this to be true today and knows that, as a sovereign tribe, it is free to determine membership and citizenship so long as that decision is made in accordance with the plenary power of Congress, including the 1866 Treaty. Thus, the Seminole Nation is at liberty to continue to exercise its power to decide who is a citizen of Seminole Nation so long as these legislative decisions coincide with treaty obligations. This includes allowing the Freedmen population to become "Citizens" of the Nation without compromising any future ability to be sovereign and govern itself. Native American Tribes have always had the authority to determine their own membership because "Native American Tribes retain their sovereignty unless and until Congress ordains otherwise." *Oklahoma v. Castro-Huerta*, No. 21–429, 2022 LEXIS 3222, at *39 (U.S. June 29, 2022).

Inherent Sovereignty and the Right to Regulate its Membership

The United States of America has four routes available to become a citizen, which include: citizenship by naturalization, citizenship by marriage, citizenship of chil-

dren as a result of their parents' citizenship, and citizenship through the military. Children obtaining United States citizenship through their parents (ancestry) is no different than Seminole Nation membership requirements.

The United States Department of the Interior states that "[t]he tribes establish membership criteria based on shared customs, traditions, language, and Tribal blood." *Tribal Enrollment Process*, Tribes, *https://www.doi.gov/tribes/enrollment* (last visited July 22, 2022). "Tribal enrollment criteria are set forth in Tribal constitutions, articles of incorporation or ordinances." *Id.* It has always been understood that Indian tribes have the power to determine their own membership because they are sovereign entities separate from Federal and State governments. Because of this understanding, Indian tribes have traditionally established the guidelines for choosing their members using criteria developed through their own independent reasoning, guidelines, and sovereignty.

Historically, some Indian tribes have made membership decisions in conjunction with the amount of Indian Blood (or blood quantum) that a person can prove. In reality, and in its best light, the idea of Indian Blood is nothing more than proof of ancestry. The original concept of Indian Blood began as an assumption of ethnicity of a person based upon appearance or unsubstantiated claims of an individual. These assumptions of Indian Blood were generally made by federal agents compiling a Tribal census with no scientific basis, and the unsubstantiated claims of individual Tribal members that rarely spoke English or knew their grandparents, let alone the entire ethnic history of their ancestors. In fact, Indian Blood was originally used by federal agents to deny United States citizenship to Native Americans. Because of these flaws in the concept of Indian Blood, many Indian tribes, including the Seminole Nation, have abandoned the use of Indian Blood, blood quantum, or "certified degree of Indian Blood" (CDIB) in determining eligibility for Tribal enrollment. Instead, the Seminole Nation, like many other Tribes, have exercised their sovereign authority to determine that proven ancestry is the basis for establishing eligibility for Tribal citizenship and/or membership. This method of establishing eligibility for citizenship and/or membership is no different than the ancestral basis for United States citizenship (establishing citizenship of a child through their parents).

Paradoxically, the use of Indian Blood, or blood quantum has been historically used by the Federal Government to dilute membership of Indian tribes into extinction, rather than the demand to increase membership we see today. Despite this attempt to extinguish Tribal membership, Indian tribes have historically been able to choose their own membership requirements, as they have the sovereign power to adopt any person, of any race, into their Nation (similar to the various methods of attaining United States citizenship). As discussed previously, some Indian tribes within the United States have established that eligibility for Tribal enrollment passes through one parent instead of both parents (matrilineal or patrilineal lineage). For example, the Santa Clara Pueblo determine enrollment eligibility solely from the father of a child. If the father of a child is not a member of the Santa Clara Pueblo, the child cannot be enrolled in the Tribe, even if the mother is enrolled. In this case, a child may be ineligible to be considered an Indian even though they have Indian Blood and ancestry. *Santa Clara Pueblo*, 436 U.S. 49, 53 (1978). Abrogating a Tribe's right to determine membership is to "destroy [its] cultural identity under the guise of saving it." *Santa Clara Pueblo*, 436 U.S. at 54.

Seminole Freedmen Citizenship

While there has been some attention given to allegations that Seminole Freedmen do not have access to Tribal services such as healthcare, life insurance, and even doses of the COVID–19 vaccine, the reality is that the Seminole Nation does not offer these Tribal services. Healthcare within the Seminole Nation is provided by the Indian Health Service (IHS), an agency within the United States Department of Health and Human Services. IHS operates the Wewoka Indian Health Services Unit (WIHS), which is not affiliated with or controlled by the Seminole Nation. WIHS provides general health care including COVID–19 vaccinations in accordance with IHS and CDC (both federal agencies) guidelines.

Further, eligibility requirements for all Seminole Nation programs are governed by the funding source. Many of these funding sources include, but are not limited to, the Bureau of Indian Affairs (BIA), an agency within the United States Department of Interior, IHS, the United States Department of Agriculture (USDA), the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA) as administered by the United States Department of Housing and Urban Development, the Bureau of Indian Education (BIE), an agency with the United States Department of Interior, and the Johnson-O'Malley Program (JOM), a program of the BIE. Eligible Seminole Nation Members and Freedmen Citizens may apply for and

receive services if criteria are met. Many of these services require a CDIB card as federal criteria, and not as a requirement of the Seminole Nation. A CDIB card is an identification card issued by the BIA.

The key distinguishing feature of the Seminole Nation General Council is the preservation of Freedmen Citizens and their representation on General Council, the governing legislative body of the Seminole. As described above, the Seminole Nation Freedmen are eligible for membership in two (2) Bands, Dosar Barkus Band and Bruner Band, with each having two (2) Band representatives that are members of the General Council. Freedmen Citizens have a voice in the government of the Seminole Nation. If the five basic civil rights enjoyed by all citizens of the U.S include freedom of speech, religion, press, assembly, and the right to petition the government, the Seminole Freedmen enjoy all these rights within the Seminole Nation.

Finally, any treaty between the United States and an Indian tribe must be viewed through the eyes of those who wrote it and those who had no choice but to agree to it. *Tulee v. Washington*, 315 U.S. 681, 684–85 (1942); *Carpenter v. Shaw*, 280 U.S. 363 (1930). Consideration and weight must be given to the chosen language and its intent, the atmosphere in which it was constructed, and most importantly the goal of the Federal Government. According to the United States Constitution, Article VI, Clause 2, treaties are the supreme law of the land. This means that treaties are to be followed even to the extent that they conflict with state or lower-level laws. Based on this Constitutional tenet, both the Federal Government and the Seminole Nation are bound by the provisions of the 1866 Treaty, as this treaty has never been terminated. While the Seminole Nation has a duty to its people, the Federal Government has a larger and over-arching duty to honor its promises, commitments, and obligations to all citizens of the United States.

In Response to Comments About NAHASDA

The Seminole Nation submits its Indian Housing Plan (IHP) each year as required by the Federal Government. This plan does not identify the enrollment of Seminole People and is not based upon enrollment numbers. True and accurate enrollment numbers of the Seminole Nation are available and reported to the Federal Government. Seminole Freedmen are represented and present within the policies of the Housing Authority of Seminole Nation, preference within policy is used as governed and patterned by federal law. In addition, Seminole Freedmen are included in all rental assistance policies and additional appropriations granted from the American Rescue Plan Act (ARPA) funding for the Housing Authority of the Seminole Nation of Oklahoma (HASNOK). Any testimony implying that the Seminole Nation received NAHASDA or supplemental ARPA housing funding using Freedmen enrollment and then excluding the Seminole Freedmen is either misleading or blatantly incorrect. The decisions of other sovereign Indian tribes to determine their housing policies is outside the control of Seminole Nation.

Seminole County Demographics

The Seminole Nation has limited resources and is continually working with a fragile Tribal infrastructure that has yet to overcome historical poverty, previous lack of protection promised by treaties, loss of land base and valuable oil minerals, and decisions that prevented prosperity for the Seminole Nation. The current geographic land base of the Seminole Nation exists within Seminole County, Oklahoma. In Seminole County, 24.3 percent of all residents, almost twice the national average, live below the poverty level. While the demand for affordable housing increases, the number of houses on the market in Seminole County has decreased by over 9 percent in recent months. This decrease in affordable housing is magnified by the increase in housing prices due to inflation and other factors. Factors contributing to the housing shortage and inability of residents to obtain affordable housing include sky-rocketing utility costs and increased gas prices. The average work commute for citizens in Seminole County is 23 miles per day. To state that there is a shortage of affordable or Tribal housing within the Seminole Nation for Seminole Freedmen only reinforces the lack of affordable housing for all persons living in Seminole County. There is a waiting list for Tribal housing. There is a waiting list for all affordable housing. While many other tribes have tremendous resources to allocate among their membership, the Seminole Nation does not. The Nation is doing its best with the limited resources that it has. The Seminole Nation cannot change or improve the status of Seminole People until the Federal Government honors its obligations to the Seminole Nation in a meaningful way, honoring its treaties and obligations.

The CHAIRMAN. Thank you very much.

Mr. Burrage, please proceed with your testimony.

STATEMENT OF HON. MICHAEL BURRAGE, GENERAL COUNSEL, CHOCTAW NATION

Mr. BURRAGE. Thank you, and good afternoon, Chairman Schatz, and Vice Chair Murkowski, Senator Lankford and Senator Smith, and all of the distinguished members of the Committee.

My name is Michael Burrage. I am General Counsel for and a member of the Choctaw Nation of Oklahoma. I am here at the request and on behalf of the Chief of the Choctaw Nation, the Honorable Gary Batton, who the Committee invited to testify on a matter of grave importance to the integrity of the Choctaw Nation.

I began representing the Choctaw Nation in 1974, upon graduation from the University of Oklahoma College of Law. At that time, I moved to Antlers and began my law practice. I have represented the Choctaw Nation ever since that time in 1974, except for an approximately seven-year period when I was appointed by President Clinton to be a United States District Judge, being Chief Judge for five of those years, and also serving on the Tenth Circuit Court of Appeals by designation. I was told that I am the first Native American to be appointed to the Federal bench.

I want to make one thing very clear, and please listen. The Freedman issue as it relates to the Choctaw Nation has nothing to do with race. I repeat, it has nothing to do with race. Tribal membership is based on blood, not race.

Today the Choctaw Nation tribal members includes African Americans as well as those from other races. All members of our tribe share one characteristic in common: they are Choctaw by blood and they are all lineal descendants of Choctaw Indians.

The constitution fo the Choctaw Nation was established by United States District Court order dated May 9th, 1983, in an action entitled *Morris v. Watt*, with Federal approval by the government on June 9th, 1983. I repeat, with Federal approval by the Federal Government on June 9th, 1983, ratified by a vote of the tribal members, certified by the Choctaw Election Commission on July 25th, 1983. This constitution approved by the Federal Government limits membership to Choctaws by blood and their lineal descendants.

Chief Batton and I, as general counsel, take an oath to uphold and defend this constitution. Our constitution has existed and worked well for almost four decades. But now another part of the Federal Government that approved that constitution wants to unilaterally walk it back, without the consent of the Indians affected, and without consent of the tribe. Does that sound familiar to you when it comes to the Federal Government's treatment of Indians and Indian tribes?

In the Choctaw Nation's recent litigation against the Federal Government over the unallotted lands, United States District Judge Lee R. West, who I served with, and was a appearing as counsel for the nation at that time, said the Federal Government has made many agreements with the tribes that it did not keep. He said that was not going to happen in his courtroom, and it did not.

It is the Federal Government, by placing tribal membership in a political arena, that initiated this Freedmen issue, not the Choctaw Nation. If there is a problem, the Federal Government needs to

find another solution that does not infringe on the rights of the Choctaw people or the integrity of our self-governance.

In 1978, in *Santa Clara Pueblo v. Martinez*, the Supreme Court held a tribe, because of its sovereignty and principles of self-determination, has the exclusive authority to determine its membership. Following this, the Tenth Circuit in *Ordinance 59 Association v. U.S. Department of Interior Secretary*, held, "Tribes, not the Federal Government, retain authority to determine tribal membership." This holding should be honored by all branches of the Federal Government.

The lawful interpretation of treaties, case law, and history that relates to Indians is complicated. There are special rules of construction when it comes to treaties with the tribes.

We are here today, having been drawn into a political process where decisions can have far-reaching legal consequences. I respectfully ask this Committee, is a Congressional hearing, where time is limited and personal and political concerns are on the table, the proper place to adjudicate such important matters as tribal membership? Then you add on top of that, legislative threats are made, if the tribe does not make the decision wanted by some politician, critical housing funds for tribal members that need the housing may be withheld.

How can this be squared with the United States Government's trust duties and obligations to the tribes? How is this anything than undermining the tribal self-determination and tribal autonomy?

After surviving the cruelty of the Trail of Tears, the Dawes Act, the near termination of our tribal functions, and nearly two centuries of takings at the hand of the United States Government, the Choctaw Nation and these other tribes deserve better. This all goes to the core of the constitutional identity of a sovereign tribe that is threatened.

Thank you for your attention to this matter. When appropriate, I will be glad to answer any questions about what I have said or other questions, especially about the Morris case. I was there, I represented the tribe, although at that point in the game I was carrying briefcases more than lawyering. But I know what was discussed at those hearings, and this was one of them.

[The prepared statement of Mr. Burrage follows:]

PREPARED STATEMENT OF HON. MICHAEL BURRAGE, GENERAL COUNSEL, CHOCTAW NATION

Good afternoon Chairman Schatz, Vice-Chair Murkowski, Senator Lanklord, and distinguished members of the Committee.

I am Michael Burrage, General Counsel for and a member of, the Choctaw Nation of Oklahoma.

I am here at the request of, and on behalf of, the Chief of the Choctaw Nation, the Honorable Gary Batton, who the Committee invited to testify on a matter of grave and momentous importance to the integrity of the Choctaw Nation.

I began representing the Choctaw Nation in 1974 upon graduation from the University of Oklahoma College of Law, at which time I moved to Antlers, Oklahoma to begin my law practice. I have represented the Tribe since that time, except for an approximate 7 year period, when I was appointed by President Clinton, to be a United States District judge, being Chief judge for 5 of those years and also serving on the 10th Circuit Court of Appeals. I was told I am the first Native American to be appointed to the federal bench.

To be clear, the Freedman issue, as it relates to the Choctaw Nation, has nothing to do with race. Tribal membership is based on blood, not race.

Today, Choctaw Nation's tribal membership includes African Americans as well as those from other races. All members of our Tribe share one characteristic in common, they are all Choctaw by blood. They are all the lineal descendants of Choctaw Indians.

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In the Choctaw Nation's recent litigation against the federal government over unallotted lands, United States District Court Judge Lee West, said the federal government made many agreements with the tribes it did not keep. He said that was not going to happen in his court and it did not.

It is the federal government, by placing tribal membership in a political arena, that initiated this Freedmen issue, not the Choctaw Nation. If there is a problem, the government needs to find another solution, that does not infringe upon the rights of the Choctaw people or the integrity of our self-government.

In *Santa Clara Pueblo v. Martinez* the Supreme Court held a tribe, because of its sovereignty and principles of self-determination, has the exclusive authority to determine its membership. Following this, the Tenth Circuit in *Ordinance 59 Ass'n v. U.S. Dep't of Interior Sec'y*, held that "Tribes, not the federal government, retain authority to determine tribal membership." This holding should be honored by all branches of the federal government today.

The lawful interpretation of treaties, case law and history that relates to Indians is complicated. There are special rules of construction when it comes to treaties with Indians. We are here today, having been drawn into a political process, where decisions can have far reaching legal consequences.

I respectfully ask the Committee—is a congressional hearing, where time is limited and personal and political concerns are on the table, the proper place to adjudicate such important matters as tribal membership? Then, you add on top of that, legislative threats are made, if the Tribe does not make the decision wanted by some politicians, critical housing funds for tribal members in need will be withheld.

How can this be squared with the United States government's trust duties and obligations to Indian tribes?

How is this anything other than undermining tribal self-determination and tribal autonomy?

After surviving the cruelty of the Trail of Tears, the Dawes Act, the near termination of our tribal functions, and nearly two centuries of takings at the hands of the United States government, the Choctaw Nation deserves better than to have the core of its constitutional identity as a sovereign Tribe threatened.

Thank you for your attention to our concerns. When appropriate, I will attempt to answer any questions you may have.

The CHAIRMAN. Thank you very much.

Ambassador Chaudhuri, please proceed with your testimony.

STATEMENT OF HON. JONODEV OSCEOLA CHAUDHURI, AMBASSADOR, MUSCOGEE CREEK NATION

Mr. CHAUDHURI. Mvto. [Greeting in Native tongue.] Mr. Chairman, Vice Chair, members of this esteemed Committee, thank you for the opportunity to testify. My name is Jonodev Osceola Chaudhuri, and I am proud to serve as Ambassador of the Muscogee Creek Nation. As I sit here before you today, the sovereignty of all tribal nations is under attack.

Two years ago, the Supreme Court upheld our nation's sovereignty in *McGirt v. Oklahoma*. Just this past month, however,

the court chose to abdicate it in order to placate Oklahoma politicians. Congress has a duty to protect the sovereignty of all tribal nations. That duty is all the more pressing when one branch of the Federal Government seeks to eliminate it.

The Freedmen issues trace their roots to injustices against both Native Americans and African Americans. It goes without saying that slavery is and always has been wrong. Just as the United States fought a civil war over slavery, the Creek Nation fought its own civil war. On one side were the traditionalists, Upper Creeks, who imposed the imposition of colonial American life into our nation, including the legalization of slavery.

I am a descendant of Fish Pond, and other Upper Creek towns. My mom used to explain family oral history, stating that when our family and other Creeks would raid slaveowners, we would give freed slaves three options. One, receive our assistance for passage to the north; two, live among us and with us; or three, join an autonomous Black community within the larger Muscogee world.

However, these practices conflicted directly with the goals and desires of the most prominent Lower Creeks, who sought to fully assimilate every aspect of white American culture into the fabric of our nation, including slavery, cotton, and Christianity. Instead of allowing the conflict to Creek Nation to play out through our internal democratic processes, the United States intervened and dispatched General Andrew Jackson to exterminate the Upper Creeks.

The United States' goal was nothing less than complete annihilation. In eight months of massacres, the United States burned nearly every Upper Creek home and murdered thousands of men, women, and children. My ancestors from Fish Pond sought refuge at Horseshoe Bend on the Tallapoosa River in Alabama, and they were slaughtered by Jackson and the slave-owning Cherokee leaders, John Ross and Major Ridge, who volunteered to fight with him. At Tallaushatchee, Jackson locked 50 men, women, and children in a cabin and burned them alive.

Horseshoe Bend and the scores of massacres that preceded it silenced the strong anti-slavery faction within the Creek Nation. Jackson's extermination policies against the Upper Creeks created Alabama and resulted in the Indian Removal Act and ultimately the Trail of Tears.

Even so, thousands of Creeks fought on the side of the Union in the American Civil War. Once again we were targeted, our homes burned and hundreds died. In exchange for our loyalty, the United States promised that once the war ended, our nation would not lose any land, and all the loyal Creeks would be financially assisted. Both promises turned out to be lies.

The Treaty of 1866 has often been characterized as a reconstruction treaty. For us, it was not. It was a land grab that stripped us of half of our reservation by force. My great-grandpa, Elmer Hill, who fought for the Union said, the final payment from the Unite States wasn't enough to buy a hat.

It is important to not that we are not Cherokee Nation. We are not Chickasaw Nation. We are the Muscogee Creek Nation. Our treaty with the United States contains different language than the treaties of other tribal nations. Our current constitution was reviewed and approved by the Department of Interior. However, the

interpretation of this treaty is currently the subject of ongoing litigation.

Any true solution must go beyond a shallow, political rhetoric and the yes/no binaries that such rhetoric supports. To that end, we have begun a process at Muscogee Creek Nation of developing historical, cultural, and legal research that will help our citizens engage in a thoughtful and informed exploration of this issue as they exercise their sovereign right to determine the future of the Muscogee Creek Nation.

The Muscogee Creek Nation is proud of our diverse citizenship. We have citizens who have mixed ancestry, who are also white, African American, Mexican American, and many other heritages. I myself am Creek and Asian. But whatever else we may be, we are all Creek Indians by blood. As a nation that has endured policies intended to exterminate us, because we are Creek Indians by blood, citizenship and issues involving non-Creek persons engender deep, conflicting emotions. Quite frankly, our citizens stand on both sides of these issues.

We are working toward healing. We are not only the descendants of select families that owned slaves, but also those who opposed slavery and incurred the targeted murderous wrath of the United States military.

But the solution to this is not another colonial intervention by the United States. Mvto.

[The prepared statement of Mr. Chaudhuri follows:]

PREPARED STATEMENT OF HON. JONODEV OSCEOLA CHAUDHURI, AMBASSADOR, MUSCOGEE CREEK NATION

Hesci. Jonodev Osceola Chaudhuri Cvhecefkvtos. Hvsvketvmvset, Epofvnkv, Vmvlkvt Pormetvs.

Mr. Chairman, Vice Chair, and members of the committee, thank you for the opportunity to testify. My name is Jonodev Osceola Chaudhuri, and I am proud to serve as Ambassador of the Muscogee (Creek) Nation. As I sit here before you today, the sovereignty of all tribal nations is under attack. Two years ago, the Supreme Court upheld our nation's sovereignty in *McGirt v. Oklahoma*. Just this past month, the Court chose to abrogate it in order to placate Oklahoma politicians. Congress has a duty to protect the sovereignty of our tribal nations. That duty is all the more pressing when one branch of the federal government seeks to eliminate it.

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It goes without saying that slavery is and always has been wrong. And just as the United States fought a civil war over slavery, the Creek Nation fought its own civil war. On one side were the traditionalist "Upper Creeks" who opposed the imposition of colonial American life in our Nation, including the legalization of slavery. I am a descendant of Fish Pond and other Upper Creek towns. My mom used to explain family oral history, stating that when our family and other Upper Creeks would raid slaveowners, "we would give freed slaves three options: (1) receive our assistance for passage to the North; (2) live among us and with us; or (3) join an autonomous black community within the larger Mvskoke world.

However, these practices conflicted directly with the goals and desires of the most prominent Lower Creeks, who sought to fully assimilate every aspect of white American culture into the fabric of our nation, including slavery, cotton, and Christianity.

Instead of allowing the conflict at Creek Nation to play out through our own internal democratic processes, the United States intervened and dispatched General Andrew Jackson to exterminate the Upper Creeks. The United States' goal was nothing less than complete annihilation. In eight months of massacres, the United States burned nearly every Upper Creek home and murdered thousands of men, women, and children. My ancestors from Fish Pond sought refuge at Horseshoe Bend on the Tallapoosa River in Alabama, and they were slaughtered by Jackson and the slave-owning Cherokee leaders, John Ross and Major Ridge, who volun-

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The Muscogee Creek Nation is proud of our diverse citizenship. We have citizens who have mixed ancestry and are also white, African American, Mexican American, and many other heritages. I myself am Creek and Asian. But whatever else we may be, we are all Creek Indians by blood.

And as a Nation that has endured policies intended to exterminate us because we are Creek Indians by blood, citizenship issues involving non-Creek persons engender deep, conflicting emotions. Quite frankly, our citizens stand on both sides of these issues. We are working towards healing. We are not only the descendants of select families that owned slaves, but also those who opposed slavery and incurred the targeted and murderous wrath of the United States military. But the solution to this is not another colonial intervention by the United States.

Mvto.

The CHAIRMAN. Thank you very much for your testimony.

Mr. Greethman, please proceed with your testimony.

STATEMENT OF STEPHEN GREETHMAN, SENIOR COUNSEL, CHICKASAW NATION

Mr. GREETHMAN. Thank you very much. Chairman Schatz, Vice Chairwoman Murkowski and honorable members of the Committee, my name is Stephen Greethman. I serve as senior counsel to the Chickasaw Nation. I want to thank you for the opportunity to speak today.

The Committee called this hearing to inquire as to freed-person descendants' tribal citizenship rights under various 1866 treaties. For Chickasaw, this inquiry is controlled by Article 3 our 1866 Treaty, a treaty to which the Choctaw Nation is also a party.

The United States Supreme Court adjudicated the Committee's question more than a century ago. Consistent with that adjudication, we have not violated nor are we violating our treaty.

But before I go further, let me state plainly: human chattel slavery is a stain on history. It is a stain on the continent's history, on the United States' history, and on Chickasaw history. Likewise, Jim Crow is a stain on the United States' and Oklahoma's history. There is no room for ambiguity on those points and nothing I say today should be interpreted as suggesting any ambiguity.

Relevant to the Committee's inquiry, the Chickasaw Nation's 1866 Treaty provides for a land cession to the United States, but conditions Federal compensation on the nation's choosing to extend citizenship to Freedpersons. That choice was neither made nor supplanted by the treaty which only spoke to the consequence of whichever choice the Chickasaw made.

The Chickasaw people deliberated and chose not to extend citizenship. In doing so, the Chickasaw expressly relinquished any claim to compensation for the lands the United States took. This choice was not a violation of the treaty, but its implementation.

Of course, as the Supreme Court recently quipped, history did not stop in 1866. In the wake of restored treaty relations, the U.S. again broke faith. Giving in to non-Native political pressure, Congress turned its efforts to undermining tribal self-government and opening indigenous lands to non-Native settlement so Oklahoma could be formed as a brand-new State.

It should be remembered that throughout this period, Chickasaws themselves were not U.S. citizens, though they and their rights remained subject to Congress' claim to plenary authority over Indian affairs.

In the chaos resulting from this pressure campaign, disputes over Freedperson rights arose. In 1902, Congress directed us to court. By us, I mean the United States and the Chickasaw Nation and the Freedmen and the Choctaw Nation. Here is Congress' language: "Authority is hereby conferred on the court of claims to determine the existing controversy respecting the relations of the Chickasaw Freedmen to the Chickasaw Nation and the rights of such Freedmen in the lands of the Choctaw and Chickasaw Nations under the third article of the Treaty of 1866, between the United States and the Choctaw and Chickasaw Nations, and under any and all laws subsequently enacted by the Chickasaw legislature or by Congress."

In considering the case, the court concluded, one, Congress had not independently vested Freedpersons with citizenship, and two, the treaty did not impose an obligation for the tribe to do so. Instead, the treaty provided for potential citizenship. As the court of claims put it, "A means whereby Freedmen might, by consent of the tribe and the voluntary action of former slaves, become members."

Based on treaty text and the parties' actions, the court ruled Freedpersons' "relation to the Chickasaw Nation is, as the treaty expresses, the same as citizens of the United States in the nation." This remains a true statement of law and fact today. Again, the statement represents treaty implementation, not violation.

Treaties matter. They are the supreme law of the land. The Federal legal system both produced the Chickasaw Nation's 1866 Treaty and adjudicated its meaning more than a century ago. We are both, the Chickasaw Nation and the United States, bound by the court's disposition of the matter.

Mindful of questions the law does not answer, though, Chickasaw stands by this process and result. All peoples work to reconcile their often-complicated histories over time. The U.S. and Chickasaw signed the 1866 Treaty during a difficult period in our shared history, a period in which the United States began its own process

of reconciling its dehumanizing reliance on human chattel slavery. We are more than 150 years on now, and that process continues, as it should.

But the law matters. Chickasaw history, like other histories, involves growth and setback, trial and progress. In its most recent generations, the nation has made tremendous progress in rebuilding its governing institutions. Today it employs thousands, both Chickasaw citizens and like me, non-citizens. It invests in communities throughout its reservation, Oklahoma, and the region. It is dynamic, and its work is ongoing.

It remains committed to this rebuilding effort, and engages in it consistent with the law and its people's right to sovereign self-determination.

Thank you for the opportunity to speak to you today. Thank you for the opportunity to start a conversation.

[The prepared statement of Mr. Greethman follows:]

PREPARED STATEMENT OF STEPHEN GREETHMAN, SENIOR COUNSEL, CHICKASAW NATION

Chairman Schatz, Vice Chairwoman Murkowski, and honorable members of the Committee:

My name is Stephen Greetham. I serve as Senior Counsel to the Chickasaw Nation, a position within Chickasaw government in which I work with the Nation's leadership on a broad variety of matters. Thank you for the opportunity to speak with you today.

Human chattel slavery is a stain on history—this continent's history, the United States' history, and Chickasaw history. Likewise, Jim Crow is a stain on the United States' and Oklahoma's history. There can be no ambiguity on those points, nor is there any defense to them.

The Committee has convened this hearing to inquire as to whether any of the Five Tribes has an outstanding treaty obligation to vest Tribal citizenship in the descendants of those Freedpersons formerly held in bondage under its laws. With respect to the Chickasaw Nation, article three of its 1866 Treaty with the United States controls today's inquiry, and the meaning and effect of that article was decided by the federal courts more than a century ago. As adjudicated by the United States Supreme Court, the Chickasaw Nation is not in violation of any treaty obligation, and its citizenship parameters remain properly and lawfully controlled by the Nation's constitution and code.

All nations and peoples evolve, adapt, and seek to reconcile their often complicated histories over time. And all peoples, as an aspect of their inherent sovereignty, are entitled to engage in these processes as a people. The United States and the Chickasaw Nation signed the 1866 Treaty during a difficult period in our shared history, a period in which the United States first began its own process of attempting to reconcile its reliance on human chattel slavery and the race laws designed to support it. Now, more than 150 years on, this process continues.

Since first contact with European colonialists, Chickasaws have been committed to protecting their national sense of self and have resisted subordination to any other sovereign. Even still, Chickasaw engaged in and adopted certain practices and economies of the North American colonial system, including human chattel slavery. This history, accordingly, is a part of Chickasaw history as it is a part of United States history.

As another part of our shared history, slavery led to war among the states within a single generation of the United States' breaking faith and removing the Chickasaw Nation from its ancestral homeland to Indian Territory—what is now Oklahoma. On the outbreak of war, the United States violated its Removal Era treaty obligations and militarily abandoned Indian Territory, and the Nation acted in accord with what its national survival required. Just as American citizens, though, Chickasaws (who were not United States citizens at the time) were divided on both the war and its causes. This internal division led different factions of its people to fight on different sides of the conflict, and when war was over, the United States and Chickasaw Nation worked to restore peace and their prior relations, forming and entering the *Treaty of 1866*, 14 Stats. 769 (Jun. 28, 1866), expressly for those purposes.

Article three of the Treaty addressed Freedpersons and Chickasaw Nation citizenship. The article is long, but it provided for a Chickasaw Nation land cession to the United States and excused the United States from paying compensation therefor unless the Nation extended Tribal citizenship to certain Freedpersons. By the Treaty's plain terms, the choice of extending Chickasaw citizenship remained with the Chickasaw people: Such fundamental choice was neither made in nor supplanted by the Treaty, though it did specify the consequences if the Chickasaw people declined to extend citizenship. Following the Treaty's ratification, the Chickasaw Nation memorialized its people's choice not to extend citizenship and to expressly relinquish claim to compensation for the land cession. *E.g.*, An Act Confirming the Treaty of 1866, Chickasaw Nation Legislature, November 9, 1866. This memorialization was not a defiance of a treaty obligation but merely the Chickasaw Nation's acting on a question in accord with the mechanism preserved and specified by the Treaty.

History, though, did not stop at 1866. Acceding to the pressures of its own citizens, the United States turned to a new campaign, one intended to overcome the legal and political rights of the Native Nations of Indian Territory so a new state could be formed. As part of this post-war campaign, waves of speculators and settlers flooded into the Territory, and Chickasaws were soon minorities in their own country. Within another two generations or so, the United States again wrested control of Indigenous lands, and the Chickasaw Nation's treaty homeland was allotted—to Chickasaw citizens and resident Freedpersons alike. The remainder fell to the settlers and speculators, and the way was cleared for Oklahoma statehood.

In the midst of this chaos, disputes arose concerning Freedperson rights to Chickasaw Nation citizenship, and Congress directed the United States and Chickasaw Nation to obtain a final disposition of the matter in the federal courts. *An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes*, 32 Stat. 641, 649–50, Chap. 1362, § 36 (July 1, 1902) ("Authority is hereby conferred on the Court of Claims to determine the existing controversy respecting *the relations of the Chickasaw freedmen to the Chickasaw Nation and the rights of such freedmen in the lands of the Choctaw and Chickasaw nations under the third article of the treaty of eighteen hundred and sixty-six* between the United States and the Choctaw and Chickasaw nations, and under any and all laws subsequently enacted by the Chickasaw legislature or by Congress." (Emphasis added.)); *cf. id.*, § § 37–40 (directing process).[1]

Taking up the resulting litigation and reviewing the Treaty, statutes, and the actions of the parties, the United States Court of Claims concluded that Freedpersons' "relation to the Chickasaw Nation is, as the treaty expresses, the same as citizens of the United States in the nation," i.e., not Chickasaw citizens. *United States v. Choctaw Nation*, 38 Ct. Cl. 558, 568–69 (1903). The following year, the United States Supreme Court affirmed the Court of Claims' ruling, in total. *Chickasaw Freedmen*, 193 U.S. 115 (1904).

In so ruling and resolving the dispute, both courts recognized Congress made no independent attempt, by legislation or otherwise, to vest Freedpersons with citizenship. *Chickasaw Freedmen*, 193 U.S. at 124–25; *Choctaw Nation*, 38 Ct. Cl. at 567. Nor was such citizenship required by the treaty, which instead provided a mechanism for potential citizenship, i.e., "a means whereby freedmen might, by consent of the tribe and the voluntary action of the former slaves, become members" of the Chickasaw Nation. *Choctaw Nation*, 38 Ct. Cl. at 566.

With this Treaty and the judicial construction of it in mind, it is not disputed that the Chickasaw Nation did not vest Freedpersons with Tribal citizenship. Nor is it disputed that, as consequence, the Chickasaw people waived claim to compensation for the land cession imposed by the Treaty. Nor can it be disputed that today, as in 1866 and 1904, Freedpersons' "relation to the Chickasaw Nation is, as the treaty expresses, the same as citizens of the United States in the nation." *Id.* at 568–69. This is the authoritative judicial construction of the Treaty and its operation. It remains the undisturbed law today, and it responds to the Committee's inquiry.

Treaties matter. As provided in the United States Constitution, treaties are the supreme law of the land, though they are subject to construction and enforcement by the federal courts. The United States legal system produced the Treaty and later adjudicated its meaning. Mindful of the tumult of history and the importance of on-

[1] The Chickasaw Nation and Choctaw Nation share a close treaty relationship, starting with the Removal Era treaties of the 1830s which vested them with undivided interests in the realty of the secured treaty territory. Both nations are also signatory to the same 1866 Treaty with the United States, and both nations were involved in the litigation authorized by the 1902 act. While the litigation only ruled on citizenship questions relating to the Chickasaw Nation, its disposition affected Chickasaw and Choctaw interests in the undivided treaty territory. Accordingly, the Choctaw Nation was a named party in the suit, along with the Chickasaw Nation.

going processes, the Chickasaw Nation holds true to its Treaty and the judicial construction of it—an adjudication that's not been challenged for over a century and to which the parties remain bound. None of us can say what the future will provide, but we can (and do) know how the law stands.

Chickasaw history, like other histories, involves set back and growth, trial and progress. Relying on its sovereignty and rights to self-determination, the Chickasaw Nation in its most recent generations has made progress in rebuilding its institutions of government. Today, the Chickasaw Nation employs thousands of people, both Chickasaw citizens and non-citizens alike. It invests in communities throughout its reservation, Oklahoma, and the region. The Chickasaw Nation is dynamic, and its work as a people is ongoing. It remains committed to continuing its work and will do so in good faith—in accord with the law and its people's right to sovereign self-determination.

The CHAIRMAN. Thank you very much.

Ms. Vann, please proceed with your testimony.

STATEMENT OF MARILYN VANN, PRESIDENT, DESCENDANTS OF FREEDMEN OF THE FIVE TRIBES ASSOCIATION

Ms. VANN. Greetings, Chairman Schatz, Vice Chair Murkowski, and distinguished members of the Committee. Thank you for giving me this opportunity to be a hearing witness.

I am Marilyn Vann, President of the Descendants of Freedmen of the Five Tribes Association. I am a Cherokee citizen and a Freedmen descendant.

We support enforcement of 1866 Treaty rights of Freedmen descendants. The tribes allied with the Confederate States to protect black chattel slavery. The 1866 Treaty granted the Creek, the Cherokee, and Seminole free and enslaved peoples and their descendants tribal citizenship rights. Choctaw Freedmen were eventually adopted in 1885. Chickasaw Freedmen were not members of the tribe at the time of the Dawes enrollment as per the Federal courts.

Many descendants today need services the same as their by blood relatives. Poverty began of the Freedmen during slavery. Later, Freedmen suffered from race massacres, segregation, and redlining. Freedmen descendants' disenrollment began in 1979. The Freedmen members of the tribes that were disenrolled were not allowed to vote on the disenrollment or only in nominal numbers. Currently only Cherokee Nation works to fulfill its treaty obligations to Freedmen.

As a result of past and current systemic racism, descendants need help from the Senators. Some that need help include Creek Freedman descendant Mr. Lovett of Okmulgee, a senior citizen on disability. He needs rental assistance. Can the tribes change without Congressional and Federal intervention? History says no.

The Cherokee Nation only came into compliance in 2017 after Federal court decisions in Cherokee Nation v. Nash and Vann, and passage of Freedmen protective language in the 2008 NAHASDA Reauthorization Act. Even today, some councilpersons and candidates for tribal office run anti-Freedmen rights campaigns.

The Seminole Nation has worked to exclude Freemen descendants from receiving almost all services, even after losing the Seminole Nation v. Norton case, Federal case in 2002, and receiving directions from the DOI and HUD that the Freedmen citizens qualify for services. Their leadership has granted the Freedmen as citizens rather than members, which legally means the same, and reissued

Freedmen tribal IDs that state zero blood quantum and voting benefits only.

The Seminole tribal government has told other tribal nations and Federal agencies the Freedmen citizens do not qualify for services. In October 2021, Seminole Freedmen began receiving medical services after the IHS sent orders to all chiefs and tribally operated health units that the Freedmen citizens qualified for health services. This came after my visits to the Rockville IHS headquarters with Seminole Councilwoman Samson, who is here today, requesting urgent help. The Freedmen elders dying from COVID–19, such as Mr. Thomas, whose wife was on the council, was covered by the national press, when tribal and IHS COVID vaccines were denied to Seminole Freedmen tribal citizens but given to other members of the tribe.

The Muscogee Creek Nation stresses the validity of Article 3 of its 1866 Treaty which confirmed the reservation. See McGirt v. Oklahoma. But it is silent on Article 2 of the same treaty that granted the enslaved people and their descendants the right to share in the national funds and all the rights of Indians, Article 2. Creek Freedmen descendants went to tribal court but have been waiting for a judge to be assigned to the case since February 2021. The Creek Nation issued $$4,500 checks from COVID–19 funds to each by blood citizen. Not a nickel went to the Creek Freedmen, a clear violation of that treaty.

By the way, the Seminole Nation leadership denied the Freedmen citizens its share of the COVID funds as well.

This Committee can assist the Freedmen. Here are some suggestions. We ask Congress to write legislation that includes Freedmen descendants in appropriations, new programs, or reauthorization of old programs for entitlements that benefit the nations. This must be done by Congressional language.

The DOI can register Freedmen descendants, giving those that provide proof of descendancy, a Dawes enrollee, a confirmed person is a treaty heir, that qualifies for Federal services. We request field hearings or local listening sessions to be held in Oklahoma by members and staff of the Senate Committee on Indian Affairs so more voices can be heard. We ask for investigations of CRS reports on the Freedmen treaty issues. These do not equate citizenship, but would be a start.

Thank you, Chairman.

[The prepared statement of Ms. Vann follows:]

PREPARED STATEMENT OF MARILYN VANN, PRESIDENT, DESCENDANTS OF FREEDMEN OF THE FIVE TRIBES ASSOCIATION

Greetings, Chairman Schatz, Ranking Member Murkowski, and Distinguished Members of the US Senate Committee on Indian Affairs. My name is Marilyn Vann and I serve as the President of the Descendants of Freedmen of the Five Civilized Tribes Association, which is an Oklahoma based nonprofit. The organization educates the public on the 1866 treaties, which created citizenship rights for the black freedmen and freedmen descendants of the Five "Civilized" Tribes (Cherokee Nation, Muscogee Creek Nation, Seminole Nation of Oklahoma, Choctaw Nation of Oklahoma, and Chickasaw Nation). The Association also works for an end to Federal and tribal discrimination against freedmen descendants in tribal enrollment, and in receiving Federal and tribal funded services available to members/citizens of federal recognized tribes. Our organization has members and official supporters throughout the United States and incorporated in 2002. I have been President of

the organization since incorporation. On behalf of the Association, I want to thank the Committee for holding today's hearing and for issuing an invitation to me to testify before youtoday on this important issue.

I am a member of the Cherokee Nation and was a litigant in the DC Federal court litigation, *Cherokee Nation v. Nash* and *Vann v. Zinke* and all the historical research for the legal briefs. These cases reaffirmed the 1866 treaty rights to tribal membership of Cherokee freedmen descendants. In 2021, I was also a litigant in Cherokee Nation tribal court case (*Mayes v. Cherokee Nation Election Commission and Vann*), which dealt with the rights of freedmen tribal members to hold office. Although I am not an attorney (I am a retired engineering team leader), I have spoken on the history and the rights of the freedmen descendants for almost 20 years including at the Congressional Black Caucus Foundation meetings in 2007 and 2008. I also was a witness for the House Financial Services Subcommittee Housing, Insurance and Community Development Committee on Financial Services July 27, 2021. My ancestors on the federal Dawes Indian tribal rolls were registered as Cherokee, Chickasaw, and Choctaw freedmen although I do have documented Cherokee and Chickasaw Indian ancestors who died prior to the Dawes enrollment. By education I have a BS degree in engineering and retired from the Federal government as a Treasury Department Engineering Team leader with 32 years of Federal service.

Background and General History

Prior to 1492 a system of slavery had existed in some form within these tribes in our original pre-removal homelands (now the Southeastern United States), however slavery was not based on a person's race but the conquering of other Indian tribes. Enslaved Indians were often adopted into tribal nations overtime. The earliest known contact of African enslaved people was with the Desoto Exhibition in 1541, when Desoto traveled through the southern tribes. (Two enslaved Africans on Desoto's exhibition escaped and were later adopted by one of the Creek tribal towns.)

After 1492, persons of African ancestry were occasionally adopted as members of the tribes or became members through Indian mothers, however this practice became almost nonexistent as the Indian system of slavery began to be associated with persons of African ancestry and chattel slavery as more and more mixed white tribal citizens brought enslaved Africans into the tribal nations. Some of these tribes wrote their first slave codes before the Indian Removal Treaties.

Enslaved Africans were also taken on the Trails of Tears by their tribes to do the hard dirty work of clearing fields, carrying bags, chopping wood, etc. so that the rest of the tribe could more easily survive and build new Indian plantations in the Removal Treaties lands of Indian Territory. After the Indian removals of the 1830s and 40s, Indian slaveholders were paid for enslaved Africans who died on the Trial of Tears. Tribal Laws were passed which limited the rights of persons of African descent to read and right, to own personal property, to marry Indians, to vote, etc. except in the Seminole Nation. Prior to the outbreak of the Civil War, African chattel slavery had become a main part of economic wealth for some tribal citizens. Because Indian slavers didn't own personal land, their wealth was based on the number of enslaved Africans they owned.

The 5 tribes in 1861 signed treaties with the Confederate states with the continuation of African chattel slavery being a primary reason for the alliance with the Confederate states. Although not all tribal members owned slaves, the leadership of the 5 tribes were slaveholders, and many of the tribal members wealth was due to the slave-based economy. Some of the tribal slavers owned hundreds of slaves, lived in mansions, and had large plantations. The free Africans of the five tribes were persons of African ancestry legally living within the 5 tribes at the beginning of the Civil War—though the majority of Africans were enslaved under tribal law . Although the official governments of the five tribes and most of the Indian troops fought for the confederacy, there were three Union regiments. The United States required new treaties with all of the five tribes after the Civil War. The 1866 treaties of the Cherokee, Creek and Seminole nations adopted after the Civil War between the tribes and the United States Government ended slavery in those tribes, and set up provisions for tribal citizenship of the former enslaved Africans with provisions giving freedmen all the rights of native Indians of their tribal nation.

The 1866 Treaties between the Choctaw and Chickasaw nations and the U.S. Government gave each of these tribes the option to adopt the freedmen, in which case the tribe would receive a payment from the U.S. Government. The Choctaw nation adopted the freedmen in 1883, and received the funds they were entitled to as stated in the 1866 treaty.

Summary of the Choctaw and Chickasaw conditions of their enslaved Africans and descendants found in Article III and IV of their 1866 joint Reconstruction Treaty.

—the Choctaw Nation was paid its full share of the funds and interest;

—the Chickasaw Nation was paid only a part of its share and interest because it failed to carry out the key requirement of the treaty;

—the Choctaw Freedmen were adopted by the Choctaw and hence were not eligible for any of the $300,000; and

—the Chickasaw Freedmen were not adopted by the Chickasaw but did not move from Chickasaw lands and hence were not eligible for any of the $300,000.

Details

Article 3 of the 1866 treaty required that the $300,000 be held in trust for the Choctaw and Chickasaw (at 5 percent annual interest) and only be paid to them if, within two years of the ratification of the treaty, the tribes had passed "laws, rules, and regulations" making each tribe's Freedmen citizens of the respective tribes (i.e., "adopting" them). If no such laws were passed by the tribes in two years, then the $300,000 would be removed from trust for the tribes and would be held "for the use and benefit" of those Freedmen who chose to remove from the tribes' territory. The United States would, within 90 days after the two-year period, remove all Freedmen who were willing to leave. Any Freedmen who chose to remain, or removed and then returned, were to have no benefit from the $300,000.

Article 46 of the 1866 treaty provided for an advance payment of $200,000 to the tribes from the $300,000—$150,000 to the Choctaws and $50,000 to the Chickasaws.

During 1866–1868, the U.S. appropriated funds for the advance payments and for the interest to the Choctaw and Chickasaw.

Neither tribe adopted its Freedmen within the two-year period after ratification of the treaty. Nor did the United States remove any of the Freedmen, nor apparently did any Freedmen remove. The funds were removed from trust for the tribes (so interest payments were no longer due the tribes).

In 1873 the Chickasaw legislature passed an act adopting the Chickasaw Freedmen, subject to the approval of the "proper authorities" of the United States. Congress did not act, nor did the Interior Department.

In the late 1870s and through the 1880s, the Chickasaw legislature passed further acts and memorials asking for removal of the Chickasaw Freedmen and otherwise expressing desires for their removal.

In 1883 the Choctaw legislature passed an act adopting the Choctaw Freedmen. This was in response to a U.S. Indian appropriations act of 1882 involving a deduction from the two tribes' appropriations, and allowing either tribe to adopt its Freedmen, under the 1866 treaty, without the agreement of the other. By the 1883 Choctaw act, the Choctaw Freedmen—who had not removed from Choctaw territory—were now Choctaw citizens, and hence were not eligible for benefits from the $300,000 in Article 3. Unlike the Choctaw, the Chickasaw did not adopt the Chickasaw Freedmen—who had also not removed from Chickasaw territory (some were also in Choctaw territory).

In 1885 an Indian appropriation act appropriated funds to pay the Choctaws the balance owed them under Article 3 of the 1866 treaty. (A 1940 Court of Claims decision determined that the 1885 payment settled the Choctaw payments in full.)

In 1894 the U.S. Congress approved the 1873 Chickasaw adoption act.

In 1897–1898, the United States negotiated the "Atoka Agreement" with the Choctaw and Chickasaw for the final allotment of all their lands among Choctaw and Chickasaw citizens (including Choctaw Freedmen); the Atoka Agreement was enacted in the Curtis Act of 1898, but with an amendment providing that the final allotment of Chickasaw and Choctaw lands include allotments to the Chickasaw Freedmen, and also with an additional amendment authorizing a court case to determine if Chickasaw Freedmen were Chickasaw citizens (under the 1873 Chickasaw act), and hence eligible for allotment, or, if they were not citizens, to determine United States compensation to the Chickasaw and Choctaw for their lands allotted to the Chickasaw Freedmen.

In 1903 the U.S. Court of Claims found that the Chickasaw Freedmen had not been adopted, because the 1873 act had been "withdrawn" before 1894, and hence that the Chickasaw Freedmen were not Chickasaw citizens and were not eligible for allotments. This meant that the United States owed the Chickasaw and Choctaw for their lands allotted to the Chickasaw Freedmen. The court also found that the Chickasaw Freedmen had not removed from Chickasaw or Choctaw territory, which meant, the court found, that the Chickasaw Freedmen were not entitled to any part

of the $300,000 under the 1866 treaty. (A copy of this decision is attached.) The Supreme Court confirmed the Court of Claims decision in 1904.

The Freedmen of the 5 tribes (slaves and their descendants of Indians) relationship was the same as the U.S.'s relationship to the Tribes. That is, the Freedmen were, in essence, wards of the U.S. government in relation to the U.S. Congress' plenary power to relate to the Tribes. [In effect, Freedmen were colonial subjects that were not legally sophisticated enough to advocate for their own best interest, so the US had a higher standard of duty to act for them.] More professionally stated, as "guardians" of the Freedmen's best interests, the U.S. breached its duty by not taking vigorous measures to see that the best interests of the Freedmen were served in requiring the Tribes to keep the Freedmen as citizens rather than the course that was taken. Unfortunately.

By the late 19th century, the five tribes reservations were overrun by white intruders who pushed the Federal government to make Indian Territory and Oklahoma Territory (both created by the treaties of 1866) into a state. Tribal freedmen were not entitled to US citizenship under the 14th amendment to the United States Constitution as they were not slaves of U.S. citizens. The members/citizens of the 5 tribes, including freedmen, were not U.S. citizens and did not receive U.S. citizenship until the 1901 Five Tribes Citizenship Act was passed.

The Dawes final rolls were made by the U.S. government between 1898 and 1906 to distribute lands of the 5 tribes owned in common to the citizens/tribal members based on agreements between each tribe and the Federal government. See Curtis Act—Act of June 28 1898 (30 Stat 485) which required division of tribal lands to tribal members/citizens. Each tribe signed an allotment agreement which detailed the size of the allotments and other criteria such as cut off days to apply for allotments for their citizens. For example, under the Creek Agreement of March 1 1901 (31 Stat at L 861) , Creek tribal members who died prior to April 1 1899 were not authorized to be registered on the Dawes Final rolls. (See also Supreme Court Case *US v. Wildcat* (244 US 111) Under The Cherokee Agreement (32 Stat 716) Cherokee tribal members were not listed if they died prior to September 1 1902. Freedmen of the Cherokee, Creek, and Seminole tribes received the same size land allotments as by blood members of the tribe. Most members of the tribes were listed on the "by blood" sections of the rolls with a degree of blood assigned by the Dawes commission. Freedmen and their descendants of the Five tribes were placed on separate sections of the Dawes rolls without degrees of blood by the U.S. Government largely to have a class of citizens whose allotment land would have restrictions lifted earlier (Act of April 21 1904 33 Stat at L189) than tribal members who had been registered on the Dawes rolls with a degree of Indian blood. A review of tribal membership lists (such as the Cherokee Nation 1880 tribal census) and U.S. government payment rolls (such as the 1852 Cherokee Drennen payment roll), and the 1871 immigration roll of Shawnees who were granted citizenship in the Cherokee Nation by agreement between the U.S, Cherokee and Shawnee tribes show that the 5 tribes and the U.S. government did not have degrees of blood/blood quantum for tribal members before the late 1890s. All of the tribes had some adopted citizens listed on the Dawes rolls. The Act of April 26,1906 34 Stat 137 made it almost impossible for persons registered as freedmen to transfer to the by blood sections of the Dawes rolls. This Act of 1906 also authorized the U.S. president to appoint the Principal Chief (or governor) for each tribe. In the 1926 Oklahoma Supreme Court case *Sango v. Willig*, the court makes it clear that a Dawes enrolled Creek freedwoman whose mothers was listed as a ′ Creek by blood on the Dawes roll is a "non Indian" for allotment purposes (i.e. the date to sell her allotment) but not necessarily for other purposes. As stated in the book, "The Dawes Commission" by national archives administrator Kent Carter, persons of mixed African Indian blood were generally classed as freedmen by the Dawes Commission.

Oklahoma became a state in 1907 with the state constitution defining all persons except "Negros" as legally white. "Negros "(persons with any amount of African ancestry) were required to be segregated in schools, restaurants, etc. from persons of all other races in Oklahoma, not allowed to marry with persons of other races, and grandfather clause laws were passed which stripped black Oklahomans of the right to vote in state and Congressional elections until these laws were overthrown by the US supreme Court (*Guinn v. United States*). These laws did not affect persons with no African ancestry. For example, in 1907 Cherokee Robert L Owen was elected as a US Senator and Chickasaw Charles Carter was elected as a US Congressman. The Principal Chiefs Act (Act of October 22, 1970—Public Law 91–496) was passed to allow members of the five tribes to vote on the principal Chief. Directions given by the Assistant Secretary of Interior in a letter to Muskogee BIA director Virgil Harrington dated March 29, 1971, which reaffirmed the right of the Cherokee, Creek

Seminole, Choctaw freedmen and their descendants to vote in the Principal Chief elections.

By the middle of the twenties century, the Department of the Interior (DOI) began to issue certificate of Indian blood cards (CDIB) based on the degrees of blood assigned by the Dawes commission. Descendants of freedmen are unable to acquire CDIB cards for this reason. During the first half of the 20th century, the U.S. government began to use the degrees of blood to limit access to tribal services or Indian preference by barring persons with lower blood quantum's from accessing Federal services or Federal jobs at the DOI for Indians. This also divesting the freedmen communities of needed resources. The BIA still to this day have NO Freedmen descendants working within its department. The DOI regulations eventually were changed in the year 2000 (25 CFR part 20) to authorize service eligibility based on tribal membership rather than minimum one quarter blood quantum for Federal funded services, however freedmen were still denied services funded by the federal government in all five tribes until Cherokee freedmen achieved victories in the courts in the twenty first century.

1866 Treaties Freedmen Provisions and Historic Background

Seminole Treaty and Seminole freedmen

ARTICLE 2. The Seminole Nation covenant that henceforth in said nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime, whereof the offending party shall first have been duly convicted in accordance with law, applicable to all the members of said nation. And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color, who may be adopted as citizens or members of said tribe.

Many of the black Seminoles had entered the Seminole reservation during the early nineteen center as runaway slaves. They fought side by side with the Seminole Indians to prevent the tribe from being removed from what is now Florida to what is now Oklahoma. Prominent black Seminoles including Abraham, Ben Bruno, and John Horse served as Interpreters and advisors to elected tribal leaders. During the Civil War, many Seminole leaders such as John Chupco, Billy Bowlegs and Fos Harjo refused to support the Confederacy and removed to Kansas along with black Seminoles such as Robert Johnson—Enlisting with the Union Indian regiments. After the Civil War ended both Loyal Seminoles and Confederate Seminoles were represented in treaty negotiations, with Band Chief John Chupco being a representative for Loyal Seminoles and John Brown who had been a confederate officer representing confederate Seminoles.

Black Seminoles leaders after the Civil war included rancher and store owners Ceasar Bruner and Dosar Barkus all of whom were band Chiefs Many freedmen spoke the Muscogee language, attended schools with Indians, worshipped at ceremonial grounds and were thoroughly a part of the community.

The Seminole Nation did not have intermarried white citizens, but there were some adopted Indians on the by blood section of the Dawes rolls including Caddo Indians who did not receive degrees of blood.

After Oklahoma statehood, the Seminole Bands continued to meet and elect band representatives, and the Band members including freedmen voted and recommended Principal Chiefs for the US government to appoint. Prior to the 1970s , the Seminole nation leadership unsuccessfully requested to be repaid by the US government for the value freedmen allotments. The litigation was unsuccessful

Creek Nation Treaty and Creek Freedmen

Creek Nation Treaty (Ratified July 19th, 1866, Proclaimed August 11, 1866)

ARTICLE 2. The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation

shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

Note—Freedmen Harry Island and Cow Tom (Cow Micco) were interpreters for the nation and signed the treaty.

Prior to the 1830s removal from the Alabama homeland, the Creek Nation consisted of separate tribal nations including Eufaula, Coweta, Arbeka, etc. The separate tribes united and were organized as tribal towns which were effectively voting districts. At the time of the Civil War, there were several free Blacks who had either bought their freedom or been freed by their master who was often a relative. In 1861, Creeks leaders such as the McIntoshes, Perrymens and Graysons supporting the confederacy passed laws to stop slaves from owning personal property and required free Blacks to "chose a master" by March 10, 1861 or they would be sold to the highest bidder. This required free Blacks to sell their property before being returned to slavery. Many of the free Black Creeks and Seminoles, traditional Indians and enslaved Africans opposing the Confederacy, joined with Creek traditional Chief Opothle-Yahola (who also owned enslaved Africans) to leave the Creek nation territory for safety, but were attacked multiple times when they cross into the Cherokee Nation territory (just north of Tulsa, Oklahoma) in more than 3 major Indian Territory Civil War battles on the way to Kansas, and although the Yohola's men fought bravely, they were forced to leave most of their food and supplies to avoid capture. Hundreds were slaughtered including old women and children by the Cherokee Confederates. (Cherokees captured the Indians and placed them into war camps and murdered the Africans). 'The US Government in Kansas encouraged many of the male refuges into military service and many joined the First Indian Home Guard and fought bravely. During the Civil War, men such as Cow Tom served as interpreters to the Union Army, and Creek Africans such as Picket Rentie and Sugar George, and Robert Johnson served in the Indian Home Guards to protect the nation from Confederates. Other blacks were mustered into the First Kansas Colored regiment.

After the end of the Civil War, both Loyal Creeks and Confederate Creeks had a voice in the treaty. Loyal Creeks such as Sands advocated for blacks to have an equal right in the tribe while confederate Creeks such as DN McIntosh supported the freedmen having separate lands within the nation. The Loyal Creeks prevailed. The treaty promised that Loyal Creeks would be paid for their losses, however the freedmen Loyal Creeks never shared in the Loyal Creek Funds which were paid in the 20th century. After the enactment of the 1866 treaty, In 1867the Creek nation passed a constitution which incorporated the 1866 treaty provisions. Three new tribal towns to incorporate the freedmen into the Creek nation as citizens were set up, These were Northfork, Canadian Colored, and Arkansas Colored for the freed slaves so that they could select a warrior and Town King to represent them in the House of Kings and House of Warriors (ie the legislature). The 1867 constitution included the freedmen as full citizens of the nation. Schools were set up for freedmen children although some schools were mixed, and freedmen farmed and ranched on the reservation. Leading freedmen included Ketch Barnett, town king Cow Tom, Harry Island, Judge Jesse Franklin, businessman Sugar George—who also served as a town King, interpreter Robert Johnson, Attorney, banker and teacher AGW Sango, Attorney James Coodey Johnson who was an interpreter for Federal Judge Parker and an advisor to the Seminole Nation Chief. After Oklahoma statehood the tribal governments were greatly diminished and most of the tribal towns ceased electing officers as the Act of 1906 limited the operations of tribal government. Under the Creek Agreement, each Creek citizen including freedmen received acre allotments. Creek freedmen community leaders such as Jake Simmons Jr Fought against segregation of blacks both freedmen and non freedmen after Oklahoma statehood.

The Creek nation leadership (Creek Indian Council) attempted to remove the freedmen from the tribe in 1944, however this proposed constitution was not approved by the DOI due to Creek citizens not voting on the constitution.

Cherokee Nation

The Cherokee Nation, like the other 5 tribes that removed from the southeast United States to eastern Oklahoma, was a tribe which enacted black codes beginning in the 1820s in part due to the influence of intermarried white citizens and their children. Prior to the 1820s Cherokees retained its strength increasing its population by adopting persons into matrilineal clans. Many white men received Cherokee citizenship after marriage with Cherokee women. Several Creeks received Cherokee citizenship during the 1820s based on an agreement between the Creek and Cherokee nation. Cataba, and Natchez Indians were also adopted citizens. There was no concept of "Cherokee blood". Both the 1827 and 1839 constitutions

had discriminatory language against persons of African ancestry although a small number of persons with African ancestry were recognized citizens. The tribe allied with the Confederate states in 1861, in part to protect permanent chattel slavery. Cherokee freedmen such as Wheat Baldrige served in the Indian Home Guard. After the Civil War, the Cherokee freedmen and their descendants received all the rights of native Cherokees under Article 9 of the treaty of 1866. (14 Stat 799).

ARTICLE 9. The Cherokee Nation having, voluntarily, in February, eighteen hundred and sixty-three, by an act of the national council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntary servitude exist in their nation otherwise than in the punishment of crime, whereof the party shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: Provided, That owners of slaves so emancipated in the Cherokee Nation shall never receive any compensation or pay for the slaves so emancipated. [945]

The 1866 treaty also authorized the adoption of "friendly Indians". A band of Delaware and Shawnee were adopted into the tribe in 1867 and 1869 respectively based on Agreements between those tribes, the US government, and the Cherokee nation government,

The treaty of 1866 had representatives from both Union and Confederate Cherokees. According to a court of claims lawsuit *Cherokee Nation v. United States* 12 ICC 570, the major concerns of the tribal treaty representatives were that the nation not be divided into two separate nations—one for Confederate Cherokees, that the tribe be paid for lands cessions to the United States, that railroad right of ways be limited, and that the nation not be incorporated into a United States Territory. After the treaty was signed, Chief WP Ross, a Princeton educated lawyer wrote amendments to the 1839 constitution so that the tribal constitution would be in compliance with the treaty of 1866. The Cherokee men (women could not vote) approved the constitutional amendments.

The US Senate held several Field hearings within the tribal reservations to ascertain the status of the freedmen, and often spoke to current or former tribal leaders to seek their understanding on the treaty rights of the freedmen. For example, in US Senate Committee on Indian Affairs Hearings (Conditions of Indian Tribes in Indian Territory) held in May 1885 in Tahlequah, both former Chief WP Ross and former Judge William Boudinot affirmed that the freedmen received their citizenship rights through the 1866 treaty.

Prior to Oklahoma statehood. Freedmen such as Stick Ross, Jerry Alberty, Frank Vann, Ned Irons and Fox Glass served in the tribal council and their descendants such as Mr. L Ross and Mr. M Harrisonare active in the tribal community today. After the Civil War, the Cherokee freedmen periodically went to Federal court to enforce their treaty rights to payments and annuities (*See Moses Whitmire, Trustee for the Cherokee Freedmen v. Cherokee Nation and United States* 30 Ct Claims 138 (1895).

Almost all of the Cherokee freedmen who received tribal allotments during the Dawes enrollment were listed on the Cherokee Nation 1880 census or were descended from someone listed on the 1880 census just as were Cherokees by blood. Several persons who had been listed on earlier rolls as "native Cherokee" rather than "adopted colored" (example Anthony Crittenden) or received payment rolls only available to native Cherokees (ie Perry Ross) were listed as Freedmen. Many white citizens challenged the fact that they did not receive allotments due to the dates of their marriages, the US Supreme Court (*Redbird v. Cherokee Nation*) held that the intermarried white citizens did not have the full rights as tribal members who were citizens by treaty including the freedmen. About 200 Cherokee citizens who originally had immigrated into the Cherokee nation received 160-acre allotments (rather than 110 acre allotments) due to the provisions of the Delaware-Cherokee agreement.

Between Oklahoma statehood in 1907 until after the Principal Chiefs Act was passed, the Cherokee Nation government a critical function was to file lawsuits against the United States. Appointed Chiefs did not receive salaries and had few funds for government functions. The first tribal employee since statehood was Mrs Harder, who was hired in 1966. An Indian Claims Court determined that the Cherokee nation was not entitled to receive funds for adopting the freedmen or for the value of the freedmen allotments (*Cherokee Nation v. US 12 ICC 570 (1963)). The judges emphasized that the tribe was not forced to adopt the freedmen. In the 1960s*

Cherokee freedmen received their portion of a judgement fund authorized by Title 25 Section 991.

Cherokee freedmen voted on the 1975 constitution (which authorized all Dawes enrollees and descendants to be members of the tribe) and in elections until 1983 in which they were blocked at the polls—which appears to have been due to a dispute with the Principal Chief Eventually the tribal code was passed to make it impossible for freedmen to register in the tribe. The freedmen fought in both tribal and federal courts against these discriminatory laws.

Need for Congressional Action

At the end of the Civil War, written legal promises were made to tribal freedmen and their descendants—promises which have been broken after Oklahoma Statehood.

Today's most descendants of freedmen are denied access to Federal housing programs available to members of Federal tribes in violation of the treaty provisions by tribal governments whose leadership assert tribal sovereignty as sufficient reason to violate the treaties and human rights of the freedmen. However, just as the U.S. Supreme Court determined the U.S. government did not have a unilateral right to break Article 3 of its 1866 treaty agreement with the Muscogee Creek Nation (*see e.g. McGirt v Oklahoma*)[1] the freedmen position is that the tribes do not have a unilateral right to remove treaty rights from the freedmen. All amicus briefs submitted to the U.S. Supreme Court by the 5 tribes stressed the validity of Article 3 (ceding and conveying the west half of their lands in present day Oklahoma) of the Creek Treaty when it came to the Muscogee Creek Nation retaining its reservation . Article 2 of the treaty (abolishing slavery by the Creek Nation and establishing the citizenship rights of the freedmen) still remains in effect.

The Department of Interior does not have the authority to break the treaty by discriminating against the freedmen.

INCOME BASED PROGRAMS SUCH AS NAHASDA

There is no doubt that many descendants of freedmen of the tribes qualify for programs based on income. The lower incomes of many freedmen are due not only to current racism but to historic racism where the Federal government assisted in limiting assets of tribal blacks. The Choctaw and Chickasaw freedmen treaty allowed these nations to limit freedmen to 40-acre allotments if adopted in sharp contrast to other tribal members, including adopted whites, who received 320 acre allotments. In 1907, Oklahoma became a state without the U.S. Government requiring anti-discrimination laws in the state constitution. The first law passed was Senate Bill 1 which set up Jim Crow segregation laws throughout Oklahoma only for persons of African ancestry—persons without African ancestry were legally white. Establishment of sundown towns in cities such as Henryetta in the Muscogee Creek Nation where all blacks were forced out and the 1921 Greenwood north Tulsa community Race Massacre (Greenwood community is located in the Cherokee Nation reservation) compounded poverty of freedmen citizens. Freedmen citizens such as Attorney BC Franklin—the father of Historian John Hope Franklin who was a Dawes enrolled Choctaw freedmen—lost all of their assets in the massacre.

The non-profit Oklahoma Policy Institute in 2010 published a paper showing a significant wealth gap between Oklahoma Native Americans and Oklahoma African Americans with native Americans having a median income of 11,216 below the median come for the state and African Americans having a median income of 18,231 below the state median income. This same survey shows 63.4 percent of Oklahoma native Americans owned homes while only 42.7 percent of Oklahoma African Americans were homeowners. Of course, freedmen descendants were negatively affected by the U.S. government's redlining policies in the past while currently being unable for the most part to participate in the Federal funded Native American programs to increase home ownership. The aiser Family Foundation reports black poverty of 28 percent in Oklahoma versus 19 percent for American Indians in 2019. Descendants of Freedmen, due to direct actions by the U.S., state, and tribal governments that have diminished their net worth, have few financial resources to enforce their rights in court or petition Congress for enforcement of 1866 treaty rights.

Impact of the Denial of NAHASDA and Other Federal Benefits on Descendants of Freedmen

Seminole Nation of Oklahoma

The ancestors of the Seminole freedmen were an integral part of the nation even prior to the Civil War—serving as warriors, interpreters, and after the Civil War

[1] *McGirt v. Oklahoma*, 591 U.S. ____ (2020); 140 S. Ct. 2452 (2020).

as elected tribal leaders of freedmen political bands. Article 2 of the Seminole Nation 1866 treaty states the freedmen should have all the rights of native citizens. Seminole Nation registers its descendants of freedmen in the tribe, but classifies them as "citizens" rather than "members" and denies them access to services. The Seminole Nation adopted a new constitution in 1969 which continued to have fourteen bands including two freedmen bands. Freedmen are allowed to vote and allowed 4 out of 28 tribal council seats based on the tribal constitution. After successfully winning a lawsuit in the court of claims due to underpayment of land sales in 1823 in Florida , Congress in 1991 approved a usage plan for tribal programs to be funded by the judgement fund award. The BIA had recommended to the tribe that the freedmen be excluded from the programs as their position was that ancestors of the freedmen were not recognized members of the tribe when the land was sold to the United States. After receiving the funds the tribe voted that the freedmen could not participate in the programs, taking the position that only tribal members with CDIB cards were descended from persons recognized as tribal members in 1823. Freedmen tribal leaders at that time asserted that members of Congress had been assured that the freedmen would be able to participate in the programs funded by the judgement fund. In 2000, the tribe attempted to remove the freedmen completely through a constitutional amendment but was blocked by the Department of Interior (DOI), as they did not receive permission from the DOI to remove the freedmen from the tribe. In the DC Federal case *Seminole Nation v. Norton*,[2] the court ruling made it clear that the Department of the Interior had not overreached its authority in protecting the Seminole freedmen 1866 treaty rights to tribal membership. (Some tribal funding was reduced during the court case until the tribe added the freedmen back to the voting rolls and invited the Freedmen council members to take back their seats)

Subsequently, the Department of the Interior issued a letter to the Seminole Nation that freedmen qualify for federal services based on membership in Federal tribes (See Exhibit) The Seminole Nation then reissued the freedmen tribal membership cards to have the words 'FREEDMEN' stamped in bold letters, the statement " zero ("O") blood quantum" on the front and the words "voting privileges only on the back " of the tribal card.

The Seminole Nation Housing authority uses a point system to determine priority for NAHASDA funded services with fullbloods having the highest number of priority points. In 2015, Seminole Nation Freedmen Tribal Councilwoman Leetta Osborne Sampson and I requested in writing that the office of inspector general and former HUD Secretary Julian Castro investigate the denial of NAHASDA funded services to Seminole freedmen. (Housing policies at that time required a CDIB card and applications from freedmen citizens were not accepted). In 2016, we received a letter from HUD officials that the tribe had changed the housing policy to allow freedmen to apply for housing services. (See Exhibit) The written policy was changed to allow freedmen to apply for the programs in the applications by removing the requirement for CDIB card and adding the words freedmen/citizens as eligible to apply. Despite this change however, Seminole freedmen tribal citizens did not receive Housing services because freedmen were not awarded points and were placed in the same category as members of other tribes.

In April 2018, Councilwoman Osborne and I met in Washington D.C. with Heidi Frechette, Director of Office Native American Programs (ONAP) with the Department of Housing and Urban Development's Office of Public and Indian Housing, and explained toMs. Frechette and her colleagues that freedmen tribal members/citizens still were being denied access to NAHASDA funded services. On September 1, 2018, the Attorney for the Housing Authority of the Seminole Nation informed the tribal council in a meeting (available on YouTube) that she had been contacted by HUD and informed that the Seminole freedmen needed to be able to receive NAHASDA funded services. Tribal councilmembers at the meeting raised issues of tribal sovereignty, others stated that federal law limited the programs to CDIB holders, that the freedmen should be satisfied to be included with members other tribes, or that the federal government should do something to fix the problem of the housing for the freedmen and not the tribe. A review of the November 2021 Housing application has removed the Seminole freedmen citizens from being included with members of other tribes and again requires CDIB cards as part of the application—resulting in Seminole freedmen once again being denied the ability to apply for NAHASDA funded services (*Housing__App__2021__revised.pdf* (*hasnok.org*). I am unaware if Seminole freedmen have applied to other tribes for housing assistance, but the Seminole Nation has proactively worked to discourage other tribes and Federal agencies from providing federal services (including Indian Health Services until late) to Seminole

[2] *Seminole Nation of Oklahoma v. Norton*, 223 F.Supp.2d. 122 (D.D.C. 2002).

Nation tribal citizens. For example, the Cherokee nation was told by the Seminole nation that Seminole freedmen did not qualify to be seen at Cherokee Nation medical clinics. The Seminole tribe as of 2021 has approximately 18,800 registered members and citizens, which includesfreedmen. Of that number, reedmen citizens account for approximately 3,200 persons in 2021. It is my understanding based on information received from tribal council representatives that the tribe/tribal housing authority submits population including both "members and "citizens" for its Federal funding requests. Notably, by counting freedmen among its total population, the Seminole Nation receive a greater proportion of NAHASDA formula funds and other program funds, despite the fact that it continues to take affirmative steps to limit and often deny the freedmen access to these federally-funded benefits. I want to emphasize that no tribe is completely sovereign in use of NAHASDA funds and that Seminole Nation elected leaders are aware of this. For example, an Office of Inspector General (OIG) audit report dated September 10,2003 for the Seminole Nation Housing Authority required the authority to repay NAHASDA funds used to purchase land in 2001, which was not appraised prior to purchase and for which an environmental review was not made prior to purchase. *Finding (hud.gov)*

Several months ago, I listened to a recording of a Seminole Nation General Council meeting in which the Housing director discussed freedmen and NAHASDA issues with the council. Some of the council people implied that if the federal government wants the freedmen to have housing they should make the tribe give them housing services; or that HUD should give the freedmen housing.

Medical Services—Seminole Nation

The Seminole Nation does not operate medical clinics or hospitals. The Seminole Nation has had a policy of informing other tribes and Federal government units that the freedmen do not qualify for federal services, subsequently many tribes units or Indian Health service medical facilities until recently refused to process a chart for Seminole freedmen citizens/tribal members. For example, the Cherokee nation was contacted by Seminole nation after opening charts for Seminole freedmen (approximately 2015) who advised them that freedmen did not qualify for medical services . Subsequently, the Seminole freedmen who had opened charts received letters from Cherokee nation that they had been contacted by Seminole nation . On that basis the letter stated Cherokee nation was suspending the charts until they received further guidance. Such actions by Seminole nation created a great hardship for many Seminole nation freedmen citizens/tribal members. In 2014, 2017,and 2018,. Seminole Nation Councilwoman Leetta Osborne Sampson and myself had meetings with officials at Indian Health Services Headquarters requesting that they ensure that Seminole freedmen had access to Federal funded medical services at HIS/tribal clinics and hospitals. Indian health service officials stated that members/citizens of tribes Indians with CDIB cards, and persons who had proven they were Indians in the community qualified for Indian Health Funded services. When the COVID–19 epidemic vaccine distributions began in late 2020, IH–S and tribal units received sufficient supply earlier than the states did. IH–S and tribal governments worked hard to ensure that tribal members received the vaccine, but Seminole freedmen tribal members were turned away from receiving shots although the vaccine was available. National newspapers and national TV stations ran stories about elderly freedmen such as the elderly members of the Thomas family being turned away and dying from COVID–19. In October 2021, the Indian Health Services sent advisory letters to all tribal chairman/tribal chiefs, Indian Health Service Units, and urban health facilities directing them to allow Seminole freedmen to receive health care when they present their tribal membership/tribal citizenship cards Seminole Freedmen have been receiving medical services at a variety of tribal Indian Health Service Units since October 2021

Educational Benefits—Seminole freedmen

Seminole Freedmen have been unable to receive education at DOI funded schools such as Haskell Institute although they are members/citizens of a federal tribe . Nor do the Seminole freedmen receive other scholarships for members of federal tribes as they tribe will not certify that they are members of the tribe qualifying for such assistance. Most schools do not allow Seminole freedmen children to participate in Johnson-Omally Programs (JOM) as the Seminole nation informs them that the children do not qualify for the programs. This is in spite of the DOI letter from 2003 which state that Seminole freedmen qualified for educational benefits.

Seminole Freedmen—Per Capita Payments, CARES Act or American Rescue Plan Act (ARPA) payments

Although the Seminole freedmen applied, they did not receive any relief payments funded by the CARES Act or the American Rescue Plan Act (ARPA). No Seminole

freedmen received a payment funded by the CARES Act. All persons registered with the Seminole nation received 2000 payments as COVID 19 ARPA assistance payments except for the freedmen citizens. Freedmen who applied received letters stating that they had the “wrong card” and could not receive the funds. It is my understanding that newly registered by blood Seminoles received the 2000 payments.

Muscogee Creek Nation

Article 2 of the 1866 Creek treaty (clearly maintains that . the freedmen and their descendants shall have all the rights of native citizens and are entitled to an equal interest in the soil and to share in the funds of the nation—each Creek citizen including freedmen citizens received 160 acre allotments during the Dawes enrollment. *https://learn.k20center.ou.edu/lesson/736/Reconstruction%20Treaties%20of%201866%E2%80%94Reconstruction%20in%20Indian%20Territory.pdf?rev=2701*

After the Civil War, Creek freedmen served as tribal judges, elected leaders, tribal attorneys, and were leading businessmen. The descendants of these illustrious individuals such as Mrs. K Williams a descendant of Freedmen Judge Jesse Franklin wish to join their ancestors in serving their tribal nations. In 1979, the Acting Deputy Commissioner of Indian Affairs approved a constitution which limited tribal membership to “creeks by blood”. Freedmen and freedmen descendants were barred from voting on the constitution although some had attempted to register for the election. For example, in 1976, Reverend A Mitchell who then lived in Checotah had been turned away when he attempted to register to vote = tribal employees/tribal agents telling him that “the freedmen had been removed from the tribe in 1906 by the US government. Mrs Mary C of Mcintosh County was also not allowed to register to vote on the new constitution. Although tribal law at first allowed applicants for citizenship to show that they were Creeks by blood by using a variety of rolls, this language was removed from tribal law in 1991 and the tribe did not allow applicants to receive citizenship from these rolls which included the 1857 Old Settler roll. For many years, the citizenship department did not even allow persons who had no ancestors on the by blood rolls to receive an application for Creek citizenship. Currently Freedmen are being denied services through lack of tribal membership.

A 2018 Federal lawsuit (filed by Creek Freedmen descendants unaffiliated with the Descendants of Freedmen Association) to enforce 1866 treaty rights of Creek freedmen was dismissed for technical reasons. The judge requested that the freedmen litigants try to seek justice in tribal court since there had been several years since freedmen had tried to use the federal courts. Mr Kennedy and Ms Grayson filed a case in tribal court in 2020 but the judge recused herself in February 2021. A new judge has not been assigned although the tribe has tried other civil cases based on the tribal website.

Many Muscogee Creek Tribal leaders as well as most candidates for elective office have justified freedmen disenrollment and the tribes right to discriminate against the freedmen based on tribal sovereignty and or the fact that the DOI approved the 1979 constitution. Although the current Muscogee Creek Nation chief issued a public statement on May 27, 2021 that the tribe should have town halls with public comment to consider revising the tribal constitution to again register freedmen descendants (*https://www.nytimes.com/2021/05/28/us/politics/freedmen-citizenship.html*) to my knowledge, no public meetings have been set to date. A subsequent statement by Chief Hill on social media asserts that freedmen citizenship issues must be resolved by the Muscogee people. According to the Muscogee Nation website, the tribal population in 2021 was 86,100. Since the time of the Dawes enrollment, Creek freedmen were approximately 1/3 of the tribal members. By extension, the number of freedmen (if registered in the tribe were permitted) would be approximately 28,000 in 2021 My conclusion is that the freedmen will continue to be denied services regardless of treaty obligations absent federal intervention. Descendants of Creek freedmen do not receive any benefits including, housing assistance medical services, educational services, or covid assistance payments due to their status as nonmembers.$493.3 million dollars in covid relief funds under the American Rescue Plan Act, the Creek freedmen did not receive a share of those funds.

As a result of past and current systemic racism, Descendants of Freedmen have substantial needs. While there are too many to name here today, some of the persons who need assistance at the present time include:

- Mr. L. Lovett of Okmulgee—A senior citizen on disability who has had a double lung transplant. He greatly needs rental assistance. He is a Creek freedmen descendant.

- Mrs. B. Wilson of Okmulgee -She recently passed away She was a widowed senior citizen who desperately needed a roof. Her daughter who took care of her still lives in the house and should qualify for assistance based on income. The room has a tarp and there is damage to the foundation. She greatly needs housing repair assistance. She is a Creek freedmen descendant.
- Ms. W. Rice of Okmulgee—A single mom who works a part-time job and is a student. She needs rental assistance, but would eventually like to receive assistance with a down payment to purchase a home. She went to the Creek Nation to apply for assistance, but was denied due to not being registered due to freedmen status. Ms Rice and several other young members of her family also need educational assistance.
- Dr M just completed her medical residency in Oklahoma. She and her family did not qualify for Federal financial assistance available for Indians/tribal members as she and her family are Creek freedmen. Receiving such assistance would have aided her in getting her degree which could aid the Creek people.
- Mrs Reagan and Mr Lewis are Creek freedmen descendants who are lower income people living in Oklahoma. They are living in unsafe housing and need housing assistance

Cherokee Nation

In recent years, the Cherokee Nation has worked to live up to its treaty obligations to descendants of Cherokee freedmen, especially since Judge Thomas Hogan's order was issued in the *Cherokee Nation v. Nash* case in August 2017. In 2021, the Federal order was finalized in the Cherokee Nation tribal supreme court in :RE: Effects of *Cherokee Nation v. Nash and Vann*.

As a result of this federal litigation, I am pleased to report that Cherokee freedmen descendants are being registered in the tribe and are accessing housing assistance, COVID 19 assistance, medical service programs under the Hoskin administration and previously under the Baker administration. Freedmen as well as Delaware and Shawnee tribal members can once again run for office as was the case prior to the diminishment of tribal government in 1907 due to Oklahoma statehood. I myself was appointed as a commissioner on the Cherokee Nation Environmental Protection Commission in September 2021 by Honorable Principal Chief Chuck Hoskin with approval by the tribal council, being the first tribal member of freedmen status to serve on a Cherokee Nation Board.

However, I must emphasize to this Committee that this state of affairs did not come about without federal intervention as well as great sacrifices by freedmen and their supporters and attorneys. I myself spent more than $100,000 in personal funds to ensure that the attorneys were able to continue the Cherokee freedmen cases—this is outside of personal funds used for advocacy. My good friend, Mr. Eli Grayson, an activist who is Creek citizen with freedmen ancestry also spent more than $100,000 in personal funds to advocate and publicize freedmen rights. Former House Financial Service Committee Chairman Barney Frank and his staff worked tirelessly to get freedmen protective language included in the 2008 NAHASDA Re-Authorization legislation which tied the tribes ability to receive federal housing funds while litigation between the Freedmen and Federal defendants continued. Federal funds were frozen for a few weeks during a 2011 close tribal election for principal chief after a tribal court ruled to again disenroll freedmen tribal members The funds were restored very quickly after the tribe, the freedmen litigants, and the Department of Justice agreed that freedmen would remain in the tribe during the litigation and any settlement periods and the tribe would not discriminate against freedmen during this period. A moratorium on registering new freedmen tribal members continued until 2017

The attorneys on the cases, especially the Velie law firm, expended hundreds of thousands of dollars of legal time—much of which has not been reimbursed—to see the cases through to the end. In 2003, Cherokee freedmen descendants commenced litigation in Federal court on citizenship issues in the *Vann v. Norton* case The *Cherokee Nation v. Nash and Vann* case was filed in 2009 by the Cherokee nation against freedmen and the department of Interior. in 2004 (Lucy Allen) case was filedin tribal court and won in 2006 Under the administration of Principal Chief Chad Smith, the Cherokee Nation spent tens of millions of dollars to dismiss the Federal case(s) on technical grounds, and hired Washington, DC lobbyists in attempt to tell a different history of the freedmen than what is in the historical record.

There continue to be office holders and candidates for office who run on anti-freedmen platforms—implying that freedmen citizenship or freedmen rights to hold office is unconstitutional or an abrogation of tribal sovereignty. Some office holders were

even involved in illegally obtaining signatures for the freedmen removal petition to vote the freedmen out in 2006 by changing the tribal constitution. Because of the concerns of Congress, the tribe suspended the disenrollments and set up a tribal court case to review freedmen tribal membership.

Indeed, there are current councilmembers who argued in tribal court in 2018 that the Cherokee Nation should appeal Judge Hogan's ruling to the U.S. Court of Appeals for the D.C. Circuit. A 2019 Chief Candidate who was serving on the tribal council even denied freedmen children school supplies they were entitled to under the Johnson Omally Indian Education program when he worked outside the tribal government as a school administrator in Muskogee. The language in the Housing draft bill will provide extra incentive and insurance against those seeking to deny freedmen their rights. Black U.S. citizens in the deep south did not only depend on the courts to uphold their rights but also sought support of Congress to uphold legal and human rights. The Cherokee Nation has a population of approximately 400,000 tribal members/citizens in 2022, including about 8,500 Cherokee freedmen tribal members. Based on the Dawes enrollment, freedmen registered in the tribe would have been approximately 48,000—the lower number of currently registered freedmen is a direct result of the moratorium on freedmen registration instituted by earlier tribal leadership.

Also, there are Federal Agencies, departments and BIA operated schools which have been resistant to honoring the treaties. Officials at a DOI operated University in 2020 refused to process Cherokee freedmen tribal members applications until Principal Chief Hoskin got involved, although the Chief of Staff had tried to resolve the issue earlier.

Choctaw Nation of Oklahoma

The Choctaw Nation of Oklahoma had harsh slave codes. They heavily supported the Confederate States, few if any Choctaw Indians fought for the Union. The tribe had almost no free blacks prior to the Civil War due to tribal law, (One of the few was the Beams family which had been freed by their father who recorded this manumission in multiple courthouses, but their nonblack relatives tried to reenslave them after the death of the father. There Choctaw relatives "sold them" but ultimately part of the family received justice through the courts after running and hiding for years) and eventually getting citizenship in the Creek nation. Some of the descendants of Mitchell Beams (Baccus family) are currently registered in the Creek Nation.

The treaty was jointly with the Chickasaw Nation.

ARTICLE 2. The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall ever exist in said nations.

ARTICLE 3. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United

States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

The tribe did not adopt the freedmen until 1885and received money from the U.S. government for doing so pursuant to the terms of their 1866 treaty. The freedmen did receive some education through the tribe after 1885 but were seen as lesser citizens. The tribe continued laws against intermarriage with blacks and although blacks voted in tribal elections before statehood, they were not allowed to hold office freedmen Henry Cuthlow was elected but not allowed to take his seat in the tribal legislature. Again, freedmen only received forty-acre allotments when the Dawes commission divided the tribal reservation land.

Between 1500 and 2000 Chickasaw and Choctaw freedmen challenged their status on the freedmen section of the Dawes rolls. The litigants were persons of Indian and African blood, some of whom were considered to be family by their Choctaw/Chickasaw relatives, or who had exercised the rights of citizenship in the Chickasaw or Choctaw nations. .Betty Ligon, a Choctaw freedmen and the daughter of prominent Choctaw Indian Robert Love was the lead plaintiff in Equity 7071 case which was dismissed for technical reasons.

A constitution passed in 1983 removed freedmen from citizenship. Freedmen descendants were not allowed to vote on the constitution which disenrolled them. The freedmen thusly have been denied the ability to access NAHASDA funds, receive services from tribal clinics, or receive assistance from other program funds such as the CARES Act due to their disenrollment.

The Choctaw nation had about 200,000 population in 2021. Based on the freedmen being ⅓ of tribal citizens during the Dawes enrollment, approximately 66,000 freedmen descendants should be currently registered in the tribe. A letter from Choctaw Principal Chief Batton dated June 25, 2020 to Honorable Speaker Pelosi criticizing proposed language in housing bills, which ties the ability of his nation to receive federal housing funds to the tribe honoring 1866 treaty obligations asserted the language would destroy tribal self-determination. Chief Batton stated that the Freedmen issue is a problem caused by the United States, not the Choctaw Nation—completely ignoring the slavery and black codes passed by tribal law prior to 1866, the tribes alliance with the Confederate States, the many years the freedmen were uneducated, stateless people without citizenship in any nation, discriminatory laws in existence after the adoption blocking Choctaw freedmen ability to hold office and intermarry with other tribal members—and the Choctaw tribe insistence on limiting the freedmen tribal members to 40 acre allotments all added to the impoverishment of the freedmen.

This is not even addressing the inability of today's Choctaw freedmen descendants to access services available to registered tribal members—which was not a decision forced by the US government but due to tribal disenrollment actions. The Choctaw freedmen descendant as non tribal members cannot access any Choctaw nation services. For Example, the Choctaw Nation Housing authority requires CDIB cards to qualify for its programs. Although Chief Batton in May 2021 issued a statement calling for dialogue about freedmen citizenship, no town halls or forums to discuss freedmen citizenship have been held. *An Open Letter from Chief Gary Batton Choctaw Nation*. I also sent a response to the speaker which the media has also published. *Slave-owning past remains problem for Choctaws—Oklahoma Council of Public Affairs (ocpathink.org)* Based on past history, the chances of the tribe living up to its treaty obligations without federal intervention appears almost non-existent.

Chickasaw Nation

The Chickasaw Nation together with the Choctaw Nation signed a joint treaty with the United States in 1866. The Chickasaw Nation had harsher slave and black codes than other tribes—the tribe had almost no freed blacks at the time of the Civil War. Like the Choctaw Nation, Chickasaw Nation was given the option to adopt the freedmen. During the 1870s, the tribe passed a legislative act to adopt the freedmen, but later rescinded it. I believe that the Chickasaw Nation's decision to rescind it resulted in part because of the large number of Chickasaw freedmen. Until the 20th century, the Chickasaw freedmen were stateless people. Congress allowed the Chickasaw nation to sue the United states in court of claims to determine if freedmen were members of the tribe. (*see also United States v. Choctaw Nation* 193 US 115 *1904).

The Chickasaw freedmen received 40 acre allotments because there was uncertainty of whether or not they had been adopted by the Chickasaw Nation while the

rolls were being made As a result of the court rulings there were no Chickasaw freedmen minor rolls since the court decisions came down before the rolls were finalized. As per the court decisions, the United States government paid the Chickasaw Nation for the value of the freedmen allotments.

More than half of persons listed on the Chickasaw section of the Dawes rolls were listed as freedmen. Currently, the Chickasaw Nation does not register freedmen as members of the tribe, and requires CDIB cards for federal services. Based on estimated current Chickasaw Nation population of 49,000, approximately 50,000 freedmen descendants would be registered in the tribe based on extrapolation of the Dawes enrollment.

Conclusion

The freedmen have been a part of the five tribes for hundreds of years. The enslavement, discrimination, and disenrollments have occurred not through any actions of the freedmen. They were not signers of the Indian Removal Act or any other actions passed by Congress against the tribes. The ancestors of todays freedmen were not invaders, or enemy combatants but merely human beings who looked different who had little political power.

Indian is a legal term in Federal law. According to US Supreme Court case *Morton v. Marcari*, 417 US 535 (1974) an Indian is a member of a Federal recognized tribe.

Some tribal leaders have opposed freedmen citizenship asserting that the freedmen are not interested in their ancestral tribal nations, are not cultural, or only interested in benefits. Some former leaders have misstated that the freedmen ancestors were squatters, or that slavery was better in the tribes than in the Deep South.

The freedmen reject this reasoning. No one wants to be a slave and the same black codes against owning property, literacy, etc existed in the five tribes. The Cherokee slaves fled from the Joe Vann plantation to seek freedom in but were unsuccessful. The majority of members of the five tribes do not speak the language, worship at ceremonial grounds, participate in elections, attend council meetings, etc. There are still a few freedmen speakers of the Muscogee language living on reservations although there numbers are few. Some freedmen attend Indian churches, still live on allotments such as members of the Brown family in the Choctaw nation and the Ford family in the Creek nation. There are also members of the Prince Family living on allotments in the Chickasaw nation. Family members who are by blood tribal members attend funerals and family gatherings of freedmen relatives and vice versa . In all of the five tribes, there are tribal members who are married to persons of freedmen status. Tribal candidates attend freedmen meetings requesting support even in tribes where freedmen are not currently registered as many freedmen have family members who are registered in tribes. Currently, Creek Freedmen descendants participate in the Creek festival—attending dances, participating in the parades, and attend inauguration of Muscogee tribal leaders; the Muscogee Creek freedmen Indian band is currently sponsoring Creek language classes. Tribally registered Cherokee freedmen descendants attend language and history classes, are members of Cherokee community organizations and are on the boards of Cherokee community organizations in the DC area, the Kansas City area, North Tulsa area, and the Oakland California area. There are Cherokee tribal members of freedmen status who have mastered tribal arts—one such person was my deceased friend Mrs Rodslen Brown, who was an award winning basket maker. Cherokee freedmen tribal members are employed at Cherokee nation and Cherokee nation businesses. I myself ran for tribal council office in 2021. Placing third out of eight candidates.

The treaties are still in effect as tribal governments and tribal citizens have used in court citing the treaties. Both in criminal cases such as McGirt and in Civil cases such as the Arkansas Riverbed cases. The freedmen position is that the freedmen are still have their treaty rights in accordance with the treaties even if they are not tribally registered, they are to be treated the same as Indian tribal members in accordance to treaty language. . . It is the responsible of the US government to enforce the treaty.

You may ask how do we believe that the members of the Senate Committee on Indian Affairs can assist the freedmen if they accept that the treaty rights of the freedmen descendants are still valid?

1. The Department of Interior can register the freedmen descendants, giving those who provide sufficient proof a descendancy of a Dawes enrollee letter acerating the person is a treaty Indian who qualifies for federal services.
2. Government departments such as Indian health service can receive directions that the freedmen with the descendance letters qualify for certain programs such as Indian Health service, tribal schools, Indian health service scholar-

ships, or preference for jobs in the Department of Interior or the Indian Health Service. The BIA can confirm with the school, hospital, etc that the freedmen descendant is qualified as a descendant of a Dawes enrollee/treaty Indian.

3. For those services run by the tribal governments through compacts or 638 contracts, we request that the federal government set aside funds specifically for freedmen use who are not being served by their tribal governments either due to tribal council actions which block the freedmen such as in the Seminole nation or disenrollments in violation of the treaty such as in the Creek nation. We ask that HUD or other agencies initially run these programs for freedmen use. The legislation should also allow for freedmen bands, freedmen organized tribal towns, or freedmen organizations to receive funds to run the programs—contract or compact with the agencies.
4. We request Field Hearings to be held in Oklahoma by members and staff of the Senate Committee on Indian Affairs so that more voices of the freedmen people can be heard
5. We ask that the Committee request CRS reports on the status of the freedmen of the tribes.
6. We request that the inspector general's office or other government departments run investigations on five tribes judgment funds paid out since 1971 and ascertain if freedmen were able to share in the funded programs or per capita payments made available to non freedmen tribal members.
7. We ask that audits by the Inspector general's office be made of Seminole Nation programs to determine if and when funding numbers given to government agencies for services or covid 19 relief included the registered population.
8. We ask that the US government insure that freedmen share in the COVID relief payments in accordance with the treaties. We emphasize that the Creek freedmen have not received the four thousand dollar payments that other members of the Creek nation received in the last two years in ARPA funds although the treaty says the Creek freedmen are to share in the funds of the nation.
9. We ask that the committee be open to legislation which ties tribal funding with compliance with the treaties similar to that proposed to Chairman Waters last year for the NAHASDA reauthorization act . Although we understand that some members do not support such legislation, such legislation has encouraged compliance with the treaties.
10. Amendments to the 1947 Stigler Act made in 1918 (Public Law 115–399) do not allow freedmen descendants whether or not registered in tribes to inherit or otherwise obtain restricted property from spouses or family members. The freedmen ask for equity so far as property rights.
11. Freedmen descendants even if tribally registered are treated differently in the criminal courts than by citizens of their tribes. My understanding is that some of this is due to pre civil War cases such as the 1846 Supreme Court case *United States v. Rogers* which dealt with whether an adopted white citizen was an Indian for criminal purposes. (Judge Roger Taney of the Dred Scott decision was judge on this case). We ask that the Committee review this issue and use your authority to place all tribal members on the same footing in criminal cases.

I stress that the suggestions above do not equate to equal tribal citizenship but this would be a start whereby the US government is doing its part to live up to its treaty obligations.

Distinguished members, I thank you for the opportunity to provide this information to the Committee

The CHAIRMAN. I thank all of our testifiers. It is really extraordinary testimony, all of you deeply professional, deeply knowledgeable, obviously not in agreement, some intense frustration expressed. I respect that.

These issues, as I said before, are foundational to people's identity, to communities, to tribal identity. So I just wanted to acknowledge the professionalism with which you all delivered your testimony.

I will start with Mr. Newland. I understand the department is currently gathering data relating to Freedmen eligibility for certain Federal benefits. Can you just talk a little bit more about what is going on in that process, and how it is coming along?

Mr. NEWLAND. Thanks, Mr. Chairman. As I mentioned in my testimony, we had conducted consultation, formal government-to-government consultation with the Five Tribes back in February. We received, in addition to sitting down and having a conversation on some of these same issues, we received comments. The question was whether to admit non-tribal member Freedmen descendants as students at Haskell and SIPI.

One of the challenges with that is that the BIA is not currently set up in a way where we have the capacity to make determinations about who would and would not be eligible. We typically rely on tribal governments for membership and citizenship questions.

So we haven't yet decided definitively on a course of action coming out of that consultation. But those are some of the issues that we were considering.

The CHAIRMAN. I am sort of assuming you can't answer this question, but based on the data that you are gathering so far, do we have a ballpark number of how many Freedmen descendants have equities across the Five Tribes?

Mr. NEWLAND. I don't have that number, Mr. Chairman.

The CHAIRMAN. Thank you.

There has been talk, Ms. Mann's testimony talked about a CRS report, there has been talk among staffers about a GAO report. Cards on the table, as I am thinking about the path forward, that strikes me as an important first step, just to sort of set a baseline of how each of the Five Tribes are in a different situation, both in terms of their treaty obligations but also their current view of the issue and where they may or may not be in pending litigation.

Also, some baseline data about how many people are we talking about. What percentage of the current rolls would this constitute, what kind of resource requirements would that implicate? I am wondering what your thoughts are about a GAO report to try to get a level set here about the history, the legal aspects, the mechanics of conducting a roll. I know something about this from the Native Hawaiian community, the blood quantum questions, the lineal descendancy, they are not so easy to settle.

So even before you get to the potential for public policy in this space, you need to know what the facts are. So I am wondering what you think about that.

Mr. NEWLAND. Mr. Chairman, we would be happy to work with the Committee to better understand how that study would be set up. But you hit the nail on the head, that simple descendancy does not in and of itself necessarily mean that someone would be an eligible Freedmen descendant, because each tribe has slightly different citizenship requirements.

So the short answer to your question is, we would be happy to continue those conversations that look at how we would better define the numbers here.

The CHAIRMAN. My final question before I turn it over to Vice Chair Murkowski, and I will do a second round to try to ask some additional questions, Chief Hoskin, you testified that the nation

has approved and processed just under 12,000 citizenship requests. Do you have an idea, was it an initial rush and now you just have a few coming in in the sort of regular order? Or are there are a lot of requests still pending for processing? How is this working?

Mr. HOSKIN. There was an initial rush, because of the obvious news of the court decision and how we embraced it. But the number has grown steadily. So when I testified before a House committee earlier this year, we were somewhere in the neighborhood of the 8,000 range. So that gives you an idea, now we are closing in on 12,000.

Now, we are the largest tribe by population in the United States, coming onto 440,000 citizens, in that neighborhood. I think as we go out and engage in our outreach, Mr. Chairman, we are encouraging more people to sign up. It is a rigorous process, and it should be. But we are doing outreach, and I think that is why you see our numbers continue to grow.

I don't know what the ceiling is, and I don't know right now whether we can get this Committee the information, what our pending applications are. But we process thousands of applications for citizenship every month for Cherokee, potential Cherokee citizens of all sorts of descent, including Cherokee by blood and Freedmen.

So I think that number is just going to continue to grow.

The CHAIRMAN. Just before I turn it over to Vice Chair Murkowski, just for the other representatives of the tribes, whether over the table or in subsequent correspondence, I am going to try to get some fidelity on how many people we are talking about for each of your tribes, and what percentage of your current membership that may comprise.

I understand that is sometimes sensitive information, given that you are sovereigns. So I want to be respectful of that. But I also think for decision making purposes we need to understand not just the legal and moral and historical implications, but how many people are we talking about and if it is a resource question, what it would cost to address.

So just to let you know those questions are coming, and I am sensitive to the idea that maybe you don't want to give me incredible precision with the microphone on.

Vice Chair Murkowski?

Senator MURKOWSKI. Thank you, Mr. Chairman.

I would like to begin with a question to you, Assistant Secretary Newland. When Secretary Haaland approved the Cherokee Nation's new constitution guaranteeing full citizenship, she did state very clearly, "Tribal self-governance is the best path forward to resolving internal tribal conflicts. We encourage other tribes to take similar steps."

But as we have heard very clearly today, the treaties that the Five Tribes are under are very different, and therefore the obligations to the Freedmen and their descendants are at question here, of course.

So the question to you is, if the tribe's treaty does not require it to extend membership to Freedmen, what Federal obligations does the Federal Government have to the Freedmen and to their descendants? I guess a follow-on to that would be, if there are any

administrative authorities that the Department of Interior possesses that could be utilized to address the concerns. You indicated that consultation has been underway, and discussions about BIE and BIA, and the department has not determined yet how to move forward.

Can you speak again to the Federal obligation and also to potential administrative authorities?

Mr. NEWLAND. Thank you, Madam Vice Chair. I want to make sure I am understanding your question correctly. Are you asking if a Freedmen descendant does not have a legal right to tribal citizenship, at that point what would the United States' obligation be?

Senator MURKOWSKI. Correct. What would the obligation be then to the Freedmen and to their descendants.

Mr. NEWLAND. Thank you, Madam Vice Chair. If there is no legal right to tribal citizenship, it is not clear that the United States would have a trust duty to any individual as though they were Indian or as though they were a tribal citizen.

Senator MURKOWSKI. So what about any administrative authorities within the department to address some of the concerns that we have heard articulated today?

Mr. NEWLAND. Thank you, Vice Chair. This has been a difficult question for us to answer. I know some folks here in the room have views that the answers are clear on their face. But in terms of how we would administer direct services to Freedmen descendants, again it is very difficult for us to put that into practice through the BIA, because we are simply not set up or not constituted right now to make determinations about who would be a lawful or legitimate Freedmen descendant entitled to those services and who would not be.

So the answer to your question is, it is just not clear today what administrative capabilities we would have.

Senator MURKOWSKI. Let me ask yet probably another hard question, and that is a recognition that as sovereign parties to treaties, tribes clearly have an important role in interpreting the meaning of the treaties. But the United States is also the other sovereign party to the 1866 Treaties that were signed by the Five Tribes.

The question would be, what role does the United States have to interpret and enforce the terms of these treaties as the other signatory? Probably not easy, again, to respond to.

Mr. NEWLAND. Thank you, Vice Chair. They are all hard questions, which is why we are here in this setting today. Both sovereigns who are party to a treaty have a responsibility to fulfill the terms of the treaty, and also have a right to help determine the treaty and its meaning.

The Cherokee Nation's journey here is a great example of a mix of diplomacy between the United States and the Cherokee Nation, but also the Cherokee Nation exercising its inherent sovereign powers through its own political processes and its own judicial process to resolve these questions, without conflict or having an outcome imposed upon them from outside the nation.

So I think the United States has that ability as well as a sovereign party to a treaty. But that can be, I think, the best way to

resolve those is within the tribe and through the nation-to-nation relationship.

Senator MURKOWSKI. Assistant Secretary, hopefully this is very quick and very easy. But the Seminole Nation claims in their testimony that there are still some Federal services that require the CDIB cards, the Certificate Degrees of Indian Blood cards. These are including services that are provided by both BIE, BIA, and Indian Health Service.

Can you share with me whether or not a CDIB card is a Federal requirement for eligibility to access BIA programs and services?

Mr. NEWLAND. Madam Vice Chair, typically we refer to somebody's, a person's status as a tribal citizen or tribal member for the delivery of those services. In most cases, and I believe with respect to all five of the tribes represented to date, they perform the CDIB functions under contract with the BIA under their tribal government authority.

Senator MURKOWSKI. Thank you, Mr. Chairman. I am well over my time. Thank you.

The CHAIRMAN. Thank you.

Senator Luján?

STATEMENT OF HON. BEN RAY LUJÁN, U.S. SENATOR FROM NEW MEXICO

Senator LUJÁN. Thank you, Mr. Chairman, and thank you to you, Chairman Schatz and to Vice Chair Murkowski for this important hearing to discuss these respective treaties of 1866.

I want to thank each of our esteemed witnesses for taking time to be with us today and for all of our constituents who are here as well to participate in person, and for everyone that is participating virtually as well with this important conversation.

My first question is for Chief Hoskin. How has recognizing Cherokee Freedmen as Cherokee citizens affected the Cherokee Nation?

Mr. HOSKIN. I think it has affected us in a positive way. Senator, there is something about living up to what we see at Cherokee Nation insofar as our 1866 Treaty as an obligation. We think treaties are solemn promises. So that in and of itself I think does something for the Cherokee people.

I also think that exploring a part of our history that we have frankly suppressed, collectively, individually, and are now doing the opposite, embracing it, is good. Frankly, it is good for the United States to take some scrutiny of its own history. I can say that as the Chief of the Cherokee Nation, because the United States has suppressed Cherokee history collectively, individually. We have to look in the mirror, and we have to recognize that we have done the same.

Embracing Freedmen history, going into communities where many Freedmen descendants live, for me as Chief, I think it has made me a better chief. It has exposed me to some of the needs in that community that we need to work to meet.

So I just think it has been completely positive. I am not going to suggest that there hasn't been some difficulties in terms of our internal debates and discussions about whether this is what the treaty meant. Cherokees are certainly noted for disagreeing from time to time. We have a great and vibrant democracy in the Cher-

okee Nation, and people have raised their voices. I think that has also been healthy.

But ultimately, we respect the rule of law. We respect our ancestors, and our ancestors agreed, 156 years ago, that Freedmen and their descendants should be considered people that have all the rights of Native Cherokees. Being able to say that is important.

Lastly, Senator, when I come into this chamber or in any forum in which I am pressing the government of the United States to live up to its obligations, I do so as a chief of a nation that is living up to the obligations in that same document. It would be difficult for me, Senator, to come to this Committee and press for treaty rights if I could not say to myself, we are living up to all of our obligations. That makes Cherokee Nation, insofar as our treaty is concerned, I think a nation in a stronger position than we would be had we not done that.

Senator LUJÁN. Thanks, Chief Hoskin.

Assistant Secretary Newland, you mentioned in your testimony that Interior is continuing to review consultation feedback before it makes a decision on whether Freedmen are allowed to enroll at Haskell Indian Nations University in Kansas and the Southwestern Indian Polytechnic Institute in New Mexico. Assistant Secretary Newland, although enrollment at BIA post-secondary schools is still under review, what are some direct Federal services that Freedmen with tribal membership are entitled to?

Mr. NEWLAND. Thank you, Senator Luján, for the question. So if Freedmen descendants are enrolled as tribal citizens then they are brought within the scope of our relationship, between the United States and tribal nations, and would then be eligible for the services that the Federal Government provides to that tribe, and its members.

Senator LUJÁN. Thank you for that.

Ms. Vann, yes or no, are Cherokee tribal members with Freedmen status able to receive every direct Federal service and right that the Federal Government provides to tribal members without Freedmen status?

Ms. VANN. No.

Senator LUJÁN. My follow-up is what Federal services and benefits are they not eligible to receive despite having full tribal citizenship?

Ms. VANN. When the Stigler Act amendments were made in 2008, the Act of 1947, the language did not allow Freedmen tribal members/Freedmen citizens to inherit restricted land from their relatives or spouses of their tribes, and the land would retain its restrictions.

One other thing is that Freedmen tribal members and Freedmen citizens are being treated differently on the reservations when it comes to criminal cases. Again, I am talking about the McGirt decision. So those are the two areas.

Senator LUJÁN. I appreciate that response, Ms. Vann.

Mr. Chairman, my time has expired. I do have other questions I will be submitting into the record and to follow up with those that I have asked. Thank you for the time today.

The CHAIRMAN. Thank you, Senator Luján.

Senator Lankford?

STATEMENT OF HON. JAMES LANKFORD, U.S. SENATOR FROM OKLAHOMA

Senator LANKFORD. Mr. Chairman, thank you . Thank you to al of you that are here. It is nice to see so many Oklahomans here and get a chance to hang out with neighbors. I very much appreciate your testimony, for everyone coming today. Especially I want to thank Principal Chief Hoskin, Chief Johnson, for coming here to be able to represent, and leadership, all of you, have done a great job representing your tribe. I especially want to recognize the two chiefs who are here as well.

Also for Marilyn Vann, we met 11 years ago, when you chased me down in a town hall meeting at a public library and cornered me in the room to talk about Freedmen issues.

Ms. VANN. Right.

Senator LANKFORD. You were tenacious about that, and you have never stopped in the process. You represent the Freedmen well. You have stayed very knowledgeable on these issues and have stayed tenacious in the process on that. So it is great over a now-decade long friendship with us that we have stayed in contact since then. You didn't scare me off when you cornered me in the room to be able to talk through issues, and you still don't scare me off. I am glad to be able to call you a friend as well.

Let me ask a general question on this, and just bring this out. The Chairman is trying to be able to figure out how do we get to resolution so this is not another century from now and this same kind of hearing is still occurring. Because many of you referenced, these are resolved issues within our tribe, it has been resolved in law, it has been resolved through different treaties, it has been resolved through different arrangements. But it is clearly unresolved on some of these issues.

So the key becomes how do we actually get to resolution on this. If you could describe to me the relationship and the number of Freedmen that are connected to the tribe that we know of. As you mentioned before, Chief Hoskin, it is about 12,000 at this point for the Cherokee Nation. The number, and also, what is the current relationship there, whether it is voting rights, whether it is other benefits, or that it is nothing at all. That would be helpful just to be able to get some context for the record on that.

Chief Hoskin, obviously yours is the easiest at this point.

Mr. HOSKIN. Yes, thank you, Senator. It is good to be here and spend some time with you.

Cherokee Nation citizenship is equal. I suspect my good friend Marilyn Vann has the same thing with here that I have with me, which is a Cherokee citizenship card, which apart from our picture and name is indistinguishable. That is where it starts in terms of the symbolic representation of citizenship.

But beyond that, there are equal rights. There are no distinctions between Cherokee citizens of Freedmen descent or Cherokees by blood descent. I would note for the Committee that Cherokee Nation is even more diverse than that. There are Cherokee citizens of Shawnee descent, Cherokee citizens of Delaware descent. Those all stem, Senator, from that same time period, the period of post-Civil War. There is no distinction.

I do want to note, if I could take the opportunity, my friend Marilyn Vann noted those two areas in which Cherokee citizens of Freedmen descent do not have equal access. Those are two distinctly Federal issues, for which the Cherokee Nation would support any discussion, any dialogue on how to repair those. Those are not within the control of the Cherokee Nation.

So to the extent, Senator, that it is within our control, equal rights is the order of the day at the Cherokee Nation.

Senator LANKFORD. Chief Johnson, it is good to see you.

Mr. JOHNSON. Good to see you.

Senator LANKFORD. Do you have an accounting of what that number might look like for Freedmen that are attached to the Seminole Nation, or the relationship there, and what that relationship is like?

Mr. JOHNSON. The Freedmen that are numbered within the Seminole Nation citizenship, about 2,500. And I want to say some things, on some things that are what I call innuendo. If anyone here has studied the history of the southeastern tribes, what you are going to find is that the Seminoles are totally separate, and there are relationships with persons of African descent. My lands, the longest wars in American Indian history was fought between the United States, the Seminoles, and what then were called the Maroons, some of them were escaped slaves, some of them were free people. That was freedom fighters that were fighting for the same cause, and that was to remain free.

The Seminoles have always had the Freedmen as their citizens, since 1866. We had a Florida Land Claims case not too long ago, back in the 1990s. That was as the Seminole Nation was recognized by Congress in 1823. The Freedmen was not, the so-called Freedmen at that time was not actually Freedmen, they were persons of African descent, Maroons, freed slaves or escaped slaves from the south. So they were not eligible for those judgment funds as written by Congress.

Now, what we know as Seminoles is that since 1866, the Freedmen have been citizens. They have two seats on the tribal council, which is four seats, on the tribal council. They can vote on measures that are passed by the tribal council of the Seminole Nation. If they come in for enrollment, they come in and they are enrolled as citizens.

Customs among American Indians are very important. I hear all kinds of words being said this day, but my lands, our treaty says that the terms of the 1866 Treaty made it clear that said legislation should not in any manner interfere with or annul the present tribal organization, the rights, the laws, the privilege and the customs. It has always been the custom of the Seminole, because the treaty says so, it says right here in the treaty that its members are citizens. We had that choice to say members are citizens.

So I see interchangeably that term being used, citizen, member, citizenship, membership, all that type of thing. And that might work for the Federal Government. But in the customs of the Seminole Nation of Oklahoma, Freedmen and the descendants of the Freedmen, there is no such thing as a Freedman today. I think you know that. They are descendants of Freedmen. And they have always been by custom of the Seminole, the Seminole Indians have

been members of what, of the Native Bands, the twelve different Native Bands within the Nation. Once after 1866 and the development of the Freedmen Bands, they have been members of those particular bands as well.

But they have always been seen as citizens. In the customs of the Seminoles, that became the specific tribes of Florida that became known as Seminoles, we have always been known as the members of those specific bands. And that is in the Seminole Nation. So that is how the Seminole Nation sees it. That is our oral history, that is our tradition. And I believe the Treaty actually supports those two terms being used, and that is how the Seminoles use them in this present day as well.

Senator LANKFORD. Thank you, Chief Johnson.

Mr. Burrage?

Mr. BURRAGE. Thank you, Senator. With regard to a path forward, well, before that, I don't have a number to give you. We can get that, but I don't have a number to give you. But with regard to a path forward——

Senator LANKFORD. Yes, it is not so much as path forward as it is just a description of the current relationship as far as services, what may be different on that.

Mr. BURRAGE. The Choctaw Nation does not recognize the Freedmen. That is because of the constitution. But I just want to bring forward on that constitution that a relevant Federal court, the Department of Justice and the Department of Interior were in that case. There was specific discussion about how certain people would be treated, be it adopted, intermarried, white, and the Freedmen. And a determination was made that it wouldn't be Choctaw by blood, Delton Cox from Poteau, Oklahoma was on that commission. And I have talked to him and he said this specific issue was discussed and the Federal Government never raised an objection, they never raised the treaty issue, they never raised the Freedmen issue, and approved this constitution.

We think that Choctaw Nation as a sovereign entity should be able to determine its membership as set forth by the Supreme Court.

Senator LANKFORD. Thank you, Mr. Burrage.

Jonodev, I am going to call you by your first name, because we already know each other. Give us the approximate number that it is in a relationship, if it is known, and then any other benefits or details or connections.

Mr. CHAUDHURI. I don't think specific numbers are known, because the data is notoriously challenging to confirm the validity of. Along those lines, Creek Nation has been engaged in an active effort to compile data internally and collect historic, cultural, legal information to help provide background for citizens of Creek Nation to have an informed dialogue that is driven by facts, not by political rhetoric.

And that informed dialogue, incidentally, may go beyond any specific treaty provision. I want to point this out, because the treaty issue has been framed in very conclusory terms about what it says and what it doesn't say. But as I have said before, the treaty itself is working its way through our court system.

But beyond that, this information gathering that our chief, Principal Chief Hill, has promoted as part of a national conversation, will help inform conversations beyond simple treaty interpretation. Any nation worth its salt, including the United States, has to regularly determine whether or not existing laws are consistent with the will of the people. And you need information, you need data to have that discussion.

But I would just say, in a previous position, I was at an agency that cited regularly a statutory provision that is often cited in many watershed legislations in terms of Indian affairs. That legislation talks about the fundamental policy goal of the Federal Government is to support strong tribal governments.

So whether it is through the judicial process of Muscogee Creek Nation or the public voting process of Muscogee Creek Nation, the Federal Government has a responsibility to support the sovereignty of the nation as it engages in this dialogue. It is important that it does so, because as I said before, colonialist history does not bode well in terms of efforts by the United States to impose its values on these sovereign nations. We need to learn from history.

So one way to turn sympathetic folks in this issue against Federal action is to impose solutions rather than have a true healing process within the nation that is fostered by information. That is what we are engaged in right now in Muscogee Creek Nation. People may have concerns about time frames, people may have concerns about when things are going to happen. But any progress of any nation comes in its own time. Yes, we need to push for a conversation, but it can't be imposed by the United States.

So, thank you, Senator. Your question about data is very well taken. The are historic problems with the data. But we are internally looking at it. I caution against conclusory positions regarding what one treaty provision means without having the courts take a look.

Senator LANKFORD. I get that. I respect that, that is there, the Chairman has been working on it for a while and trying to be able to think through how to be able to gather more data. The work the Muscogee Creek Nation has already done will be very helpful in that process to be able to be informative for a process like that.

So that is a helpful piece to be able to have. I appreciate that very much. What I think you hear from this Committee, and certainly from the Chairman, is how do we work together in this process. I don't hear a Federal action to be able to try to step on any kind of tribe in that. It is a chance to partner together.

Mr. Greethman?

Mr. GREETHMAN. It is just a defined term. Chickasaw Nation doesn't track Freedmen or non-Freedmen. There are Chickasaw citizens and non-citizens. As I said, this was litigated over a century ago, so there aren't separate tracks of citizenship. There are just citizens.

Many Chickasaw citizens are also folks who are descended from people who were held in bondage. So they could be classified as Freedpersons, but they are also on the Chickasaw by blood roll, so they count as citizens.

I have no number for you, as far as folks who are not on the Dawes Commission Chickasaw by blood roll, but are exclusively on Freedmen roll. I have no number for you on that.

Senator LANKFORD. All right. Mr. Chairman, may I ask one follow-up question? I apologize for going long. I am taking my Oklahoma time with Oklahoma folks here in the process, but that is helpful. Thanks for just putting the context of that on the record, because that is helpful to be able to get the context on all those issues.

Mr. Newland, I do want to ask a slightly separate question on this, just to follow up on it. There were two major Supreme Court decisions that have a very direct and immediate impact on Oklahoma. You know them very well, it is McGirt and the Castro-Huerta decisions on that.

I need to ask you a question, if the Department of Interior or if you or anyone you know of is currently working on a legislative response for McGirt, or for Castro-Huerta. Is there any ongoing work, either from technical assistance or writing? Because this has direct impact on every person that is here and on my State and the four million Oklahomans that I represent.

So is there any action that is currently going on that you or anyone on your team is working on to develop a legislative response to Castro-Huerta or to McGirt?

Mr. NEWLAND. Thank you, Senator. The Executive Branch has been asked to provide technical assistance on legislative language in response to the Supreme Court's recent decision.

Senator LANKFORD. Okay. Was that only on Castro-Huerta, or was it McGirt as well?

Mr. NEWLAND. Yes, Senator, Castro-Huerta.

Senator LANKFORD. Would you be willing to share that with my office, as the Senator for Oklahoma? Obviously that has a direct impact on my State as well and all these folks that are here.

Mr. NEWLAND. Pardon?

Senator LANKFORD. Would you be willing to share that information with me? Because obviously as the Senator for Oklahoma, that has direct impact on my State.

Mr. NEWLAND. I don't see a reason why, no reason comes to mind why we wouldn't be able to share that, Senator.

Senator LANKFORD. Great. Thank you.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you.

Senator Lankford, just on the question of TA, I don't know who the TA is being provided to, actually, but I just want to make sure that they have, if it is a member or member office or the committee office, I want to make sure they have the ability to work confidentially with counsel and the Executive Branch. I can assure you that the conversations we have had privately about understanding the Oklahoma equities are well taken. But I want to protect Secretary Newland's ability to work confidentially with whatever member or member office may be asking for TA.

Senator LANKFORD. Sure.

The CHAIRMAN. In fact, it could be my staff. I don't know yet.

Senator LANKFORD. I respect that. My biggest challenge is, I don't ever want something being worked on or developed as a piece

of legislation that has direct and immediate impact on Oklahoma tribes and on the State of Oklahoma and Oklahoma not actually be involved in that.

The CHAIRMAN. Nothing about me without me. I got it.

Thank you very much. I just have one final question for Ms. Vann. Knowing that Congress' authority related to tribal membership is limited by Federal Indian law and the language of the treaties at issue today, what do you think can be done to further the cause of reconciliation? I think that although it got a little hot today, and I have no doubt that some people will leave this hearing, maybe even most people will leave this hearing feeling unsatisfied, not vindicated, I consider this a success. Because we aired it out, and people were heard.

I think it is important to move forward, but I think it is important to move forward carefully. Measure twice, cut once. We want to make sure that we move forward legislatively together. We want to make sure that sovereignty is respected. But we also want to understand that African American enslaved people and Native Americans were mistreated.

And we are all in this situation because of the actions of the Federal Government of the United States. The official policy of the Federal Government of the United States ends up pitting African Americans and Native Americans against each other in this terribly unfortunate historic circumstance.

So I don't have an easy solution. I think a GAO report is a reasonable start. I think dialogue is an important start.

But I am open to whatever suggestions you may have about moving forward as quickly as we can, but understanding that if we try to move too quickly it will actually backfire and we will lose another decade of potential progress. So I am interested in your thoughts, Ms. Vann.

Ms. VANN. Thank you, Mr. Chairman. I am, as a member of the tribe, certainly I believe in tribal sovereignty. But the United States, of course, does have a responsibility to the Freedmen people as per the treaty, not just to the tribal chiefs and chairmen. Now, decisions have been made regarding the status of the Freedmen by some tribal nations. This comes in part after Jim Crow laws, which put persons of African ancestry on the bottom of the deck here in Oklahoma.

So far as solutions moving forward, where there are some cases, the Freedmen have tried to do various things to try to get equity under the treaty, as I said. For instance, there are some Creek Freedmen descendants who have been trying to use the Federal courts and also the tribal courts, as well as of course coming up here to D.C.

We would like for the true history of the tribes and the Freedmen to be there. That is one reason we are calling for studies, because there have been some tribal leaders in the past who have said things like the Freedmen were forced on the tribes or snuck in from Arkansas. Although there are Federal records that say otherwise. So let's get the truth out there for what it is.

I like this idea of continued dialogue. But as I said, the Freedmen people, a lot of people are in need. Not all of that is the fault of the tribes. Some of that is the State of Oklahoma. And there

were some tribal leaders in the past that were in elected positions, I think it was around 1907, there were some that were coming from some of the tribes that sat in Congress, that sat in the Senate. And they were opposed to persons of African ancestry.

Also I want to mention that the Freedmen people were not citizens of the United States until the other members of the tribe became citizens. Our citizenship was coming through the treaties.

That being said, I made a few suggestions about possibly how the United States can bring some relief to the Freedmen people so far as some services. I know all of that is going to cost money.

But I also want to mention the fact that back before, back in those earlier days when the tribal governments were more limited, until the Principal Chiefs Act was passed in 1970, the Bureau, they did, a number of people, including the Freedmen people, sometimes per capita payments. That happened I know in the Cherokee Nation; I know in the Creek Nation there were some per capita payments in the past.

So this sort of thing can be done. But again, it is going to cost some money. I get that.

In my 22-page report, I have some other suggestions there. Again, we couldn't get to it in the five minutes. So that is what I am thinking, it is going to take some time, some input by the Federal Government. And I understand that there were constitutions that were approved by the Federal Government. But Freemen people weren't allowed to vote on them. Well, again, they have been signed. So there we are.

The CHAIRMAN. Thank you very much. Thank all of the testifiers, as well as our first panelist, Chair Waters from the U.S. House of Representatives.

The hearing record will be open for one month to allow ample time for views to be submitted for the Committee's consideration.

I want to thank all of the witnesses for their time and their testimony today. This hearing is adjourned.

[Whereupon, at 4:13 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF DAMARIO SOLOMON SIMMONS, ESQ., M.ED., MANAGING PARTNER OF SOLOMONSIMMONSLAW

INTRODUCTION

On May 12, 2021, Department of Interior Secretary Deb Haaland publicly acknowledged that the "Five Tribes" of Oklahoma, including the Creek Nation, are legally obligated to recognize Freedmen as citizens. In praising the Cherokee Nation of Oklahoma for finally adhering to their Treaty of 1866, Secretary Haaland encouraged the other "Five Tribes" to "meet their moral and legal obligations to the Freedmen." However, to date, the Creek Nation continues their race-based discrimination against Black Creeks in violation of Article II of the Creek Treaty of 1866 between the United States and the Muskogee Creek Nation of Oklahoma (hereinafter referred to as "MCN").

Article II of the Creak Treaty of 1866 enshrines as the "supreme law of the land" that the Freedmen and Freedmen Descendants, regardless of their "blood" status, "shall have and enjoy all the rights and privileges of native citizens" of the MCN. *Creek Treaty of 1866, Art. 2, June 14, 1866, 14 Stat. 785, 1866 WL 18777* (hereinafter "Treaty of 1866"). However, since 1979 MCN has perpetuated race-based discrimination and the badges of slavery by using me, my clients' and other Creek Freedmen Descendants' African ancestry to deny them the rights and benefits of MCN citizenship. MCN has excluded Creek Freedmen and their Descendants from the rights guaranteed by the Treaty of 1866, including, but not limited to, the rights of citizenship, to vote, to hold office, and to be recognized for who they are: MCN citizens by birthright, heritage, history, and culture.

This is why Creek Freedmen desperately need this Committee to support legislation and executive action that severs the U.S. Government's relations with MCN until MCN restores full citizenship rights to Creek Freedmen as required by Article II of the MCN Treaty of 1866 and causes MCN to respect and adhere to Article II of the MCN Treaty of 1866.

HISTORY OF MUSCOGEE CREEK NATION AND THE CREEK FREEDMEN

For at least four centuries, the MCN included people of different "races," skin color, and national origins among its citizens. Only recently has the MCN perpetrated a policy of exclusion based upon race. Historically, the MCN comprised a confederacy of separate towns, tribes, and peoples throughout what is now the southeastern United States. [1]

As European colonists and eventually white non-indigenous Americans began to inhabit this area, they sought to "civilize the Creek Indian." In the ensuing decades, the United States continuously and repeatedly attempted to impose, often by force, its customs, economy, religion, and political structure on indigenous groups such as the MCN. One American custom adopted by some Creek citizens was the plantation economy and the reliance on chattel African slavery as a labor force.

Along with enslaved Africans who were owned by MCN citizens, there were also MCN citizens of African descent and free Blacks openly living as citizens of the MCN. All these segments of MCN society were forcibly removed pursuant to the Indian Removal Act of 1830, when the United States expelled the MCN from their traditional homelands and sent them along the infamous Trail of Tears to live in Indian Territory, in what is now Oklahoma.

The Creeks were removed primarily by their traditional tribal "town," and it was the town "Micos" or chiefs who kept the tribal rolls. This allowed the MCN citizens who made it to Oklahoma to re-establish their towns. Removal was carried out by the U.S. military, and approximately 24,000 MCN citizens were forced to travel to

[1] Among those peoples were the Yamassee or Jamassi who were reported to have been "immigrants from Africa prior to the European discovery of America." *See, United States Department of Interior Census Office, Extra Census Bulletin, Washington, D.C.: United States Census Printing Office* (1894), p. 27.

Indian Territory by foot or riverboats. Due to poor planning, organization, and indifference by the U.S. Government, thousands of MCN citizens died on the way to Indian Territory due to exposure, starvation, and disease. Even after removal to Indian Territory, some MCN citizens continued to hold slaves until the Creek Treaty of 1866 abolished slavery in the Creek Nation.

THE CIVIL WAR AND THE TREATY OF 1866

In 1861, Union forces withdrew from Indian Territory, and Confederate officials formally occupied Indian Territory. Some Creeks, known as the "Lower/Southern Creeks," who had been more willing to adopt the plantation economy and other European customs, provided supplies, men, and support to the Confederacy, and even sent representatives to the Confederate Congress. Other Creeks, known as the "Upper/Loyal Creeks," who generally resisted cultural assimilation, provided supplies, men, and support for the Union.

A contingent of Loyal Creeks, which included a substantial "Black" Creek component, left their homes for Kansas to flee from Lower/Southern Creek soldiers and their Confederate allies. The Battle of Honey Springs Creek was a major battle that occurred in Indian Territory during the Civil War, and Upper/Loyal Creeks, including "Black" Creeks, valiantly fought against the Confederacy and their allies. In 1865, after the Civil War ended, President Andrew Johnson designated a commission to travel to Fort Smith, Arkansas, to convene a council for the purpose of negotiating new treaties with the Creeks and the other four tribes making up the so-called "Five Civilized Tribes": the Seminoles, Cherokees, Choctaws, and Chickasaws.

The members of that commission declared that a treaty between each tribe and the United States "must" contain certain stipulations, including that "[t]he institution of slavery, which has existed among several of the tribes, must be forthwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the tribes on an equal footing with the original members, or suitably provided for." D.N. COOLEY, SOUTHERN SUPERINTENDENCE 296, 298. (Oct. 30, 1865).

In an exercise of its sovereignty, the MCN negotiated and executed the Treaty of 1866[2] with the United States. That treaty became the foundational legal document of the Creek Nation and established the modern MCN as it is known today. The treaty provides in pertinent part:

> [I]nasmuch as there are among the Creek many persons of African descent.it is stipulated that hereafter these persons, lawfully residing in said Creek country, under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof], shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds; and the laws of said Nation shall be equally binding upon and give equal protection to all such persons. . . .
>
> Treaty of 1866, Art. II.

Functionally, identical clauses outlawing slavery and granting full citizenship to those formally enslaved persons also appear in the treaties that the Seminole, Cherokee, and Choctaw Nations executed with the United States in 1866.

MCN POST–CIVIL WAR AND PRE–DAWES ROLLS ENROLLMENT

Shortly after executing the Treaty of 1866, the MCN reorganized their government constitutional structure; and, in 1867, the MCN created a new and expansive constitution ("1867 Constitution").

The 1867 MCN Constitution did not discriminate against Creeks of African descent, Free Africans, or Creek Freedmen citizens of MCN. In fact, Article I, Sec. 1, 2, and 3 of the 1867 Constitution authorized each etvlwv (town) to elect a member to the House of Kings and House of Warriors.[3] The towns in existence at that time included three African Creek towns—Arkansas Colored, North Fork Colored, and Canadian Colored.

Between 1867 and 1895, the MCN created numerous rolls of its citizens. None of these rolls created by the MCN contained or listed any blood quantum, or singled out Creeks of African descent, "Free African" MCN citizens, or formerly-enslaved Af-

[2] My paternal great-great-great-grandfather, Coweta Micco (a/k/a Cow Tom) was one of only five (5) Creek Citizens to negotiate and sign the Treaty of 1866.

[3] Under MCN's bicameral legislature the House of Kings and House of Warrior were equivalent to the U.S. Senate and the U.S. House of Representatives.

ricans who were emancipated and accepted as Creek citizens pursuant to the Treaty of 1866. Between 1866 and 1906, Creeks of African descent were an essential part of the MCN community, as evidenced by their service in important and high positions in MCN government, and other areas of MCN life, including Creek citizens like Sugar George, Judge Henry Reed, Harry Island, and Warrior Rentie.

THE DAWES ROLLS

In 1887, Congress passed the Dawes Act of 1887 ("Dawes Act"). The stated purpose of the Dawes Act was to prepare Indian Territory for statehood and white settlement. To this end, the Dawes Act authorized the transfer of most of the land owned corporately by the so-called Five Civilized Tribes (the Creek, Cherokee, Seminole, Chickasaw, and Choctaw nations) to individual tribal citizens. Implicit in this allocation policy was an effort to eliminate the tribes' ability to self-govern. After the Dawes Act had been enacted, Congress created the Dawes Commission in 1893 and tasked it with identifying all MCN citizens who were eligible for land allotment in what would come to be known as the Dawes Roll.

Five years after the creation of the Dawes Commission, Congress passed the Curtis Act of June 28, 1898, 30 Stat. 495, ("Curtis Act"), directing the commission to create two lists of citizens of the Creek Nation who would be eligible for land allotment: (1) the "Creek Nation Creek Roll," which was purportedly only composed of Creek citizens with Creek blood; and (2) the "Creek Nation Freedmen Roll," which was purportedly only a roll of those citizens of the Creek Nation who were formerly enslaved Africans and devoid of any Creek blood.[4] The Dawes Commission, motivated by racism and white supremacy, used race and MCN citizens' physical appearance to segregate Creeks of African Descent, *i.e.* "Creek Freedmen." The "true" Creeks, in the Dawes Commission's estimation, were listed on the Creek Roll, also known as the Blood Roll; the Creek Freedmen (*i.e.* individuals of African descent, regardless of whether they or their ancestors were previously enslaved in the MCN) were listed on the Creek Freedmen Roll.

The Dawes Commission employed the hypo-descent rule, by which any individual with "one drop" of "Black blood" was to be considered Black and, therefore, belonged on the Freedmen Roll. The Dawes Commission, therefore, enrolled many Creeks of African descent on the Freedmen Roll, regardless of whether they or their ancestors were ever enslaved in the MCN or how much "Creek blood" they possessed.[5] Therefore, once the Dawes Rolls closed on March 4, 1907, Creek citizens enrolled on the Freedmen Roll and their descendants, in perpetuity, would always carry the ugly badge of slavery, regardless of whether the enrollee or their ancestors were ever enslaved.

EXPULSION OF CREEK FREEDMEN AND DIVESTURE OF CITIZENSHIP RIGHTS

On or about August 18, 1975, the MCN, through its National Council, submitted to the United States Department of the Interior (DOI) a draft constitution ("Draft Constitution") that, among other things, contained express provisions which: (1) stripped individuals on the 1906 Creek Freedmen Rolls and their then-living lineal descendants of their MCN citizenship; and (2) prevented the unborn lineal descendants of individuals who were enrolled on the 1906 Creek Freedmen Rolls from becoming citizens of MCN. Before the MCN submitted the Draft Constitution to DOI, the MCN did not seek, obtain, or allow any input from Creek Freedmen or individuals representing Creek Freedmen's interests.

On October 29, 1977, then-MCN Principal Chief Claud Cox, a proponent of the new constitution, admitted that one of the express goals of the Draft Constitution was to strip Freedmen and Creek Freedmen Descendants of their MCN citizenship and rights, stating:

> When you go back to the old [1867] Constitution, you are licked before you start; because it doesn't talk about Indians, it talks about CITIZENS of the CREEK NATION. When you got down to the Allotment time, there were more that was non-Indians or half-blood or less, who outnumbered the full blood, all of these totaled about 11,000, and there were only 18,000 on the entire Roll; so there was only 9,000 above One-half blood. That's the reason, they lost control; the FULLBLOOD lost control. That's what we're fighting, this blood quan-

[4] *See*, Felix S. Cohen, *Handbook of Federal Indian Law*, 431 (1982).

[5] "[I]n cases of mixed freedmen and Indian parents, which was common among the Creeks . . . the applicant was always enrolled as a 'freedmen'." Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes 1893–1914* (1999). Dawes Commission personnel were instructed to look for and/or inquire if a MCN citizen had any African ancestry, and to place that individual on the so-called Freedmen roll. *Id.*

tum, trying to get back and let the people control because under the old Constitution, you've lost before you ever started. There were three FREEDMAN bands that would outnumber you today as citizens. So, if we want to keep the INDIAN in control, we've got to take a good look at this thing and get us a Constitution that will keep the Creek Indian in Control.[6]

On August 17, 1979, DOI approved the new MCN constitution for MCN referendum ("1979 Constitution"). On October 6, 1979, the MCN held an election to formally adopt the 1979 Constitution and replace the 1867 Constitution. Section 503 of the Oklahoma Indian Welfare Act, 25 U.S.C. § 5203, in effect in 1979, required the participation of at least 30 percent of "those entitled" to vote, or the results of the election would be invalid. The total number of "entitled voters" that MCN officials identified prior to the 1979 constitutional referendum did not include Creek Freedmen or Creek Freedmen Descendants, in an apparent effort to meet OIWA election requirements. Creek Freedmen and their Descendants were denied the right to vote on the 1979 Constitution and did not cast votes.

Upon the dubious ratification of the 1979 Constitution, and with DOI's approval, the MCN illegally declared that all Freedmen were not entitled to MCN citizenship and would no longer be recognized or allowed to be citizens of MCN. The MCN also began to summarily deny Creek Freedmen and their Descendants applications for citizenship. As a result, thousands of Creek citizens-including my clients, whose ancestors' names appeared on the Creek Freedmen Roll-were stripped of their legal rights and cultural identity. Creek Freedmen Descendants have been denied their MCN citizenship rights as the MCN has implemented statutes and policies under the illegal 1979 Constitution and in violation of the Treaty of 1866.

From 1979 through the present, eligible Freedmen and Creek Freedmen Descendants who have applied for MCN citizenships and have been summarily denied. Often, Freedmen applicants are informed of their denial via a form letter from the Citizenship Board, which includes some version of the following language, taken from a May 31, 2002, letter from MCN to a Creek Freedmen applicant:

> We are returning your letter and any other documents submitted for enrollment into the Muscogee (Creek) Nation because in checking the Dawes Commission Rolls, your ancestors were enrolled on the Creek Freedmen Rolls. If you will note from the copy you submitted there is no blood quantum listed because they are not Creek by Blood. When slavery was abolished following the Civil War, Treaties were negotiated with the Five-Civilized Tribes; the Choctaw, Cherokee, Chickasaw, Creek and Seminole Nations. The treaties conferred citizenship in the tribes on the negroes who had been held in slavery by the tribes. Such citizens were referred to as 'Freedmen.'[7]

CREEK FREEDMEN'S UNSUCCESSFUL LITIGATION HISTORY

In 2004, on behalf of two Freedmen Descendants, Fred Johnson "(Johnson") and Ron Graham ("Graham"), I litigated the issue of Freedmen's and Freedmen Descendants' citizenship within the MCN court in *Johnson and Graham v. Muscogee (Creek) Nation of Oklahoma Citizenship Board*, CV 2003–54. The MCN Citizenship Board ("Citizenship Board"), which was created after ratification of the unlawful 1979 Constitution, repeatedly denied Johnson's and Graham's citizenship applications between 1983 and 2003.

I appealed the Citizenship Board's administrative decisions against Johnson and Graham to the MCN District Court, alleging arbitrary and capricious decisionmaking and abuses of discretion by the Citizenship Board. Johnson and Graham contended that they and all Freedmen were eligible for citizenship in MCN, pursuant to the Treaty of 1866, the Muscogee (Creek) Nation Constitution, and the MCN Citizenship Code. A bench trial on the merits was held over seven days between August 28, 2005, and September 14, 2005. During the trial, we introduced hundreds of exhibits and took the live testimony of approximately 12 witnesses, including the foremost Creek Freedmen academic, Dr. Daniel Littlefield.

In its March 27, 2006 opinion, the MCN District Court declined to rule on or even discuss the substantive issues directly related to the Treaty of 1866 and the validity of the 1979 Constitution. Instead, the MCN District Court found the Citizenship Board did not follow MCN law that mandated Johnson, Graham, and other Descendants to have their citizenship applications processed. On or about April 13, 2006, the Citizenship Board refused to comply with the MCN District Court's order to process Johnson's and Graham's citizenship applications. On November 2, 2007,

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[6] MCN National Council Minutes, October 29, 1977 at 31.

[7] *See,* letter dated May 31, 2002, from MCN to Creek Freedmen Applicant on file with undersigned.

the MCN Supreme Court unanimously reversed the MCN District Court decision and similarly refused to rule on the applicability of the citizenship provisions of the Treaty of 1866.

After more than ten (10) years of trying to work with the elected officials of MCN without any results, in July 2018, I filed a lawsuit in the United States District Court for the District of D.C. against the MCN and DOI on behalf of the Muscogee Creek Indian Freedmen Band ("Band") and a handful of individual Creek Freedmen for the MCN's denial of citizenship on account of their race and the DOI's breach of its fiduciary duty to protect the citizenship rights of the Creek Freedmen, including, without limitation, their rights to vote and to run for office. In June 2019, despite our arguments that exhausting tribal remedies would be futile, the court dismissed the lawsuit without prejudice, pending the exhaustion of remedies in tribal court. Accordingly, when two of our clients' applications for citizenship with MCN were denied in July and October 2019, respectively, each filed administrative appeals with the MCN, which were also denied.

In March 2020, I filed a petition in the MCN District Court on behalf of our Creek Freedmen clients, alleging that the MCN Citizenship Board violated the U.S. Constitution; the Principal Chiefs Act of 1970; the Indian Civil Rights Act, 25 U.S.C. §§1301, *et seq.*; and the Treaty of 1866, by denying our clients their citizenship rights. Ever since then, the MCN and even the tribal court itself has engaged in a slew of dilatory tactics to preclude our clients from obtaining a ruling that would permit them to re-file their original complaint in federal court. Counsel for the MCN has been unreasonably unavailable, filed frivolous briefs, and peppered us with discovery requests even though the facts are undisputed and the only issue to be decided is purely one of law to be decided by the court. Moreover, two of the only three judges available to preside over cases filed in the MCN District Court both recused themselves from the case over 18 months ago, and a new judge has not been assigned to the case despite repeated inquiries and filings with the MCN District Court and Supreme Court and having been fully briefed for over a year. Consequently, my clients have effectively exhausted their tribal remedies to pursue citizenship in the MCN and the MCN court's dilatory tactics underscore that there is no apparent intention of addressing the legal issues raised by my clients.

EFFECT OF 2020 U.S. SUPREME COURT MCGIRT RULING

Citizenship rights like voting and running for office are important enough to warrant congressional intervention in this matter, but the need for a legislative remedy has grown even more in the wake of the U.S. Supreme Court's decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452. In *McGirt*, the Supreme Court held that the MCN reservation, which was established by way of the Treaty of 1866 and which comprises a large part of eastern Oklahoma, had never been disestablished, and that the State of Oklahoma therefore lacked jurisdiction within the bounds of the reservation to prosecute crimes under the Major Crimes Act.

Since this ruling was handed down, the MCN has been using it to rationalize the MCN's attempts to assert more power over other affairs here in the State of Oklahoma, such as energy and gaming. In other words, while the MCN actively defends against claims that its race-based discrimination against Creek Freedmen violates the Treaty of 1866, it simultaneously rationalizes its power grabs by pointing to the Treaty of 1866. The hypocrisy is simply stunning.

Moreover, *McGirt* has effectively created another disparity between Creek Freedmen and other MCN citizens. Because Creek Freedmen are being denied citizenship with the tribe, they are unable to avail themselves of the benefits of the *McGirt* ruling. Since *McGirt* was decided, state court judges have, in practice, required defendants seeking to have their cases dismissed based on *McGirt* to prove their affiliation by showing verification of tribal citizenship or by showing they possess some degree of Indian blood. Due to the MCN's racial discrimination against Creek Freedmen (who do not necessarily possess Indian blood), Freedmen who are prosecuted by the State have been left without a means to demonstrate their affiliation with the MCN. The result is that non-Black MCN members can get their cases dismissed, while Black Creeks cannot.

This disparity, based entirely on race, is unacceptable and blatantly violates the Creek Freedmen criminal defendants' constitutional rights under the Due Process and Equal Protection clauses, among others. These Creek Freedmen's liberty interests are at stake, providing more immediacy to the need for Congress to intervene to mandate that the MCN restore citizenship rights to Creek Freedmen.

ARTICLE II OF THE TREATY OF 1866 IS BINDING ON THE MCN

The Creek Treaty of 1866 is a bilateral agreement—negotiated and signed by two sovereign entities utilizing their executive and legislative governmental powers. The

overall validity of the agreement has not been contested by the MCN and was upheld by the McGirt decision. Consequently, the Treaty of 1866 remains the supreme law of the land, both within the Creek Nation and within the United States of America.

The U.S. Supreme Court has established that there must be "clear and plain evidence that Congress actually considered the conflict between its intended action on the one hand and Indian treaty rights on the other and chose to resolve that conflict by abrogating the treaty." *United States v. Dion,* 476 U.S. 734, 739–40 (1986). Restrictions on Indian Treaty abrogation are well-settled in U.S. Supreme Court precedent. Treaty rights are too fundamental to be casually cast aside: "Congress may abrogate Indian treaty rights, but it must clearly express its intent to do so." *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 202 (1999) (citations omitted). There has been no act of Congress expressing any intent to abrogate Article II of the Creek Treaty of 1866. As a result, the MCN cannot unilaterally extinguish the Freedmen's rights under the Creek Treaty of 1866.

The MCN exercised its sovereignty to execute and bind itself to the terms of the Creek Treaty of 1866, and the MCN cannot now, under the guise of sovereignty, claim the power to renege on its covenant to admit the Freedmen and their Descendants as citizens of the MCN. The U.S. Government has already analyzed a treaty provision functionally identical to Article II of the Creek Treaty of 1866 and found that it guaranteed Cherokee citizenship in the Cherokee Nation of Oklahoma, and, since the Cherokee Treaty of 1866 had not been abrogated, the Cherokee Nation had to grant Cherokee Freedmen citizenship within the Cherokee Nation. See Cherokee Nation v. Nash, 267 F.Supp.3d 86 (D.D.C. 2017).

SPECIFIC LEGISLATIVE ACTION REQUESTED:

I am respectfully asking this Committee and Congress to pass legislation that does the following:

- Affirms that the Creek Treaty of 1866 guarantees the Creek Freedmen Descendants the right to full and equal citizenship in the MCN;
- The Creek Freedmen Descendants are legally indistinguishable from other citizens of the MCN pursuant to the Creek Treaty of 1866;
- As equal citizens of the MCN, the Creek Freedmen Descendants are entitled to all rights, privileges, protections, and benefits arising from citizenship in the Creek Nation equally and on the same basis as all other MCN citizens, including, without limitation, the rights to vote in MCN elections, to run for and hold MCN office, and to receive funds and benefits available to MCN citizens;
- No federal statute or superseding treaty has modified the Creek Freedmen Descendants' citizenship rights as they were granted in the Creek Treaty of 1866;
- No amendment to the MCN Constitution has modified or can modify the citizenship rights of Creek Freedmen Descendants, because those rights are derived from the Creek Treaty of 1866 and not the MCN Constitution.
- Ensure that United States Justice Department and Department of Interior protect Creek Freedmen. [8]

It was similar bold and sustained actions of members of the Congress took on behalf of Cherokee Freedmen that paved the way for thousands of Cherokee Freedmen to secure their voting rights in 2007, and eventually secure their full citizenship rights with Cherokee Nation of Oklahoma (CNO). I am hoping I can similarly count on you to stand up for the rule of law and the rights of Creek Freedmen during this important time.

CONCLUSION

In closing, the exclusion of Creek Freedmen from citizenship with the MCN is not just a tribal sovereignty issue; it is a racial justice issue. While legislation like the For the People Act and the George Floyd Justice in Policing Act has fallen stagnant, action from this committee to protect Black Creeks' fundamental rights as MCN citizens can move our country in the right direction-toward racial justice and eradication of anti-Black hatred across this nation. Bold actions taken by the Congress

[8] Black Creeks need the DOJ and DOI to take the same position that they took in the Black Cherokee litigation and make it clear that Article 2 of the Creek Treaty of 1866 is still valid. Specifically, the Interior Department filed a 72-page motion for summary judgment wherein it asked U.S. District Court to declare that the 1866 Treaty between the Cherokee Nation and the U.S. guaranteed Black Cherokees and their descendants "all the rights of native Cherokees," including the right to Cherokee citizenship and that the treaty provision "continues to guarantee descendants of eligible Freedmen with citizenship and all other rights of native Cherokees."

helped the Cherokee Freedmen secure their full and complete citizenship rights within the CNO. My clients and your constituents are confident that your tangible support of their cause will produce similar results for Creek Freedmen. Lastly, if you have any questions or comments, you may contact me personally at 918–551–8999 or dss@solomonsimmons.com.

PREPARED STATEMENT OF HON. RHONDA K. GRAYSON, CHAIRWOMAN AND BAND LEADER, MUSCOGEE CREEK INDIAN FREEDMEN BAND*

As the Band leader of the MCIFB I was surprised to learn of this hearing a week before the actual scheduled hearing date. We have received many calls over the last few days from concerned freedmen that it is unjust that the Freedmen's descendants were not extended the same courtesy as the five tribes. We find it ironic that Freedmen leaders from the various 5 tribes were not invited to speak at a congressional hearing on an issue that directly affected their citizenship within the respective tribal nations. How is it possible to host a hearing without full representation from freedmen of all five tribes"?

Although the leadership of the Creek Freedmen Band nor our legal counsel was invited to testify, we feel it is essential to attend as our organization, the Muscogee Creek Indian Freedmen Band represents thousands of Creek Freedmen across the country. See Citizenship case Grayson and *Kennedy v. Mvskoke Nation*, CV–2020–34 in which I am one of the named plaintiffs. (see page 7 for details of the lawsuit and recusal information of Judge Leeds).

We have attended other meetings in the past with members of Congress in the hopes of furthering the cause of gaining recognition and citizenship for long disenfranchised Creek Freedmen. We believe that members of Congress must understand that the issues that the Freedmen's descendants face are as distinctive and separate from one another as are the treaties of each of these five tribes.

At the very basic, we must be granted the right to represent ourselves on tribal matters before Congress. Particularly when it comes to the right of citizenship within these tribes, Freedmen descendants should be allowed to clarify and define their situation and to counter any arguments or disputes against their rightful place and citizenship within the tribes.

History and Background

The Muscogee Creek Freedmen were citizens of the Muscogee Creek Nation who were placed on the Creek Freedmen Roll. This classification included people of African descent who were:

1. Enslaved or owned by citizens of the MCN
2. Free Blacks living as citizens of the Creek Nation.
3. Mixed blood Creeks of African descent listed as Creek Freedmen on the Dawes Rolls.

Regardless of their "blood" status or enrollment, the Freedmen, and their Descendants in accordance with the Treaty of 1866 Article 2 "shall have and enjoy all the rights of native citizens" Pursuant to Article 2 of the Creek Treaty of 1866 between the United States and the MCN. (Note: Between 1867 and 1895, the MCN created numerous rolls of its citizens. These rolls did not list a blood quantum or single out the Creeks of African descent, free blacks, or the formally enslaved African Creeks emancipated by the Creek Treaty of 1866.)

Creeks adopted the American custom of plantation Chattel slavery as a labor force. There were enslaved Africans owned by MCN citizens and MCN citizens of African descent, and free Blacks openly livings as citizens of the MCN. All were forced removed pursuant to the Indian Removal Act of 1830 from their traditional homelands in Alabama and Georgia to Indian Territory, current-day Oklahoma.

Our ancestors fought side by side with the Muscogee people in their traditional homelands in Alabama, Georgia, and Florida during the time of war. The Creek Freedmen endured the same rigors of travel, uprooting of their homes and the unknown on the journey to the new land. Freedmen endured the same tragedies as the sinking of the Monmouth steamboat on the Mississippi River in 1837 on the journey to the new land in which many African Creeks did not survive.

They served the Nation after the Civil War in 1866 in the House of Kings and the House of Warriors in Muscogee Nation National Council as policymakers, lawyers, translators, Judicial appointments, Lighthorse (police), and advisors to the Principal Chief of the Nation! We've been here all the while!

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*Attachments have been retained in the Committee files.

During the Civil War, the Muscogee Creek Nation citizens fought on both the Union and Confederate. At the end of the Civil War, the United States and Muscogee Creek Nation signed the peace Treaty of 1866, which required the cession of 3.2 million acres of land and granted full citizenship to Freedmen.

The 1866 Creek Treaty-Article 2. The Creeks hereby covenant and agree that henceforth neither Slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said Nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this Treaty, and their descendants and such others of the same race as may be permitted by the laws of the said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said Nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

In 1867, the Muscogee Creek Nation (MCN) citizens adopted a written constitution that followed the provisions of Article 2 of the 1866 Treaty, which called for a Principal Chief, Second Chief, the judicial branch. The bicameral legislative system comprised of a House of Kings and a House of Warriors, which included the Freedmen (what we know today as our U.S. Legislative system, the Senate, and House Representative).

Black Creeks or Freedmen (The term Freedmen was not a term used until the late 1890s and was given by the government). It is worth noting that there were free men and women of color living in the Creek Nation. My family and most African descent people identified as "Creeks" or Black Creeks or, as my grandfather would say, "Native Negro's or State Negro's. They identified differently culturally from the people know as "State Negro's.") Black Creeks or Freedmen served in the House of Kings and the House of Warriors. Our ancestors served as Senators, Judges, lawyers, Lighthorse police, and the principal chief of Creek Nation, etc. One such example is Chief Perryman. As described in the Extra Census Bulletin, *"The principal chief, virtually a Negro, comes of a famous family in creek annals his Name is Leguest Choteau Perryman., "The negroes are among the earnest workers in the Five Tribes. The Creek Nation affords the best example of negro progress. The principal chief, virtually a negro, comes from a famous family in Creek annals. His Name is Leguest Choteau Perryman". Department of the Interior Census Office, Washington D.C., United States Printing Office, 1894."*

There are far too many stories to mention about the Creek Freedmen serving the Creek Nation in essential roles in government and in the community. However, a few examples are Mikko Cow Tom; he was a signer of the 1866 Creek Treaty/Interpreter), Judge Henry Reed, Harry Island (Interpreter), and Jesse Franklin (Supreme Court). Sugar T. George served on the House of Kings and in the House of Warriors, what we know today as the House-Senate and the House of Representatives. He served as prosecuting attorney and was said to be the wealthiest Black Creek Freedman in the Nation. He served in Union Army in company "H" of the 1st Indian Home Guard. He served on the board of the Tullahassee Mission School, a school for Creek and Seminole freedmen, to name a few. We would argue that the Creek Nation literally would not be what it is today without the bloodshed and tears of the Creek Freedmen who served their Nation faithfully only for their descendants to be disenfranchised years later.

Identity

One argument that we often hear from some MCN tribal members. "Freedmen are not Indian, Creek, or Mvskoke."You don't know the language, culture, history, etc. "You Freedmen only want to be enrolled for the benefits. "Well, we beg to differ. Our ancestors spoke the language and served the nation of their birth. We understand the history of the Creek Nation. Our organization has met for more than 20 years to study and educate about the history. The board is the original board members of the Descendants of Freedmen of the Five Civilized Tribes that was incorporated in 2002. In 2008 the Creek members incorporated similarly as the Cherokee Band was formed to educate our members and the public about the history and to reach Creek Freedmen and pursue citizenship within the MCN. Band member and former leader Ron Graham, charter member of the Descendants of Freedmen of the Five 5 Tribes and the former Vice President of the Descendants of Freedmen of the 5 Tribes, his father Theodore "BLUE" Graham was an original Dawes enrollee and

land allottee. He was enrolled as Newborn Freedmen, roll number 671. Mr. Theodore "Blue" Graham, an Arbeka Stomp Dance Leader, was fluent in the Creek Language, participated in many cultural activities, and was well known among Creek's citizens. Theodore Blue Graham identified as a Creek.

Board member Sharon Lenzy-Scott is of Creek ancestry from her maternal side and Cherokee from her paternal side of her family. Sharon's mother, Mrs. Adlene Perryman-Lenzy, was disenfranchised from the tribe in 1979. In the eyes of the Creek Nation, she was no longer regarded as a Creek Nation citizen because her family was listed on the Creek Freedmen Dawes Roll.

Countless attempts were made from 1979 through 2000 by Mrs. Perryman-Lenzy to regain her citizenship. She fought tirelessly until she could no longer fight. Mrs. Adlene Perryman-Lenzy died with the memory of Creek Nation, stripping her from her birthright as a citizen of Creek Nation.

By birthright through Sharon's paternal side, she can enroll as a Cherokee citizen, but she refuses to do so as she INDENTIFIES as the creek. It is not about becoming a member of the Creek Nation for monetary gain. It is about the birthright and identity.

MCIFB Member Mr. Gary Cunningham, CEO of Prosperity in Washington D.C., is a descendant of Creek Freedmen Justice Jesse Franklin, who served in the House of Kings and the House of Warriors. Mr. Cunningham is also a descendant of Cherokee Freedmen. In one of my many conversations with our Band member, Mr. Cunningham, I mentioned that he could enroll as a Cherokee citizen; he said, "Rhonda, I am holding out for the day we the Creek Freedmen can take our rightful place back in the Nation." There are countless other examples of Creek Freedmen who could enroll in the Cherokee Nation or the Seminole Nation Tribe as citizens. Still, they identify as Creek and hold out with the belief that one day the Creek Nation will uphold their obligations and readmit the Freedmen back into the Nation of their ancestor's birth. Citizenship within the tribe is not about financial gain for Freedmen. It's about our birthright.

The fallacy that Creek Freedmen are only interested in gaining their citizenship for the "benefits" is further nullified by the personal successes of many of these Freedmen. We count in our members Doctor of Education: medicine, and dermatology, PPT, a Special Agent with the Federal Bureau of Investigation, skillful attorneys, CEO's VP etc., of major corporations. These are individuals who have no need of "benefits' from the tribe. These are individuals who know the history of their ancestors and refuse to allow their ancestors' sacrifices and accomplishments to be forgotten.

More History and Background

Dunn Roll was to identify citizens entitled to payment. Listed on the Dunn roll were all citizens, Native Creeks, and Freedmen. Three Freedmen's districts/towns were established for political and economic purposes: North Fork, Canadian, and Arkansas. The Colbert Commission was established to authorize, summons witnesses, take testimony, and decide and approve citizenship cases.

Curtis Act in 1898 allowed the government to terminate the MCN tribal government by taking away ownership of the land, which had been held in common, and replacing it with individual ownership of 160 acres of land per citizen. The establishment of the Dawes Commission by Congress was to identify and enroll citizens eligible for allotment. All creek Freedmen received the same amount of land as someone who was considered a full-blood Indian. They all received 160 acres of land as full citizens of the Creek Nation. All were on equal footing.

The Curtis Act directed the Dawes Commission to divide the MCN by creating two separate rolls: 1) the "Creek Nation Creek Roll or Creek Nation Indian Roll." Blood quantum was intended to be used for land allotment purposes only. For example, "In cases of mixed Freedmen and Indian parents, which was common among the Creeks.the applicant that was enrolled as a Freedmen was not given credit for having any Indian blood. *See Kent Carter*. The blood quantum was never intended to be used by tribes years later to determine who could be members of the various tribes. It was for land allotment purposes only!

There were factions within the tribe that sought to eliminate the Freedmen.

"In 1938, a memorandum was sent to the Solicitor, the Department of Interior, Nathan Margold, by John Collier, Commissioner, on behalf of the Five Tribes, "Question. They wanted to find some way to eliminate the Freedmen." And "The status of these Freedmen, would the Freedmen be entitled to vote on the adoption of a constitution." In 1941, Nathan Margold answered and stated that "Creek Freedmen were adopted as full members pursuant to the Treaty of June 14, 1866 (14 Stat. 785)."

On October 29, 1977, Principal Chief Claud Cox stated that the express goal of the 1979 Constitution was to strip Freedmen and Creek Freedmen Descendants of their MCN citizenship and rights. *"When you go back to the old [1867] Constitution, you are licked before you start; because it doesn't talk about Indians, it talks about citizens of the Creek Nation. When you got down to the Allotment time, there were more that was non-Indians or half-blood or less, who outnumbered the full blood, all these totaled about 11,000, and there were only 18,000 on the entire Roll; so, there was only 9,000 above One-half blood. That's the reason they lost control; the full-bloods lost control. That's what we are fighting, this blood quantum, trying to get back and let the people control because under the old constitution, you've lost before you ever started. There were three Freedmen bands that would outnumber you today, as citizens. So, if we want to keep the Indian in control, we've got to take a good look at this thing and get us a constitution that will keep the Creek Indian in control."*

In 1979, the Muscogee Creek Nation decided to disenfranchise the Freedmen with the adoption of a new Constitution and election that was approved by the BIA. As per the Treaty of 1866 article 2, Freedmen are citizens by Treaty and have a constitutional right as citizens of the MCN to vote in all constitutional elections. Freedmen were not permitted to vote in this election and were said to have been voted out; however, the Treaty has not been abrogated and is still good law. The landmark Supreme Court case MirGirt has affirmed that the Treaty of 1866 is still valid and thus article 2 of the Treaty is still good law.

As a result of being disenrolled from the tribe, the Freedmen descendants have lost their citizenship, identity, rights to run for political office, voting rights, Indian housing, educational grants, health Care, COVID stimulus relief funds, and other federally funded programs. More importantly, a sense of loss of belongingness and pride of being a part of a community that we have had ties with for generations—a community where our ancestors served in critical roles and fought for the wellbeing of the entire MCN. Yet, we are no longer welcomed to the Nation of our ancestor's birth.

The Treaty of 1866, Article 2, has not been abrogated or amended, and the new Constitution of 1979 violates the Treaty, which is the supreme law of the land. Members of the MCIFB are in active litigation pursuing citizenship within the Muscogee Creek Nation.

From 1979–to the current day, Creek Freedmen descendants have been advocating for their citizenship rights through litigation, seeking relief from Congress and the Department of the Interior to no avail.

The most recent citizenship lawsuit was filed in 2018 in the United Supreme Court in the District of D.C. against the MCN and DOI on behalf of the Muscogee Creek Indian Freedmen Band for the denial of citizenship based on the 1866 Creek Treaty. The court dismissed the lawsuit without prejudice, pending the exhaustion of remedies in tribal court. I resubmitted an application in May 2019, but that application was denied in July 2019. I submitted the request for an appeal which was denied in Nov 2019.

The attorneys filed a lawsuit in the District Court of the MCN in March 2020. There is currently a motion for summary judgment request pending in the MCN (Muscogee Nation) court that the MCN refuses to appoint a judge. We have had two judges recuse themselves from the case. With the second recusal of a judge Leeds. We have been without a Judge for 1.5 years.

PLAINTIFFS' MOTION TO SET STATUS CONFERENCE

{Plaintiffs, by and through their attorneys of record, hereby submit this Motion to Set Status Conference. Plaintiffs move that the Court schedule an in-person status conference on the grounds that no judge has been assigned this matter since February 25, 2021, and Plaintiffs' Motion for Summary Judgment has been pending since May 17, 2021.

In support of their Motion, Plaintiffs submits as follows:

1. This case is about whether Article II of the Treaty of 1866 which guarantees formerly enslaved persons or individuals listed on the 1906 Dawes Creek Freedmen Rolls ("Creek Freedmen") and their descendants all the rights and privileges of Tribal citizenship is binding on the Mvskoke Nation (the "Nation").

2. Pursuant to Mvskoke law, treaties are held to be inviolate and must be followed by the Nation. Seminole Nation Development Authority v. Morris & Morris, 2 Mvs. L. Rep. 553, 566 (2000).

3. Furthermore, the Creek Supreme Court has upheld Article II of the 1866 Treaty as granting descendants of Creek Freedmen equal rights of Tribal citizenship. Roley McIntosh, 7 Mvs. L. Rep. 348 (1886).

4. Plaintiffs allege that the 1866 Treaty is binding on the Nation and "by blood" limitations on citizenship under Article III of the Creek Constitution and current citizenship laws are in violation of Article II of the 1866 Treaty.

5. Plaintiffs allege that Creek Freedmen treaty rights are inherent, equal to "by blood" members, and cannot be extinguished by the Creek Constitution. United States v. Wheeler, 435 U.S. 313, 323 (1978) ("Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute.").

6. The U.S. Supreme Court has made clear that treaties are the supreme law of the land and cannot be broken unless Congress makes a clear statement of its intent. Id. at 20. Here, there is no federal legislation abrogating Article II of the 1866 Treaty.

7. Plaintiff Grayson was notified that her administrative appeal for citizenship was denied on November 5, 2019.

8. Plaintiff Kennedy was notified that his administrative appeal for citizenship was denied on February 20, 2020.

9. Plaintiffs filed their petition for declaratory and injunctive relief against the Citizenship 2 Suits against the agencies of the Mvskoke (Creek) Nation are deemed suits against the Mvskoke (Creek) Nation itself and the sovereign immunity of the Nation is waived in all actions filed in Tribal court that are limited to injunctive, declaratory or equitable relief, but not for claims seeking damages against the Treasury. Title 27, § 1–102 (D); *Britton and McGirt v. Muscogee (Creek) Nation*, Division of Health Administration, 2 Mvs. L. Rep. 531 (2000) see also Ade v. Muscogee (Creek) Nation, Division of Health Administration, 2 Mvs. L. Rep. 538 (2000). 3 Board of the Muscogee (Creek) Nation on March 11, 2020.

10. On December 30, 2020, Plaintiffs filed their Motion for Summary Judgment.

11. On February 23, 2021, this Court entered an order extending time to the Defendant to respond to Plaintiffs' Motion for Summary Judgment to April 19, 2021.

12. On February 25, 2021, Judge Stacy Leeds recused herself from this matter and no replacement judge has been assigned.

13. Defendants filed their response in opposition to Plaintiffs' Motion for Summary Judgment on April 19, 2021.

14. Plaintiffs filed their reply to Defendants' response in opposition to Plaintiffs' Motion for Summary Judgment on May 17, 2021.

15. Plaintiffs, who have a strong interest in moving forward with this case, respectfully move that the Court set an in-person status conference wherein the Court and the parties can ascertain the status of a new judge being assigned to this matter and schedule a hearing on the summary judgment motion pending before the Court. WHEREFORE, for the reasons set forth herein, Plaintiffs respectfully request that the Court enter an order scheduling an in-person status conference and, at the conclusion of the conference, assign a new judge to this matter, and set a date to decide Plaintiffs' motion for summary judgment. Respectfully submitted, Damario Solomon-Simmons, Erick J. Giles}

Conclusion

I believe the MCN is delaying the case to prevent the Creek freedmen from refiling in the U.S. Federal court. The MCN is stalling for time because they know they must look at history; the history will uncover the truth of how our lives intertwined so closely with the MCN, and they know the outcome: history and the Peace Treaty of 1866 are on our side.

We have sought relief from Congress in the past. With HR 1514, a bill in the 116th Congressman Danny Davis introduced Congress. The language in the Bill is to sever United States Government relations with the Creek Nation of Oklahoma until such time as the Creek Nation of Oklahoma restores full Tribal citizenship to the Creek Freedmen disenfranchised in the October 6, 1979, Creek Nation vote and fulfills all its treaty obligations with the Government of the United States, and for other purposes. Unfortunately, the Bill did not receive any co-sponsors. We, however, have been successful in collaborating with the congressman Danny Davis staff to reintroduce the Bill in the 117 congresses under H.R. 4637, but have not had success in getting the sponsorship needed to move the bill along.

The MCIFB is grateful to have been included in talks with congress woman Waters staff regarding NAHASDA language to include all Freedmen of the five tribes. It has come to our attention that congress will not consider adding this language to the Bill. It has been a pleasure working with congresswoman Waters team, and we are most grateful for the support and zeal to affirm the citizenship rights of the freedmen. Congresswoman Waters has been a beacon of hope for the Freedmen; when no one would hear us, she listed and stayed the course.

We/Creek freedmen and the descendants have been in this fight for decades. Our members are wearied, and many are dying off. We want to receive justice and re-

store citizenship before more of our elders cross over. We have lost faith in the justice system, and we do not believe the MCN will honor the 1866 Creek Treaty law, unless forces to do so. We have heard rumors about discussions from the MCN on the citizenship issue about the Freedmen. We do not believe that will happen; in hindsight, there is no need for meetings unless it is a serious meeting to discuss reenrolling the freedmen, atoning for the years that the MCN has dishonored the wishes of the MCN ancestors. The Treaty, as stated, is the supreme law of the land, and the Supreme Court has ruled that the 1866 treaty has not been abrogated. The MCN should immediately affirm the Creek Freedmen Descendants' citizenship rights and follow the ruling in the McGirt case. We ask that your office use its power to help enforce the law, the Treaty of 1866 in its entirety which includes article 2.

The MCIFB officially incorporated in Oklahoma in 2008, but members of the executive board have been a dominant presence in the community fighting for the Treaty Rights of all Creek Freedmen for years. We have sought to preserve and protect the extraordinary history and culture of the Creek Freedmen (AKA Black Creeks).

In closing, we have protected our history by educating the public through various platforms such as conferences, genealogy workshops, speaking engagements, cultural programs, and a traveling history exhibit.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO HON. JONODEV OSCEOLA CHAUDHURI

Question 1. You testified that the Muscogee Creek Nation should not be confused with other Tribal Nations who are signatories to their 1866 Treaties. How exactly is the Nation's treaty similar to the other Nations'? How is it different?

Answer. The series of treaties executed in 1866 were not universal. Each was a specific agreement, with a specific tribe that addressed specific elements of a tribe's history with the United States and the specific circumstances that existed at the time of treaty negotiations.

As such, each treaty must be viewed independently and exclusively within its own terms and context, with the same independent and exclusive views that a Nations Constitution recieves. And while the Creek treaty clearly differs from those with other tribes, the final interpretation of elements of our treaty that related to former slaves remains a subject of ongoing litigation.

Question 2. You testified that the Federal Government's past actions against the Muscogee Creek Nation helped create the Freedmen concern, and that, "the solution is not another colonial intervention by the United States." If the federal government does nothing to address an issue that you testified that it helped create, what is its responsibility in your view? And what is the Muscogee Creek Nation's responsibility, if any?

Answer. The principle illustrated in my testimony is that bad things happen when the U.S. government violates the inherent sovereignty of tribes and instead seeks to overrule tribal leadership with forcible dictates. History makes clear that the issue of slavery was being challenged within Creek Nation through the internal processes of our people and that the anti-slavery forces were an ascendant force until the federal government violently intervened.

As a sovereign nation, our responsibility is to honor our treaty agreements with the United States as we always have-even when the federal government has not. Our specific legal obligations under this treaty remain subject to interpretation within the courts. But separate and apart from the treaty language, the Muscogee (Creek) Nation has also begun to facilitate a deliberative process through which our citizens can evaluate existing policies related to this issue and exercise their sovereign right to determine the future of our nation.

The U.S. government's role in the perpetuation of slavery as an institution is not debatable. Several policy ideas to address this history have been debated over the years without consensus. However, it is evident that the United States' responsibilities flow directly to the African American community and not through tribal nations which had their own distinct histories with slaves that are being addressed by sovereign tribal governments. Using federal government intervention into tribal processes as a political substitute for America taking direct responsibility for its own role in slavery would be no healing solution; it would simply be more injustice perpetrated against Indigenous peoples who have already endured generations of it.

Question 3. Speaking on the Muscogee Creek Nation's diverse citizenry, you testified that "we are all Creek by blood." Please elaborate on the meaning of this statement and how it impacts citizenship, either of Freedmen descendants or its existing members?

Answer. As is the case with the United States, it is the inherent right of sovereign tribal nations to determine their own citizenship qualifications. In 1979 the Muscogee (Creek) Nation ratified our current constitution "to promote Unity, to establish Justice, and secure to ourselves and our children the blessings of Freedom, to preserve our basic Rights and Heritage, to strengthen and preserve self and local Government, in continued relations with the United States of America"

Approved by the U. S. Department of Interior, our constitution sets forth terms of eligibility for citizenship that include minimum blood quantum criteria along with other lineage requirements and associated standards of proof. However, our constitution does not require individuals to be exclusively Creek Indians. As a result, our citizens now represent a widely diverse range of backgrounds. We have Muscogee (Creek) citizens who are also White, Black, Hispanic, and Asian among many others. But whatever else we are, we are all Creek Indians by blood. Our constitution does not provide any exception to this requirement.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO HON. LEWIS J. JOHNSON AND HON. BRIAN T. PALMER

Question 1. What is the current membership and benefit status of Freedmen under your Tribal law? Can you estimate, or give a percentage, of the overall population of the Seminole Nation if Seminole Freedmen were to obtain full citizenship status?

Answer. By way of clarification, Freedmen are persons of African descent and Seminole citizens who do not have Indian ancestry. [1] The words "citizens" and "members" have been used interchangeably by the Federal government throughout history. It is not our intention to distinguish between the two for purposes of this response. Each answer below will reflect that clarification.

The total enrollment of Freedmen of the Seminole ation of Oklahoma is 2,673. The Seminole Nation of Oklahoma ("Nation") is not notified of the passing of Freedmen enrollees, so this number represents current and historical information. Seminole Freedmen receive the same benefits under Tribal law as Tribal Member enrollees do under Tribal Law. The disparity in the treatment of the two groups exists at the Federal and State levels (see below, e.g., CDIB, Dawes Roll, and State Fuel Compact).

Total Enrollment:

(i) Total Seminole Tribal Members enrolled as of August 31, 2022: 19,361 (living)

(ii) Total Freedman Citizens enrolled as of August 31, 2022: 2,673 (living and deceased)

(iii) Of the known living enrolled individuals, Freedmen make up approximately 12 percent of Seminole ation Enrollment. [2] Seminole Freedmen are given full citizenship status as more fully described in the response to Question 3 below.

Question 2. You testified about the requirements for individuals to receive federal benefits as a Tribal citizen. In your view, what is the difference between a Certificate of Indian Blood (CDIB) and a Tribal ID Card? Are the Seminole Freedmen eligible for CDIB cards to your knowledge: And, as "members," do the Seminole Freedmen have Tribal ID cards? If not, do they have another form of Tribal ID?

Answer. By way of clarification, Freedmen are persons of African descent and Seminole citizens who do not have Indian ancestry. The words "citizens" and "members" have been used interchangeably by the Federal government throughout history. It is not our intention to distinguish between the two for purposes of this response.

A Copy of a Bureau of Indian Affairs ("BIA") Certificate of Degree of Indian or Alaska ative Blood (CDIB) form is attached as Exhibit 1 to this letter. Long before the Treaty of 1866, the Federal government classified indigenous individuals ("Indians") by a percentage of Indian blood. Individuals classified as "Freedmen," by Federal government definition, do not have "Indian blood" ancestry. This Federal definition has been perpetuated from the time treaties began with indigenous populations

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[1] See, Treaty of March 21, 1866.

[2] By means of comparison, based upon information available on the website of the Cherokee Nation, Freedmen make up less than 2 percent of the population of the Cherokee Nation. When providing monetary assistance and benefits, this difference is critical.

and is still in use today.[3] The first line of the CDIB Card application requires the applicant to assess their ancestral heritage and determine Indian blood. This inquiry by the Federal government reflects that the Federal government, rather than the Tribes, requires individuals applying for a CDIB card to prove their level of Indian blood. In addition to nonrecognition of Freedmen, the Federal governrnent will not recognize those individuals whose ancestors are not on a base roll (for these purposes, the Dawes roll) or who are not members of a Federally recognized Tribe. There are also numerous State recognized tribal members who also do not qualify for CDIB cards, and therefore do not receive benefits, regardless of their ancestry and lineage.

A Tribal ID Card for the ation is issued to a Tribal Member after the CDIB card is issued. They are two separate cards, a CDIB card which allows access to Federal benefits and a Tribal ID card. There are two forms of Tribal ID cards for the Nation. The Tribal Membership card is issued after the CDIB card showing Indian ancestry is issued, and the Tribal Citizenship card is issued to Freedmen without Indian ancestry. The Freedmen Tribal Citizenship Card provides the holder with the rights of citizenship of the ation, primarily the right to vote.

The Nation does not determine the eligibility of the Seminole Freedmen to obtain CDIB cards. That determination is made by the BIA.

Question 3. You testified that Seminole Freedmen are guaranteed the "same civil rights and equal protections of the governing laws of the Seminole ation." You also testified that Seminole Freedmen are not classified as "members" for historical reasons. Can you elaborate on this distinction? What is the practical effect of having the same civil rights and equal protections of the Nation's laws, but not retaining the status of a "member?" Are there certain benefits that only "members" retain?

Answers. By way of clarification, Freedmen are persons of African descent and Seminole citizens who do not have Indian ancestry. The words "citizens" and "members" have been used interchangeably by the Federal government throughout history. It is not our intention to distinguish between the two for purposes of this response.

A concise summary of the historical distinction of the Freedmen by the Federal government is provided in the United States Court of Appeals case *Davis ex Rel. Davis v. United States*,[4] in which the Tenth Circuit ruled in favor of the ation on a question relating to benefits provided to Freedmen. A portion of that case is cited below:

> ”The Seminole Nation was formed after the European conquest of America. In addition to members of Native American ancestry, it also includes members of African ancestry, descendants of escaped slaves who began living among Native American groups in the then-foreign territory that became Florida. In 1823 the Seminole Nation's Florida lands were ceded to the United States by the Treaty of Camp Moultrie. Thereafter, most of the Seminole Nation's people, including those of African ancestry, were forcibly removed to what is now Oklahoma.
>
> After removal the Tribe entered into a treaty with the United States. . . . " That treaty, which we will refer to as the Treaty of 1866, contains the following language:
>
>> [I}nasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights, it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color who may be adopted as citizens or members of said tribe.
>
> Treaty with the Seminole Indians, Mar. 21, 1866, US-Seminole Nation of Indians, Art. fl 14 Stat. 755, 756. Notwithstanding this sweeping language, the United States itself continued to distinguish the Estelusti (now Freedmen) from tribal members of Native American ancestry.
>
> For instance, when the Dawes Commission in 1906 created official membership rolls for the Seminole Nation of Oklahoma, it created two rolls, one for those of Native American ancestry (the "Seminole Blood Roll") and one for the Estelusti (the "Freedmen Roll"). A member of mixed ancestry was classified in accordance with maternal ancestry. Today, these membership rolls, often re-

[3] See *Davis ex Rel Davis v. United States*, Treaty of Camp Moultrie, and Treaty of 1866, more fully described below.

[4] 343 F.3d 1282 (10th Cir. 2003)

ferred to as the "Dawes Rolls," are authoritative evidence of tribal membership. Any person who can show descent from a person listed on either of the two rolls is recognized as a member of the Tribe.[5]

The Tribe's members are divided among 14 bands. The two Plaintiff-bands consist entirely of descendants of those listed on the Freedmen Roll. . . . Participation in some of the Tribe's programs requires a CDIB card, "the BIA 's certification that an individual possesses a specific quantum of Indian blood." Davis I, 192 F.3d at 956.

A member of the Tribe can obtain a CDIB card by proving a specified relationship to a person listed on the Seminole Blood Roll. A person who proves the same relationship with respect to a person listed on the Seminole Freedmen Roll, however, is not entitled to a CDIB. In a letter dated October 4, 1995, the Superintendent of the Wewoka Agency of the Bureau of Indian Affairs explained this differential treatment:

> "The Certificate of Degree of Indian Blood makes or infers no mention of Tribal Membership. The policy states that my responsibility is to certify one[']s Indian blood when acceptable proof of relationship to an individual enrolled on specific rolls of particular tribes [is presented}. . . [T}here are persons listed on the Freedman roll who were part Indian. As you know, the Seminole Nation follows maternal lineage.for example, if the person's mother was [Fjreedman and the father was Indian by blood, the person was enrolled in the [F}reedman roll. This person was still part Indian and he/she and his/her descendants would be eligible to receive a [CDIB}. . . Our policy is not to deny [Freedmen CDIBs], but to state that adequate proof of relationship to a person with Indian blood has been provided by them . . . Stated simply, if a Freedman band member or anyone else applies for a [CD/BJ that cannot provide acceptable proof of relationship to a Seminole Indian by blood, they will be denied a [CDIB}."[6]

Aple. Supp.App. at I 68–69. According to Plaintiffs, many members of the Dosar Barkus and Bruner Bands of the Seminole Nation of Oklahoma have been denied CD!Bs under the BIA 's policy. Consequently, members of the Plaintiff-bands have been excluded from participation in programs for which CDIB cards are required.

343 F.3d at 1286–1287.

The distinction made by the Federal government between Freedmen and Indian ancestry is also reflected in the Act of April 26, 1906, also referred to as the Oklahoma Organic Act (the "Act"). The intention of the Act was to provide for the final disposition of the Five Civilized Tribes in Oklahoma, with statehood occurring in 1907. Section 4 of the Act shows the intention by the Federal government to differentiate between Freedmen and those of Indian ancestry and provides:

> **SEC. 4.** That no name shall be transferred from the approved freedmen, or any other approved rolls of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, to the roll of *citizens by blood*, unless the records in charge of the Commissioner to the Five Civilized Tribes show that application for enrollment as a *citizen by blood* was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law.

P.L. 51- 182, 26 Stat. 81 (emphasis added).

Later sections of the Act provide additional protections for Indians by blood, with Section 19 restricting the powers of those with Indian ancestry to alienate property. Section 20 restricts those with Indian ancestry from leasing property. Section 21 limits and controls the intestate di stribution of property of those with Indian ancestry stating that property of Indians who died intestate, without heirs, would escheat to the Tribe of the decedent. Section 22 requires the approval of the Secretary of the Interior for the transfer of land inherited by those of Indian ancestry, and Section 23 goes further requiring approval of devises by will of those of Indian descent. No such restrictions are made by the Federal government through the Act on Freed-

[5] Note that in modern times, Seminole People with Indian ancestry may be enrolled in the band or clan of their Indian ancestor, there is no matrilineal enrollment requirement.

[6] 6Again, Seminole People with Indian ancestry may be enrolled in the band or clan of their Indian ancestor, there is no matrilineal enrollment requirement.

men, regarding their property, their right to contract, their rights to devise their property, or their heirs.

As recently as the 1970s, within the memories of Seminole People still living, the Federal government drafted the Constitution of the Seminole Nation. Distinctions between those of lndian ancestry and Freedmen were made within that document. Those drafters were careful to follow the mandates of the 1866 Treaty, preserving the civil rights of all Seminole People, but a distinction was made.

The only civil rights reserved to Seminole People in the Bill of Rights of the Constitution of the Nation are:

(i) The right to belong to a Seminole Band;

(ii) The rights and privileges awarded to all citizens of the United States; and

(iii) Individual vested property rights of Seminole People.

All Seminole People are guaranteed the same civil rights and equal protections of the governing laws of the ation, including representation on the General Council of the ation. These Freedmen of the Nation have not been disenfranchised dating back the signing of the 1866 Treaty with the United States and including the right to have representation on the General Council of the ation. The practical effect of these Constitutional protections is that all Seminole People are treated the same with respect to benefits under the laws of the Nation.

This discussion would be incomplete without a summary of the broken promises of the Federal government to provide land and financial resources to the Seminole Nation. In every Treaty and Act cited in this discussion, and others, the Federal government either promised to provide additional land, stewardship of land and minerals, or financial resources to the Seminole Nation. Little of this has occurred. Even now, each time the Federal government provides support to Tribes, these decisions are based on membership numbers of Tribal populations (frequently excluding Freedmen) and not the needs of the Tribal ations. The Seminole ation finds itself in the position of being the least wealthy of the 5 Tribes, with the smallest land base, and fewest economic development opportunities. The Federal government should correct its broken promises to all Seminole People.

Additional Comments by Assistant Chief Palmer:

I appreciated the opportunity to speak on behalf of the Seminole ation before the United States Senate Committee on Indian Affairs on July 27, 2022. In particular, I valued the purpose of the hearing and the opportunity to present information for the record. The Federal government asked the Sovereigns for answers to questions concerning Freedmen. Facts applicable to each Tribal Nation's position regarding Freedmen were presented in an unbiased manner, possibly for the first time. Unfortunately, the five-minute time limit required of the Tribal representatives resulted in lopsided testimony because other non-Tribal speakers filled much more than five minutes with their testimony and the Tribal representatives were not permitted any time to respond to what were some very inflammatory statements. In an effort to provide a more balanced perspective, I am submitting this written response.

Marilyn Vann spoke at length at the Senate hearing, as well as at a hearing before the United States House of Representatives Subcommittee on Housing, Community Development, and Insurance on July 27, 2021. Unfortunately, Ms. Vann has a history of using generalizations and mischaracterizations about the Seminole Nation and the Seminole Freedmen in an attempt to sway the media and public opinion. For example, in the 2021 hearing, Ms. Vann categorized all of the Five Tribes as slave holders. In reality, the Seminole Nation did not practice "Southern Antebellum Slavery". Many runaway slaves were welcomed and protected by the Seminole. As history proves, several prominent leaders of African descent served alongside the Seminole during the Florida Seminole Wars. These individuals were viewed as warriors.

Another example is that Ms. Vann stated that the ation "recategorized the Freedmen as citizens rather than members." This is a false statement. Article II of the 1866 Treaty with The Seminole (1866 Treaty) provides that the people of African descent living among the Seminole (Seminole Freedmen) who settled there at that time were guaranteed civil rights and equal protections as the citizens of the Tribe by stating that:

> "[I]nasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights, its stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation

shall be equally binding upon all persons of whatever race or color who may be adopted as citizens or members of said tribe."

Seminole ation Treaty of 1866, Article II.

Pursuant to the Seminole Constitution, Seminole Freedmen are, and have been since 1866, Tribal citizens of the Seminole ation guaranteed the same civil rights and equal protections of the governing laws of the Seminole ation, including representation on the General Council. Seminole Freedmen are citizens of the Seminole ation but are not classified as "Members" for historical reasons. The historical distinction of Seminole Freedmen begins within the 1866 Treaty.

This distinction was further perpetuated by the Act of Congress approved March 3, 1893, establishing the Dawes Commission. The Dawes Commission categorized the Seminole Freedmen separately as it allotted lands and assets of the Seminole ation. The United States agents of the Dawes Commission kept separate rolls for Seminole Freedmen and made separate allotments for Seminole Freedmen.

Freedmen citizens receive all the civil rights of Tribal members. Tribal members receive very few "tribally funded" benefits that have fewer requirements and provisions than Federally Grant Funded programs and services. Freedmen are allowed access to several tribal programstribally funded and grant funded such as OAP, Transit, Housing, and Food Distribution. Some "tribally funded" benefits are supplemental assistance programs that are unrelated to the Treaty of 1866. Civil Rights do not equate to privilege, tribal member preference, or benefits. Still another element of Ms. Vann's testimony that should be corrected is her statement that the Nation denied the Freedman descendants the opportunity to receive a COVID vaccination. The Seminole ation does not provide oversight over Indian Health Services ("IHS"), which is a Federal agency and, at the time, IHS was only providing COVID vaccines in accordance with CDC guidelines and its internal policies. In addition, during the first three months of vaccine availability, there was limited supply and vaccine distribution and storage requirements were factors that shaped distribution decisions. Later, as CDC recommendations changed with the vaccine, any person was allowed to receive the vaccination at the Wewoka his location.

The timeline for COVID vaccine distribution at the Wewoka IHS location was as follows:

- January 4, 2021—beneficiaries 65 and older with an active chart were eligible.
- January 22, 2021—beneficiaries 18 and older with an active chart and underlying health conditions, first responders, teachers, and Seminole Nation employees with an active chart were eligible.
- February 18, 2021—non-beneficiary spouses, caregivers, and household members of beneficiaries were eligible.
- March 1, 2021—anyone over the age of 18 was eligible for vaccine.

It was not until October 5, 2021 that IHS updated on its position as to the eligibility of the Seminole Freedmen to receive health services from IHS or by a Tribal Health Program or an Urban Indian Organization. !HS reviewed the eligibility status of the Seminole Freedmen in accordance with its eligibility requirements and determined that the Seminole Freedmen are eligible for health care services.

It is critical to note that as demonstrated by the timeline above, Seminole Freedmen were provided the opportunity to receive the COVID–19 vaccine on March 1, 2021, which was 7 months before they were identified as eligible beneficiaries by IHS on October 5, 2021.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO MARILYN VANN

Question 1. Given that Congress's authority related to Tribal membership is limited by federal Indian law and the language of the 1866 treaties, what can be done at the federal level to facilitate reconciliation between Freedmen descendants and the Five Tribes?

Answer. The US government must enforce the treaty rights of the freedmen and freedmen descendants for there to be reconciliation of the parties. At the present time, the leadership of the tribes except for the Cherokee nation and the freedmen descendants are on opposite ends of freedmen descendants rights in areas such as citizenship and or tribal annuities and tribal programs. Furthermore, the leadership of those nations oppose the United States intervening to enforce the treaty when it comes to freedmen rights while wanting US enforcement of other provisions of the treaties such as recognition of the reservations as per the Supreme Court case *McGirt V Oklahoma*. They appear to wish for the freedmen descendants to walk

away from their legal rights which both the tribes and the US government have promised them. That is not acceptable to the freedmen descendants any more than tribal leaders have been willing to accept the United States mismanagement of tribal funds. (*Osage tribe of Indians of Oklahoma Vs United States* 75 Fed Ct Claims 462).

Much of the opposition to freedmen descendants is rooted in anti-Blackness in which the US government must take some responsibility by setting up separate rolls for freedmen tribal members, establishing blood quantum for the purpose of determining when restrictions on allotments would end instead of allowing each tribal member to state if they wished a restricted allotment or not, allowing Oklahoma upon statehood to set up discriminatory laws against persons with any African ancestry, and the US setting up federal programs in the earlier part of the twentieth century in which eligibility was determined based on blood quantum set by the Dawes commission. Another example is in 1978 the DOI distributing judgement funds to Creeks by blood and unregistered Eastern Creeks (such as those who later became members of the now federally recognized Alabama based Poarch Band of Creek Indians who remained east of the Mississippi) but not to Creek freedmen and freedmen descendants asserting that Creek freedmen descendants ancestors were not tribal members in 1818. The Department of Interior ignored the fact that a fair number of persons on the Creek by blood sections of the rolls had ancestors who were members of other Indian tribes in 1818—many Cherokees became Creek citizens during the 1820s based on an agreement between the two nations, and that many persons later registered as Creek freedmen had a parent who was a Creek Indian listed on rolls prior to Dawes such as the 1857 Creek Old Settler roll that died before the Dawes enrollment.

Another proof of tribal anti Black attitudes is that the tribal governments have not tried to remove other tribal minorities with treaty rights—examples are Shawnees and Delaware Indians adopted into the Cherokee nation.

Descendants of Creek Indians adopted into the Cherokee nation during the 1820s with no federal treaty rights to Cherokee citizenship also have continued their Cherokee tribal membership with no opposition by tribal leadership. Euchee Indians have continued to be members of the Muscogee Creek Nation although they are not Muscogee people by ancestry. Seminole and Chickasaw tribes also continue memberships of adopted Indians (*See Lula V Powell* 64 Okla 200 regarding Caddo Indians registered on the Seminole by blood Roll without degrees of blood) who are not related to Seminole or Chickasaw Indians respectively.

I stated in my testimony submitted in July 2022, history of the Five Tribes shows that without Federal intervention either thru the courts, Federal agencies, and or laws passed by Congress, the tribal governments will not live up to their legal treaty obligations to the freedmen until the US government lives to its treaty obligations to the descendants of tribal freedmen.

History shows that when the US government enforces the law, reconciliation begins. In the Cherokee nation, for example, understanding of the freedmen treaty rights and acceptance of the freedmen and freedmen descendants as full citizens of the tribe was much greater once the US government thru the courts, federal agencies and in Congress took actions to uphold the treaties. Regarding the other tribes, until the freedmen descendants are standing in the voting line, living in tribal housing, attending lunches for tribal elders, taking positions as leaders in tribal community organizations, being recognized as tribal veterans, exercising the rights of citizens etc I foresee no reconciliation even if government officials such as Secretary of Interior Haaland and Secretary of HUD Fudge encourage the tribes to live up to treaty obligations to freedmen descendants. We of course welcome any government officials public support of the 1866 rights of the freedmen.

The legal obligations of the United States to protect the rights of the tribal freedmen is just as great as the obligations of the United States to protect the tribal leadership. It was not foreseen in 1866 that the United States would one day tum the freedmen descendants over to the whims of the tribal governments without them having any voice (or a very minimal voice) in the matter and wash its hands of the freedmen. We remind the honorable Senators that the US did not shut its eyes to the plight of black south Africans who had been denationalized by the South African apartheid government although the US had no legal obligation to assist them. The US government overrode a presidential veto to establish a trade embargo to put pressure on the apartheid government—without outside pressure, the apartheid government might exist to this day.

Tribal governments are not sovereign nations similar to Mexico and Canada but are domestic dependent nations under the protection of the US government. (See *Cherokee Nation V Georgia* US 30 US 1). The tribes are bound by the treaties that they signed—and not just on the rights of the freedmen and freedmen descendants.

For example, the Creek nation in the 1832 treaty between the Creeks and the United States (7 Stat 366) ceded all of its reservation land east of the Mississippi to obtain a reservation in what is now Eastern Oklahoma. The Muscogee Creek nation (formerly Creek nation) cannot now in 2022 claim that they continue to have a reservation consisting of the lands ceded in 1832 in Alabama.

The Five tribes' governments had the authority to cede sovereignty in matters including the freedmen and their rights and did so in the treaties. The tribes are also subject to the thirteen amendment to the US constitution pertaining to the end of slavery and badges of slavery. In 2008 in *Vann et al V Kempthorne* (07–5024), DC Appeals Court Judges Merrick Garland, David Tatel, and Thomas Griffith asserted that the Cherokee nation had treated away its right to discriminate against the freedmen. A review of testimony of former Cherokee Chief WP Ross (A Princeton Educated lawyer) in 1885 to US Senators at a Committee on Indian Affairs Field hearing clearly states the tribal position that the US government had a legal right to intervene in issues of freedmen citizenship although not in the citizenship of others. That was the understanding of tribal leaders shortly after the treaties were signed.

The US government has intervened to ensure that the freedmen and freedmen descendants received enforcement of their rights under the treaties. For example, the US Government in October 19 1888 passed an Act of Congress (25 Stat 608) to provide funds to Cherokee freedmen and other adopted citizens including Shawnees who had not received their share of a per capita payment due to actions by the tribal government. Those who received the payment pursuant to the Act of Congress were listed on the Wallace roll. Subsequent to this, the US government in 1890 passed legislation to allow the Cherokee freedmen (as well as the Delaware and Shawnee tribal members who had received Cherokee citizenship based on the 1866 treaty) to sue the Cherokee nation in the Court of Claims to receive per capita funds. The freedmen won the lawsuit and received the funds. (*Moses Whitmire, Trustee for the Cherokee freedmen V Cherokee nation and United States* 30 Ct Claims 138 (1895)). In 1867, Creek nation leaders refused to pay Creek freedmen tribal members a share of per capita payment received from the US government. In 1869, the United States government paid Creek freedmen the per capita payment which they had been denied in 1867 by the Creek nation leadership. (1869 JW Dunn roll payment). During the 20th century, the US government protected Cherokee freedmen (and their descendants) rights to tribal property in *Cherokee Nation V United States* 180 Court Claims 181 (1967) and Seminole freedmen citizenship rights in *Seminole Nation V Norton*. We repeat there has been NO Act of Congress which has terminated the legal rights of the freedmen. This Cherokee and Seminole Nations litigated this issue both in Federal cases *Cherokee Nation V Nash* and Vann and in *Seminole Nation V Norton.*

Although tribal membership and the treatment of tribal members is generally an internal tribal matter as per the Supreme Court case *Santa Clara Pueblo Vs Martinez*, this is not the case in tribes where the US and a tribe have created a citizenship for members originating from a different tribe (such as Delaware Indians adopted into Cherokee Nation), and adoption of black slave descendants whose ancestors had been enslaved under tribal law by tribal nations who fought for the confederate States, or tribal nations who have agreed to minimum blood quantum requirements as a waiver of sovereignty to gain or regain federal recognition. For example, Congress passed the 1987 Ysleta del Sur Pueblo restoration Act (Public Law 100–89) to overturn the termination of the tribal government but the bill set a Congressional required minimum blood quantum of one eighth for tribal membership. This is a case where the tribe clearly waived tribal sovereignty so far as tribal membership to reestablish a government to government relationship with the United States. Note The minimum blood quantum requirement for this tribe were removed by a subsequent Act of Congress in 2012.

We also have examples of the US government approach to violations of the thirteenth, fourteenth and fifteen amendments to the US constitution which were passed to bring basic legal rights to blacks in the southern states after the Civil War. Until the United States took actions thru the Federal Courts (*Brown V Topeka Board of Education*), through Congress (1964 Civil Rights Act, 1965 Voting rights Act, and Fair Housing Act), and Federal Agencies using their authority to minimize discrimination—such as the Treasury Department which acted to revoke tax exemptions against segregated/racial discriminatory private schools (See also *Bob Jones University V United States* 461 US 574) little change would have happened in the South so far as ending discrimination against blacks and bringing a much higher level of reconciliation between the majority and minority races than existed in the 1950s. Examples of this include the election of Governor Douglas Wilder of Virginia which is a white majority state and black Congressman Bobby Scott of Virginia in

a district in which blacks are in the minority—Virginia having been a state which some school districts closed down segregated public schools during the 1950s to avoid having integrated public schools.

We are aware that the Federal courts determined that the Chickasaw freedmen were not adopted by the Chickasaw nation. The United States must take a large share of the blame for this as they did not timely approve the adoption of the freedmen immediately after the tribal government did so in 1872; the tribe changed its mind when the US government did not act at that time. The US government can bring some equity to some of the Chickasaw freedmen descendants by passing laws to allow previously dismissed cases such as the Equity 7071 case to be tried in the Federal Courts based on the merits of the case. Congress can remove procedural impediments such as statute of limitations for descendants of black mixed Chickasaw Indians and black mixed Choctaws who were registered as freedmen to determine if they should receive the value of the allotments their ancestor did not receive (i.e. three hundred twenty acres).

We are aware that Congress is hesitant to pass laws which decrease tribal sovereignty. However, the freedmen descendants ask for enforcement of rights where the tribal governments have already waived sovereignty during the nineteen century. Also, as noted in the DC Appellate rulings in Vann V Kempthorne and Vann V Salazar, the tribal officers are not sovereign. Congress can provide disenrolled or discriminated against freedmen descendants separate funding and proving additional funding to the DOI to determine who the unregistered freedmen descendants are. The freedmen descendants merely wish Congress to enforce the agreements which have already been made. Congress has the legal authority to require the Department of Interior to file litigation on behalf of the freedmen descendants rights, if Congress does not pass such a bill, Congress has the power to block the Department of Interior from using statutes of limitations as defenses if sued by disenrolled freedmen descendants. We are aware that the DOI does not always assert this defenses—See *Tilly Hardwick V United States* 5; CV 01710. Congress also has the legal authority to pass bills allowing freedmen descendants litigants to sue a tribal government to gain clarification of these issues as was done during the nineteen century.

We are aware that enforcement of the treaties will require additional funding from the US government. We are aware that several tribes have received Federal recognition through Congress since the early 1980s including some who never had a treaty with the United States government. Several tribes are working to obtain federal recognition through Acts of Congress at the present time and if such recognition is granted, these tribes will qualify for some program funds. We ask that Congress not approve federal recognition for additional tribes until the US enforces its treaty obligations to freedmen descendants.

Question 2. You're the first Cherokee Nation citizen of Freedmen descent confirmed to a Cherokee Nation government commission. What does that mean to you? To your Association? And to other Freedmen groups who seek redress?

Answer. I was honored to be appointed as a commissioner to the Cherokee Nation Environmental Protection Commission. It gives me great satisfaction as a Cherokee Nation tribal member to serve my tribe in a professional capacity and use my education and professional experience as a team lead engineer for the betterment of my tribal nation. (I am a retired engineering team leader who worked for the federal government for thirty two years and prior to that worked in private industry for two years. Prior to that I graduated with distinction from the University of Oklahoma with a Bachelor of Science degree in engineering). The appointment has also been a way to showcase to my own tribe as well as to other tribes that there are freedmen descendants who have important skills and education including in the STEM areas. Unfortunately, too many non freedmen members of tribes believe untrue negative stereotypes about the education, skills, and leadership qualities of persons of African ancestry including freedmen descendants. To the Descendants of Freedmen of the Five Tribes Association, the appointment shows that there can be opportunities within the tribal government for persons of freedmen descendant status. Board members and members of the Descendants of Freedmen Association are pleased with the appointment and support the appointments of other qualified freedmen descendants' tribal members to tribal boards and commissions. Other freedmen groups who are working to showcase and or fight against tribal disenrollment against are supportive as they see the appointment as proof that if the US government does it part to enforce the treaties, reconciliation will proceed.

Question 3. Ms. Vann, do you believe this Committee should investigate which direct federal services and benefits require proof of Indian blood to better understand how Tribal members with Freedmen status may be affected?

Answer. I believe that there should be a formal investigation of which Federal programs and benefits require proof of Indian blood because some federal and tribal officials do believe that all federal programs and benefits require CDIB cards. However, I must state that for every program that I am aware of, there are no blood quantum requirements. The Supreme Court case Morton V Mancari (417 US 535), asserts that Indians (ie registered Indians) have a unique legal status and can be preferentially hired by the BIA without breaking laws against racial preferences in Federal employment. According to a letter former Regional Director for the Eastern Oklahoma Region, 25 CFR Part 20 Financial Assistance and Social Service Programs the definition of an Indian qualified to receive assistance from Federal Indian programs is tribal membership as of October 20 2000. Prior to that time, qualification for Indian programs required one quarter blood quantum. Furthermore, a review of Public Health Federal regulations for Indian Health Service (See CFR 42 Section 136) state that tribal members/tribal citizens, persons who have a degree of blood such as from CDIB card, unregistered minors (children, stepchildren, etc) in an Indian (ie a home where a member/citizen of a federal tribe resides), all qualify for Indian health service. A review of NAHASDA regulations 24 CFR Part 1000 also has no requirements of a CDIB card and or minimum blood quantum to access the program funds. A 2016 letter from former Assistant Secretary for Congressional Affair Ms. Erika Moritsuga asserts that the Seminole nation has been informed that no CDIB card is necessary for Seminole nation registered freedmen to receive NAHASDA funded services. The tribe has continued to discriminate against the freedmen by reclassifying them as tribal "citizens" rather than as tribal" members" and reissued their tribal cards showing such language.

To my knowledge, the only areas in which registered freedmen can be discriminated against in the acquisition of restricted allotment land because the Amendments to the Stigler Act which expanded the eligibility to own land under restriction and retain the restrictions was expanded from five tribes descendants who have one half blood quantum or higher to persons who are descended from a person on the by blood section of the Dawes rolls whether they are tribally registered or not. For example, a half blood Cherokee who is married to a Cherokee freedmen would be able to transfer restricted allotment land to his son upon his death with the property remaining in restricted status but not to his wife without the property losing its restricted status. This of course could easily be changed by allowing transfer of the restricted property to a descendant of any Dawes enrollee.

The other area in which freedmen are being discriminated against which state courts have determined to be legal is in the area of criminal justice. This has mainly came to play after the Supreme Court case *McGirt V Oklahoma* decision and subsequent state of Oklahoma cases which have determined that State of Oklahoma Judges have determined that based on the 1846 *Rogers* case (*United States V Rogers* 45 US567) in which an adopted white Cherokee who was a US citizen killed another adopted white Cherokee citizen on the reservation and the court held that US courts held jurisdiction over the matter and not tribal courts; that freedmen are not Indians for criminal justice purposes. State courts have required that a defendant claiming Indian status when a crime occurs within the five tribes' reservation provide not only proof of tribal membership but also a CDIB card. We must point out that the freedmen members of the tribes did not have US citizenship until the twentieth century just as all members of the tribe except for adopted white citizens. We also point out that an Act of Congress can be passed to clarify that all members/citizens defendants of the five tribes are not subject to state court jurisdiction when crimes are committed on reservations.

Question 4. Ms. Vann, you state in your testimony that this Committee can assist Tribal members with Freedmen status by requesting Congressional Research Service (CRS) reports on the status of the Freedmen. What specifically should such CRS reports investigate with respect to the descendants of Freedmen of the Five Tribes?

Answer. Creek Nation—The tribe relies on the signature on a new constitution DOI officials in 1979 as authority to remove the freedmen from the tribe. Are there DOI documents which explain why the constitution was deemed to be valid so far as overriding the treaty rights of the freedmen? I already mentioned that in twenty years, I have found no freedmen descendants who voted on the constitution, nor did any of their families who had status as Creek freedmen. What efforts did the DOI do to try to ensure that the freedmen voted on the constitution? Since no Federal court has determined that freedmen have been removed by the US government by any Act of Congress, by what process can the freedmen receive their rightful share of the funds of the Creek nation as per the treaty if the tribe does not register them as members of the tribe? Does Indian Health Service have the authority to provide medical services to Creek freedmen based on their current status or must this only come from the tribal officials designating either all or a subset of the Creek freed-

men descendants as "Indians in the tribal (in this case the Muscogee Creek) community"? How will the freedmen receive their share of funds from the American rescue plan Act? Please identify judgement funds not received by the freedmen and freedmen descendants since 1971.

Seminole Nation—As I testified before, the Seminole Nation has allowed Seminole freedmen to vote and hold office on the council but had otherwise blocked Seminole freedmen tribal members from receiving both federal and tribal services funded services until the October 2021 letter went out to all tribal leaders and Indian Health service units that Seminole freedmen qualify for the health services. HUD has informed the tribe that the Seminole freedmen qualify for the services but housing policies still block freedmen from participating in the programs. I am aware that some Senators oppose tying funding to tribal governments being in compliance with their treaty agreements however, what solutions can be found in which the freedmen will receive program funds? How will the freedmen receive their shares of tribal funding from the American rescue plan act? The tribe is fighting to receive additional judgement funds (Chief Johnson mentioned this during his testimony), what steps can Congress take to ensure that the freedmen cannot be blocked from receiving their share of the both past and future funds received by the tribe. Please identify judgement funds received by the nation since 1971 in which freedmen descendants have been blocked from receiving since 1971.

Choctaw Nation—My written witness testimony went in depth about the history of the Choctaw Nation, their demands to be paid for adopting the freedmen (which the US did pay as per the treaty of 1866), and their denationalization of the freedmen and freedmen descendants after receiving the funds of the US taxpayer for adopting them. Please investigate if the freedmen descendants are entitled to the funds plus interest. Please investigate what steps the DOI took to ensure that freedmen participated in the constitutional vote which disenrolled them (Again, I have not found one single freedmen or freedmen descendant who voted or had a family member with freedmen status who voted on the constitution which was approved by the DOI).

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO HON. MICHAEL BURRAGE

Question 1. What is the current membership and benefit status of Freedmen under Tribal law?

Answer. The Choctaw Nation Constitution, approved by the U.S. Secretary of the Interior, makes every person eligible for Choctaw Nation membership who can trace his or her lineal descendancy from a person who was placed by the United States Government on the Dawes Act roll of Choctaws, a roll created and administered by the United States Government over a century ago. Some of our members, and applicants for members, may be able to trace their lineage to African American freedmen (or to other African Americans or to Irish Americans or to German Americans, etc.), but that lineage is constitutionally irrelevant. What is legally required is a lineage connection to at least one Choctaw ancestor who appears on the Dawes Act roll of Choctaws. It should be noted that the Tribe, following its constitutional mandate related to membership, does have tribal members from different races, including African American members. All other lineage is given no legal consideration in Choctaw Nation membership determinations under our Constitution.

Question 2. Are you able to estimate, or provide a percentage, of the Seminole Nation's Freedmen membership? And would this estimate/percentage differ if they were to obtain full citizenship status?

Answer. No. We respectfully refer you to the Seminole Nation as to such matters.

If the question was intended to reference the Choctaw Nation's membership, we are likewise unable to answer. Choctaw Nation gathers and maintains no lineage records of Choctaw Nation members except insofar as it relates to documents tracing to a Choctaw ancestor who appears on the Dawes Act roll of Choctaws.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO HON. MICHAEL BURRAGE

Question. Mr. Burrage, has the Choctaw Nation of Oklahoma held any town halls or forums to discuss Freedmen citizenship since Chief Batton issued an open letter in July 2021?

Answer. Given the constraints of the COVID public health pandemic, Choctaw Nation forums have been virtual only and regularly have occurred as part of Chief

Batton's robust communication channels with Choctaw Nation members and the general public. Tribal membership questions, including those regarding "Freedmen citizenship", have gained only nominal responses.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO HON. CHUCK HOSKIN JR.

Question 1. Your 2020 Executive Order directed the Nation's executive branch to identify barriers that prevent equal access to services for Freedmen. It's been two years—what is the outcome of your order?

Answer. Since issuing the executive order there has been far more unity within our people. There is now an understanding that all Cherokee Nation citizens will be treated with respect and dignity when seeking access to government programs, services, and employment.

Our executive directors looked through our policies, regulations, and outreach materials with an eye toward ensuring equality, and from that review identified areas of concern. They then developed action plans for engaging historically excluded groups, including Cherokee citizens of Freedmen descent.

These actions have strengthened our commitment to reconciliation. But we know our work is just beginning. We need to do far more than merely acknowledge the legal principal of equality—we must seek to embrace the spirit of equality every day. So, we are working with Cherokee citizens of Freedmen descent to ensure we are truly understanding their needs and concerns.

We are hiring community liaisons. We are hiring more citizens of Freedmen descent to work in our departments. If individuals seeking employment within Cherokee Nation do not have proper credentials, our Career Services team will work with these men and women to ensure they have access to the education and training they need to put them in these roles.

True reconciliation will take time. But by committing to a mindset of acceptance and by seeking out areas where we may have fallen short, we are on the correct path.

Question 2. How has the Nation been impacted by accepting Freedmen as members? Social, economic, or community-wise?

Answer. Cherokee Nation is a better nation today than it was prior to the Nash decision. It is a stronger nation, and I'm proud of the many actions we've taken over the last five years to bring Cherokee citizens of Freedmen descent into the Cherokee Nation community.

But unity doesn't just happen overnight. For more than a century men and women of Freedmen descent had been disconnected from Cherokee Nation, and many in the Freedmen community did not have the same experiences, the same access to services, the same opportunities, the same understanding of citizenship as non-Freedmen citizens. We need to continue to bridge this gap.

Keeping our promise to citizens of Freedmen descent has impacted Cherokee Nation in many ways. Our tribe is larger—there are now about 12,000 enrolled members of Freedmen descent in Cherokee Nation. Growth brings budgetary needs—more housing, health care and mental health services, childcare, food assistance, etc.—but it also brings a wealth of possibility.

Letters Submitted for the Record

Dear Senate Committee,

As an American Indian of Mattaponi ancestry and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed at this hearing.

Thank you,

RUBEN ANDERSON

Dear Senate Committee,

As an American Indian of Mattaponi ancestry and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866

Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed at this hearing.

Thank you,

MARTIA ANDERSON

Dear Senate Committee,

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

Respectively,

CRAIG COLEMAN JR., TEACHER, BUSINESSMAN, ADVOCATE, FRIEND.

As an American Indian and concerned member of the American Indian community in Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.

JERRY SCOTT

My name is Mosezickle Pitts Ramirez a descendant of Chickasaw Freedmen. My family consists of 150 descendants of the same. We want to be heard included and counted. Many years ago prior to statehood the Chickasaw published a statement that read: FORMER SLAVES ARE LIKE DOGS THEY BARE NO SOULS. THEY SHALL IN NO WISE TAKE PART IN THE CITIZENSHIP OF OUR INDIAN HERITAGE. . .CHICKASAW NATION 1898 Ada Newspaper Indian Territory.

Greetings, to whom it may concern,

I am American Indian, Descendant of reclassified and misclassified indigenous inhabitants of Mvskoke Territory and other southern territories of south east woodlands of North America.

Matters concerning the 1866 Reconstruction Treaties directly effect my family's lineage. Any unnecessary and negative changes to said treaty will be considered not only immoral but also unlawful. As this matter is very concerning we demand that these proposed changes be stopped immediately.

MARLON COFFEE

Dear Senate Committee,

I am an American Indian with family that's on Choctaw by blood and Cherokee Freedman rolls. I'm currently not enrolled into my tribe due to being missclassified and great migration reasons. But My Freedman have no African lineage. The slaves in my family was Black Europeans not African so

If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.

They are trying to turn the American Indians into Africans. My family did not go on the trail of tears some still reside in Mississippi who have direct connection to the Dancing Rabbit treaty, Which allowed us to remain on our land in Mississippi Also as a concerned member of the American Indian Community outside of Oklahoma the treaties of 1866 should not be changed and remain in place whereas they

set a precedence for other treaties. I am concerned because of the precedent of changing the treaty of 1866. The treaty should stand and be enforced as written.

JASMINE HUMPHRIES

To whom this may concern

I'm aware of the hearing on the 1866 reconstruction that the so called natives are trying to have reconstructed for the record I am a concerned descendant of American Indian blood that's currently living outside of Oklahoma territory my family stayed behind and was reclassified. My name is Brian Henry and on behalf of me and my family we reject the 5 civilized tribes stance and don't want the treaty changed, again on the behalf of me and my blood lineages we reject what the so called 5 civilized tribes leaders are trying to do they do not speak for me and my family and our history we want what they are trying to change struck down we want the treaty to stay exactly how it is.

ANDRE

Hello, To whom it may concern,

Peace to the council, chiefs, elders etc. As I write today I pray that this letter is met with the health of the elders and the blessings of the ancestors.

I am an American Indian. I am the descendant of Muskogee language Choctaw Indians of the Ponchatoula village, displaced from Louisiana/Mississippi/Alabama to Saint Paul/Minneapolis MN by way of E St Louis Illinois and St Louis Mo.

I am writing as a concerned citizen of Indian country outside of Oklahoma regarding, The hearings on the 1866 reconstruction treaty and how it may directly affect my family, most urgently with respects to article 3 "In compliance with the desire of the United States to locate other Indians and freedmen thereon."

It is of my request that the council oppose any changes made to the treaty of 1866. Any changes to treaties leave all treaties open to being overturned. That is a danger to all Indians and indigenous peoples in Oklahoma, America and globally.

I would like the decision of Murphy to remain upheld. As all treaties must remain untouched, and respected for true sovereignty to remain in Indian country.

Sincerely,

DANIELLE CHURCHER, REGISTERED VOTER MINNESOTA 6TH DISTRICT

Hello, I am writing regarding the letter to submit. I have a few questions.

1. Both of my great grandparents and their daughter (my grandmother) are listed on the Dawes Roll. Do I submit a letter for each great grandparent or just list my grandmother?
2. My mother is deceased there are 5 of us siblings, do we each submit a letter or will one suffice and we attach the names along with our children and our grandchildren?
3. Is there an issue if we don't have the name of the slave holder?

Thank you,

JACQUELYN FREEMAN

Osiyo,

We welcome the communications for this is a key factor in our healing process;whereas the voices of my ancestors can be heard today. We truly wish that so called misclassified Negro American Indian blood,not be lost in translation to this committee.

Wdio.

Accawmacke,Eyno

DAVID STANDINGROCK WHISTLING OWL.

Dear Senate Committee,

As an American Indian Pamunkey woman, and registered voter. I am concerned about a myriad of things happening in Oklahoma. I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations have been altered to eliminate the American Indian and raise up a non existent African heritage of the "Freedmen". I have seen the treaties altered many times as the victims of "paper genocide" profess a grievance. Changing the established treaties is a dangerous precedent. The treaties should stand and be

enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. Many of the non federally recognized American Indians are not extinct, we are here and completely overlooked and erroneously called "Black and or African American". How much longer before attention, is brought to the matter of addressing, the genocide and ethnocide of American Indians from antiquity to now? As it stands there at least upwards of one hundred fifty thousand Misclassified American Indians who are put down and shut out. We wish to make our presence known and restoration and preservation of the history and culture should bring global attention to the seriousness of a "hurt people" who is hidden from the world. The changing of the treaties before our eyes is an insult beyond measure that effects ALL Misclassified American Indians

Wado!

PHOENIX MOON

To whom it may concern or Dear Senate Committee,

I am an American Indian through lineage done so by Oral History, family genealogy and government records. Linage should be in proper place in regards to making Freedmen, Africans, inside of the 5 Civilized Tribes. This could spill over all across Indian Country.

There seems to be a concerted effort to turn the misclassified American Indians into Africans. Concerned citizens of Indian Territory and those whose families didn't make the Trail of Tears are effected by the decisions made by 5 Civilized Tribes position on trying to Africanize the misclassified American Indian.

Also, as a concerned member of the American Indian Community outside of Oklahoma the treaties of 1866 should not be changed and remain in place whereas they set a precedence for other treaties.

I hope this email is greeted with acknowledgement and understanding.

JOHNATHAN LEE

I'm a concerned descendant of detribalized American Indians. I want to know why there's a meeting without the other 5 Civilized Tribes' freedmen besides the Cherokee. This treaty can't be amended without the freedmen's say so.

DAMION

In honor of our Ancestors of this Land, I come bestowing You with the highest of elevations.

This coming Wednesday, July 27, 2022, is scheduled a meeting of Congressional Senators and assigned Committee Members to discuss and review parameters involving the oversight hearing to examine select provisions of the 1866 Reconstruction Treaties between the United States and some American Indian Tribes. As an American Indian, active registered voter and tax paying American, it is my ancestral duty and bloodline rite to communicate with my elected officials and committee members about the significant impacts these meetings and potential addendums would have on my community. It is certainly understood there are many treaties which ushered in detrimental effects of removal acts, sweeping multitudes of ancestral families off their lands. Other treaties presented notions to offer a revolutionary aspect of living for Indigenous Americans, while there were other stipulations placed upon ancestral and historical practices of families; also compromising the unity within family units.

The Treaty of 1866 with the Cherokee states to establish the abolishment of slavery amongst American Indians connected to the Cherokee Tribal Nation, recognized by the United States government. Within this treaty, there are limited expansion boundaries for allotted Tribal families and their descendants, although to the contrary other members are provided amnesty towards crimes committed, allowed tribal members to be in charge of their commercial presentations with no government interference, in addition to a collective of other parameters removed or strengthened upon the verbiage of the Article. During this time, the treaty also determined structural mandates for Cherokee Governance and council requirements.

Subsequent articles also present the allowance of some tribal members to reside with selected residential spaces, as long as one is deemed civilized; in conjunction, as designated areas of tribal lands highlighted for assigned states lands.

As a descendant of Pre-colonial, first contact American Indians and having lineage to the Cherokee Nation prior to the Civil War, I have an ancestral obligation to com-

municate how imperative it is to communicate my understanding of how the amendment of this treaty, without substantial input from direct descendants must not be.

In addition, the addendum towards such significant government sanctioning treaties will alter a person structure within one's lives, also ancestral lineage practices which were impaired, halted, or able to commence by way of the Treaty of 1866.

I am seeking to have representation of diverse participants (Cherokee members, tribal family descendants, and other allies) in addition to American Indians who are directly involved in the adjusted parameters placed as a result of the present treaty or potentially impacted from amendments to such treaty.

Any and all assistance your offices and representatives will offer are highly appreciated.

Infinite Peace to You,

SELENA MURRELL

Hiti Hampuli I am Enrolled Miccosukee who is darker complexion. What the creek nation is trying to do is sacreligious to what being a native stands for, I hope the creek freedman win this case so things can change for the creek tribe.

XAVIER KLUTTZ

To Whom it May Concern,

Osiyo! In honor of our Ancestors of this Land, I'm sending you the highest of elevations.

Yesterday, Wednesday, July 27, 2022, was the scheduled meeting with the Congressional Senators and assigned Committee Members to discuss and review parameters involving the oversight hearing to examine select provisions of the 1866 Reconstruction Treaties between the United States and a select few of American Indian Tribes. Today, I felt compelled to express my thoughts, after witnessing the public hearing, live in Washington D.C. As an American Indian and tax paying American, it is my ancestral duty and bloodline rite to communicate with my elected officials and committee members about the significant impacts these meetings and potential addendums. It is certainly understood that there are many treaties which ushered in effects of detrimental effects of removal acts sweeping multitudes of ancestral families off their lands. Other treaties presented notions to offer a revolutionary aspect of living for indigenous Americans, while there were other stipulations placed upon ancestral and historical practices of families; also compromising the unity within family units.

The Treaty of 1866 with the Cherokee, states to establish the abolishment of slavery amongst American Indians connected to the Cherokee Tribal Nation, recognized by the United States government. Within this treaty, there are limited expansion boundaries for allotted Tribal families and their descendants, although to the contrary other members are provided amnesty towards crimes committed, allowed tribal members to be in charge of their commercial presentations with no government interference, in addition to a collective of other parameters removed or strengthened upon the verbiage of the Article. During this time, the treaty also determined structural mandates for Cherokee Governance and council requirements.

Subsequent articles also present the allowance of some tribal members to reside with selected residential spaces, as long as one is deemed civilized; in conjunction, as designated areas of tribal lands highlighted for assigned states lands.

As a descendant of Pre-colonial, first contact American Indians and having lineage to the Cherokee Nation prior to the Civil War, I have an ancestral obligation to communicate how imperative it is to communicate my understanding of how the amendment of this treaty, without substantial input from direct descendants must not be. After witnessing the live hearing, on Wednesday, I am quite taken aback on the amount of times the words, "Africans" were being used in comparison to the Freedoms, when in fact these words and/or titles were never used prior to. If they were are using these titles, what is going to stop them from using these same titles amongst all other American Indians labeled as Freedmen, in other other tribal nations? This is a huge issue.

In addition, the addendum towards such significant government sanctioning treaties will alter a person's structure within their lives , but also ancestral lineage practices which were impaired, halted, or able to commence by way the Treaty of 1866.

I am seeking to have representation of diverse participants (Cherokee members, tribal family descendants, and other allies) in addition to American Indians whom

are directly involved in the adjusted parameters placed as a result of the present treaty or potentially impacted from amendments to such treaty.

Any and all assistance your offices and representatives will offer are highly appreciated.

Infinite Peace to You,

N.R. "INDIGO MOON" POWELL

Dear Senate Committee,

I am an American Indian who has lineage to the Five Civilized Tribes. My paternal grandmother was born in Tulsa, Oklahoma and her great-grandfather is on the 1890 Creek Dawes Rolls, by full blood.

If they reclassify the Oklahoma freedmen as Africans, it is only a matter of time before the rest of the American Indians in North America will face paper genocide. As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties will be a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affect the rights, legal statuses, ethnic identities, lineal histories, and classifications of American Indians and tribal nations.

I am standing with solidarity in the *Sharp v. Murphy* case.

Sincerely,

NEKEISHA "INDIGO SUNFLOWER" STANFIELD

Greetings to ALCON,

I am writing as an American Indian and a concerned member of the American Indian community living outside of Oklahoma. I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek and Seminole Nations should not be changed. Changing established treaties sets a dangerous precedent. I believe the treaties should stand and be enforced as they are currently written. Furthermore, the actions and outcomes of this hearing affect the rights, legal status, ethnic identities, lineal histories, and classifications of American Indians and Tribal nations for generations to come.

Respectfully,

JAMES DONALD SR.

Greetings,

As a US Citizen and a descendent of Cherokee, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing this treaty could set a precedent for all other treaties involving American Indians recognized and unrecognized. Specifically excluding the Freedman from such discussion is troubling and problematic. Recent history show the unfair treatment of the Freedman as late as 2007 when the Cherokee Nation stripped 2,800 Freedman of their membership. This is problematic being that the 1866 Treaty between the Cherokee Nation and the U.S. Government included these freedman. This decision was overturned by a Judge in 2017 granting citizenship rights to sed freedman but shows a clear bias against Freedman from the Cherokee Nation. What is of most importance that is clearly stated in the 1866 treaty that Freedman was included and ceded land as said in article 2 of the treaty, "Shall have and enjoy all the right and privileges of native citizens, including an equal interests in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color who may be adopted as a citizen or members of said tribe." The treaties should stand and be enforced as written.

I do not like the actions being taken to modify the 1866 Treaties. I request that you do not modify the Treaties.

Sincerely,

YOLANDA WATKINS

Dear Senate Committee,

As a concerned descendent of the American Indian community and US Citizen, outside of Oklahoma, I write to affirm that the 1866 Treaties between the United

States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

Respectfully,

BIG CREEK

My name is Culani, I am an American Indian, a tribal member and descendant of the Cherokee civilized tribes living in Georgia. I am descendant of Creek Tribe and Black Foot. I implore the Senate Committee to hold the 5 Tribes accountable for the treatment of all of their citizens, especially their Freedmen Citizens according to the original stipulations of the 1866 Treaty.

I was extremely saddened to learn about the current status of the Freedmen of the 5 Tribes. They have been treated as Second Class Citizens with little to no access to the benefits provided to Non-Freedmen Citizens when in my understanding, the 1866 Treaty stipulated their full membership to the Tribes. I believe the 5 Tribes have been allowed to practice exclusion and dare I say racism towards their Freedmen Citizens when by law they agreed not to do so. This in my opinion is a breach of the Treaty.

Again I implore your careful consideration of my email, and please hold true to the original stipulations of the 1866 Treaty to not add in or allow the Tribes to continue exclusion or oppression of rightful Citizens.

Thank You,

CULANI BURKS

My name is Kristoffer Taylor, I am an American Indian, a tribal member of a non-recognized tribe and a very concerned citizen. I implore the Senate Committee to hold the 5 Tribes accountable for the treatment of all of their citizens, especially their Freedmen Citizens according to the original stipulations of the 1866 Treaty.

I was extremely saddened to learn about the current status of the Freedmen of the 5 Tribes. They have been treated as Second Class Citizens with little to no access to the benefits provided to Non-Freedmen Citizens when in my understanding, the 1866 Treaty stipulated their full membership to the Tribes. I believe the 5 Tribes have been allowed to practice exclusion and dare I say racism towards their Freedmen Citizens when by law they agreed not to do so. This in my opinion is a breach of the Treaty.

Again I implore your careful consideration of my email, and please hold true to the original stipulations of the 1866 Treaty to not add in or allow the Tribes to continue exclusion or oppression of rightful Citizens.

Thank You,

KRISTOFFER TAYLOR

My name is Cudjo, I am an American Indian, a tribal member of a non-recognized tribe and a very concerned citizen. I implore the Senate Committee to hold the 5 Tribes accountable for the treatment of all of their citizens, especially their Freedmen Citizens according to the original stipulations of the 1866 Treaty.

I was extremely saddened to learn about the current status of the Freedmen of the 5 Tribes. They have been treated as Second Class Citizens with little to no access to the benefits provided to Non-Freedmen Citizens when in my understanding, the 1866 Treaty stipulated their full membership to the Tribes. I believe the 5 Tribes have been allowed to practice exclusion and dare I say racism towards their Freedmen Citizens when by law they agreed not to do so. This in my opinion is a breach of the Treaty.

Again I implore your careful consideration of my email, and please hold true to the original stipulations of the 1866 Treaty to not add in or allow the Tribes to continue exclusion or oppression of rightful Citizens.

Thank You,

CUDJO

Dear Senate Committee Persons,

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Unfortunately, this is a reminder of what I was told by my ancestors now gone and still living. The gross basis against the freemen. For which, is not a surprise to those record keepers but a secret to the story of this nation those who had to walk away from their heritage, land, and language and others standing in solidarity with them by "disenrolling" the family. Only because the entire shades of family excluded. I come from both of these families.

Growing up it was frustrating, knowing I'm Indian but people saying I'm black but also saying "You must got Indian in your family" but could never "prove it" outside of oral history (pre Internet.) That frustration grew when I began the work to return back to the tribe as an adult with the help of a cousin. Only to be reminded about blood quantum bc my family had not been enrolled since the birth of Daddy George Crabtree, Muskov Creek. Reason being Mom Ezzie Edwards-Crabtree was Cherokee freeman. Thus making us freemen. 23 years of long haul work I had to do, record changes and convincing of my grandmother, who did not want to enroll bc of the identification of African lineage attachment to freeman, to enroll so the remaining of us could.

As of now I'm not on roll bc of the same reason despite now my mother and siblings are.

Until recently the tribe made a strong campaign effort "bring family home" and providing the opportunity lost but given to future generations and generations who have been able to remain attached to the tribes. And that is about to change again.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

Respectively,

VALEDA FINNEY-STEWART, SHAI'S FARM LLC

As an American Indian and concerned member of the American Indian community in Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.

ASHLEY ALLEN

To whom it may concern,

As a concerned citizen of the American Indian community living outside of Indian country in Oklahoma I would like to submit my grievances in regards to the meeting being conducted today in the Senate hearing. I am completely against any updates being sought to be made. The real question is what are the motives behind the desire to modify said treaty? And further more why weren't the Freedmen invited to the conversation when they are the ones who's position is at stake in this conversation? Furthermore why are the said tribes attempting to make all the origins of brown skinned people of this country to be from Africa? That's clearly misclassification and ethnocide. Again I would like to state for the record that I am against any updates to the 1866 treaty, and am stating that it should left as is and enforced in its current state.

Thank you for your time.

Sincerely,

BRANDON REDD WOOLF DESHAUN

Dear Senate Committee,

As an American Indian of Cherokee, Quapaw Choctaw lineage, and registered voter. I am concerned about a myriad of things happening in Oklahoma. I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations have been altered to eliminate the American Indian and raise up a non existent African heritage of the "Freedmen".

I have seen the treaties altered many times as the victims of "paper genocide" profess a grievance. Changing the established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. Many of the non federally recognized American Indians are not extinct, we are here and completely overlooked and erroneously called "Black and or African American". How much longer before attention, is brought to the matter of addressing, the genocide and ethnocide of American Indians from antiquity to now? As it stands there at least upwards of one hundred fifty thousand Misclassified American Indians who are put down and shut out. We wish to make our presence known and restoration and preservation of the history and culture should bring global attention to the seriousness of a "hurt people" who are hidden from the world. The changing of the treaties before our eyes is an insult beyond measure that effects ALL Misclassified American Indians.

JIMMY DESHON GULLEY, QUALLS FAMILY

As an American Indian and concerned member of the American Indian community in Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.

KARLA DUNN

I am an Urban American Indian and I am opposed to any changes to the 1866 treaty or any other American Indian treaty. I am an American Indian and stop trying to Africanize the true American Indian.

LLOYD CARTY

As an American Indian and concerned member of the American Indian community in Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.

MICHAEL JACKSON, MBA

Dear Representative/Senator/Senate Committee,

My name is Nikki, I am an American Indian Citizen who lives outside of Oklahoma.

I am highly devastated to hear that the 5 civilized tribes are trying to change the 1866 Treaty.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

Sincerely,

N.M.STANFIELD

Good morning,

I'm an American Indian and I object to any changes being made to the 1866 Treaty.

TPTV TOO LIVE

I am a descendant of Alabama Creek Indians. Changing the 1866 Treaty would be detrimental to our people.

TREVOR

Good Evening,

I hope all is well. I'm writing to express my sincere concerns over the 1866 reconstruction of the treaties. There are many American Indians that were misclassified and reclassified that have indigenous ancestry. I'm personally a descendant of the 5 civilized tribes by blood and a freedmen on another line in my family. The 1866 treaty should be held in tact without any modifications. There are many people who are experiencing an issue even enrolling in the tribes by blood and only the Cherokee are recognizing the freedmen. If the treaty is modified in any way this will further disenfranchise people from being recognized and enrolled in the tribes. We understand the history in this country and the freedmen were included in those treaties for a reason. Please leave the treaties in place as is.

Thank you,

D. SMITH, CONCERNED CITIZEN, VOTER AND TAX PAYER

Dear Senate Indian Affairs Committee Members,

Estonko! (Hello) You are receiving this formal request to vote to uphold the 1866 Treaty that the United States made with the Seminole Nation of Oklahoma and the descendants of the Estelusti Seminole Freedmen.

It is my strong recommendation that you plan to vote to enforce delivery of services, full benefits and clarify the definition of membership versus citizenship for the Seminole Nation of Oklahoma. We have repeatedly asked for an attorney general's opinion regarding their request to disburse funds to members by blood and not members by the body, which are considered freedmen members. Which has been ruled unconstitutional by the Crow and Dunlevy legal response to the Seminole Nation from 2015. The following is an expert from the 1866 Treaty.

"ARTICLE 2. The Seminole Nation covenant that henceforth in said nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime, whereof the offending party shall first have been duly convicted in accordance with law, applicable to all the members of said nation. And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color, who may be adopted as citizens or members of said tribe".

This is not an isolated incident, there are many concerns regarding the behavior of our past and current tribal chiefs and council members for many years. This is gross neglect of duty and misconduct reflecting on the dignity and integrity of the Tribal Chiefs, Band Chief Leaders and General Council members who continuously vote to exclude freemen from all benefits while violating our own Seminole National Constitution regarding membership.

We want to give an update on the status of freedman in the Seminole Nation of Oklahoma. The freedmen were given federal appropriations to provide Healthcare to the members of the tribe. It was not announced until October of 2021 in spite of the benefit declared in May of 2021 by the previous tribal Chief Greg Chilcoat However, the freedman only received coverage after the federal government intervened regarding the number of deaths to COVID 19 denied Estelusti Seminole members of the tribe. What is Law without the enforcement or fulfillment?

MTVO! (Thank You)

Sincerely,

REGINALD KNIGHTON, BAND CHIEF, DOSAR BARKUS BAND, SEMINOLE NATION OF OKLAHOMA

To Whom It May Concern,

Hello and greetings in the name of Jesus Christ. I am Pastor Sterling Mitchell, Sr., the grandson of Jimmie Cudjoe who was a Black Freedman of the Seminole Nation Tribe, Dosar Barkus Band. Growing up in small rural Spencer, OK, I was intro-

duced to segregation at an early age. I am a product of the civil rights movement and sit-ins with Clara Luper. These times were emotional and still reside with me today.

My memory of segregation and the civil rights era came forward more strongly when I was denied my 100 percent tribal benefits from Seminole Nation. It is extremely heartwrenching that, in 2022, I am still experiencing discrimation and segregation. These benefits are not just a want, however they are legitimately owed to me and my family. My grandfather was a great man and I want to keep his legacy alive. I will be 70 years old on December 4, 2022, and I want to be able to enjoy these benefits with my children and grandchildren.

Sincerely,

STERLING MITCHELL, SR.

To Whom This May Concern

I would like to thank the committee or committees who are listening to our concerns and staff that's involved with the Great Lineage of the Black Seminole Nation Tribe. Also the Dosar Barkus Band.

Being from Oklahoma I was under the impression that we all (people) are under one oath and state flag to where we are to unite and have peace with all individuals.

Per these words, this is not what is going on with the Seminole Nation Tribe. These set backs have not been good experiences for my kids or myself.

I, Shawn Mitchell, am the great grandson of Jimmie Cudjoe. Who was part of the Black Seminole Nation Tribe.

When learning about this great knowledge I applied for a Seminole Nation Card and received it.

While looking at my card I saw there was a print that read 0/0 blood.

In Feb of 2022 I applied for programs that evolve the Native Affairs department.

Once I signed my kids up, I was told immediately after I showed my card your kids are denied because it says 0/0 blood.

March of 2022 I applied for a Seminole Native car tag and drove over 3 hrs to get it to find out I am denied because my card says 0/0

Thanks,

SHAWN MITCHELL, BLACK SEMINOLE NATION TRIBE

Ishtonko! Senator Schatz & Committee members,

Please allow me to introduce myself in writing as I am unable to attend this hearing in person. I am state Representative Ajay Pittman of House District 99 in Oklahoma City, Oklahoma. I have dual citizenship as a proud member of the Seminole Nation. I am a member of the Bird Clan and the Dosar Barkus Band.

I am honored to greet the United States Indian Affairs Senate Committee and submit the video of the Horrific History of Boarding Schools in Oklahoma. I am the third Seminole elected to the State legislature, Co-chair of the Oklahoma Native American Caucus, and Secretary of the National Caucus of Native American State Legislators. I also honor my former tribal chief, the late former State Representative and Senator Enoch Kelly Haney, as the first Seminole elected to the legislature. My mother, Senator Anastasia Pittman was the second Seminole elected to the state legislature serving as both a State Representative and Senator. She is an enrolled member and currently serves as an elected Seminole Nation General Council Member and band secretary.

We are bringing honor to our tribe as citizens of the Seminole Nation of Oklahoma. My family calls me Javece Mujessi—which is translated to "New Moon." I am the seventh generation Seminole in our family and I am charged with keeping the fire of knowledge burning and sharing the medicine. This is what my native great grandmother taught us as a part of our heritage. She taught us a life motto: to honor Christ and our creator, Culture, Community, and Character. Today, we are asking that you grant us full benefits to ensure that we are no longer considered members by the body with voting benefits only. Our bloodline should never be denied.

I am looking forward to preserving our heritage culture and traditions as we honor our ancestors.

Mtvo! (Thank You)

REPRESENTATIVE AJAY PITTMAN

To whom it may concern:

My name is Jordyn Daniels, I am a proud American Indian from the Dosar Barkus Band of the Seminole Nation Tribe. My great great grandfather was Jimmie Cudjoe.

I am writing to you today to express my disbelief of how differently the Indian Tribes are treated in the state of Oklahoma. I have a friend that is in another tribe in Oklahoma and have spoken with them about their benefits and treatment and I'm shocked by our vast differences. I don't understand how some benefits are granted and others are not.

As I am entering my last year of my undergraduate degree, it is unfortunate that I have been intentionally neglected benefits, such as receiving scholarships, a tribal tag for my car, housing opportunities, financial assistance and the list goes on.

As a Black Freedman, I am being denied benefits because of the color of my skin. This makes me really sad because I am a descendant of a rich culture who houses history in their bosoms. If our story were to end here, it would be disheartening that I won't be able to reap the benefits my ancestor fought for. I'm hopeful that one day I will be able to share and live this history with a family of my own.

Respectfully,

JORDYN DANIELS

Dear Senators Schatz and Murkowski,

Hello from Oklahoma City, Oklahoma. I am Jaeln Daniels and Jimmie Cudjo is my great great grandfather. I am writing to express my concern of not being able to receive equal native benefits from the Seminole Nation Tribe.

I am a 20 year old young man living in the state of Oklahoma where I am still looked upon as not equal. I feel like I have a lot of life to live and experiences to be had. I greatly want one of them to be the experience of receiving 100 percent native benefits. With these benefits, I would be able to advance my education and entrepreneurial endeavors.

I see my grandfather and mother working hard to ensure our family history is not lost. I want to do my part in helping to make sure the Black Freedman are recognized as equals within the Seminole Tribe. With your help, I am confident our efforts will not be in vain.

Thank you for your time and I look forward to hearing from you.

Yours truly,

JAELN DANIELS

Dear Senate Committee,

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

AMIR FINNEY

I, Dr. Monique Y. Tate, officially known as Principal Chieftess Sahani Ugidahli (Blue Feather), and the Grand Council of Coosa Nation of North America (USA) living natural beings brings this Affidavit in support of a Criminal Complaint against Ashley Fry et al., Named and Unnamed agents of the United States, the State, and Local Political Divisionsfor the continuum of GENOCIDE and conspiracy to commit fraud against Aboriginal Indigenous Americans known since antiquity as Negros da Terra in the Americas.

DR. MONIQUE Y. TATE

Greetings,

As a member of the American Indian community outside of Oklahoma and as a descendent of Cherokee, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should

not be changed. Changing this treaty could set a precedent for all other treaties involving American Indians recognized and unrecognized. Specifically excluding the Freedman from such discussion is troubling and problematic. Recent history show the unfair treatment of the Freedman as late as 2007 when the Cherokee Nation stripped 2,800 Freedman of their membership. This is problematic being that the 1866 Treaty between the Cherokee Nation and the U.S. Government included these freedman. This decision was overturned by a Judge in 2017 granting citizenship rights to sed freedman but shows a clear bias against Freedman from the Cherokee Nation. What is of most importance that is clearly stated in the 1866 treaty that Freedman was included and ceded land as said in article 2 of the treaty, "Shall have and enjoy all the right and privileges of native citizens, including an equal interests in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color who may be adopted as a citizen or members of said tribe."

I expect that these select provisions being disused would not effect those clearly stated in such treaty by further excluding or omitting such parties such as Freedman to the legal precedent set by the Treaty of 1866. I am concerned with pattern of exclusion of the freedman from the Oklahoma tribes. The treaty should stand and be enforced as written. I appreciate all time and concern with this matter and am optimistic for the plight of the American Indian.

Sincerely,

JOEL MARTIN

Dear Senators:

My name is Charlesetta Jennings. I am a descendant of Isaac Gardner, who was a Choctaw Freedmen whose name is on the Dawes Roll, (Card number 821, Roll number 1793), the roll that the Choctaw Nation uses for citizenship but excludes those ofus whose ancestors were on the Freedman pages of that roll.

I am writing to bring to your attention that today we are denied citizen simply because our direct ancestors on the Dawes Roll were slaves. We are being forced to wear the badge of slavery which is a signal to the tribal enrollment office to exclude Freedmen.

My ancestor was a slave of Polly Le Flore from the Choctaw Nation. Like others, my ancestors arrived in the Territory with the tribe, toiled in bondage under them, and remained in the Territory after freedom came because it was the land that they knew as their home.

In the Choctaw Nation our ancestors were excluded from education for years after the treaty was signed in 1866, and were limited in the right to gather after freedom and our ancestors lived oppressed for decades.

After statehood, we were then classified together with southern black families that migrated to Oklahoma, and we have been forgotten as part of the Oklahoma landscape.

Our identity is still that of being of Choctaw Nation descent and we continually see our white colleagues who will tell us that they are Choctaw tribal citizens and they have Indian rights. Yet, we also have multiple levels of documentation and our family is on the same Roll that provides our tie to the same nation. But, because we are of African descent we are rejected when applications are submitted for enrollment.

We ask that you assist us with righting this wrong and that you no longer force us to pay through our own tax dollars for our own alienation from a nation that we have never violated. It is the nation that violates us.

I pray that you address the issue of citizenship for Freedmen descendants or consider withholding federal dollars from these nations that discriminate against us.

Sincerely,

CHARLESETTA JENNINGS

Iam a descendent of Peter and Lucy Mack of Meridian Oklahoma on my father side and descendent of Molly Dumas on my mothers side. Both is known to have Indian ancestors. I have not been recognized.

ANGELA L SAMPSON

I, Ron Graham, a Freedmen Descendant of the Muscogee (Creek) Nation (MCN) request that the United States Department of the Interior BUREAU OF INDIAN AFFAIRS (BIA) Eastern Oklahoma Regional Office conduct a fullscale investigation

on the legitimacy of the MCN constitution. The Freedmen have been discriminated of our tribal citizenship. In 1979 the MCN disenfranchised the Freedmen descendants, beginning with the MCN Constitution and later through the years from the MCN tribal referendums, approved by the MCN National Councils and Principal Chiefs. As a result of this illegal Constitution and referendums, the Freedmen descendants have lost our tribal citizenship, voting rights, medical benifits, housing services, educational programs, clothing benifits, federally funded programs and our identity.

Also, in 1979 the U.S. Department of the Interior BIA approved the MCN constitution. This approval was signed by Sidney L. Mills, Acting Deputy Commissioner of Indian Affairs. Mr. Mills stated, "That nothing in this approval shall be construed as authorizing any action under the constitution that would be contrary to Federal Law." The Muscogee (Creek) Nation Constitution is contrary to Federal law and definitely violates the MCN 1866 Treaty Article II and the U.S. Constitution Article VI Clause 2 which was ratifed on June 21, 1788 and it reads as follows:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in evecy State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstand.

The "by blood" or "Indian blood" language listed within the MCN Constitution and any laws which flows from that language is illegal and contrary to Federal Law. Also, the "by blood" or "Indian blood" language found within the MCN constitution is obsolete and unacceptable to the ideal of life and liberty. These words insult and degrade the descendants of Freedmen much like the Jim Crow laws found lingering on the books in Southern states some many years after the passage of the 1964 Civil Rights Act. The 'by blood' or 'Indian blood' phrase is a relic of a painful, ugly and a racial past. These words have absolutely no place in the MCN constitution, neither in present day nor in its future.

Also, the blood quantum was originally used by the Dawes commission and was only to be used for land allotment purposes and not to disenfranchise the descendants of Freedmen. This is a violation of our civil rights and a badge of slavery. In 1947 the Stigler Act was passed, although it was amended in 2018, H.R. 2606, eliminating the blood quantum minimum for tribal citizens, of their land that is in trust. The MCN constitution and referendums making the Freedmen descendants ineligible for tribal citizenship, violates Article II of the MCN 1866 Treaty, making the MCN constitution unenforceable. The MCN is not honoring Article II of the 1866 Treaty.

The MCN shall continue to define itself as it sees fit but essentially do so equally and evenhandedly with the regards of the MCN dsecendants of Freedmen. In 2020 the U.S. Supreme Court ruled on the *McGirt* case that the MCN reservation is still intact, based on the fact that the MCN 1866 Treaty is still in full effect and has never been abrogated.

The MCN Freedmen citizenship is exclusively based on the MCN 1866 Treaty Article II, which was concluded on June 14, 1866 ratified July 23, 1866 and proclaimed August 11, 1866 in accordance with applicable Federal Law. And it reads:

> MUSCOGEE (CREEK) NATION 1866 TREATY ARTICLE 2.
>
> The Creeks hereby covenant and agree that hencerorth neither slavery nor involuntary servitude. otherwise than in the punishment of crimes. whereof the parties shall have been duly convicted In accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and Inasmuch as there are among the Creeks many persons of African descent. who have no Interest in the soil, It ls stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing In said country, and may return within one year from the ratification or this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction or the Creek Nation as citizens shall have and enjoy all the rights and privileges of native citizens, Including an equal Interest In the soU and national runcls, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

I appreciate your time, effort and cooperation. I will expect to hear from you promptly regarding the outcome of this request. Thank you.

Respectfully submitted,

RON GRAHAM

Dear Senate Committee,

Greeting, As a concerned member of the American Indian community outside of Oklahoma , I am concerned because of the precedent of changing the treaty of 1866. As a descendents of the Choctaw tribe from my grand mother Rhoda Hayes records and full blood , I'm concerned on them changing the treaty, because it's going to effect the freedom's ,as if they history doesn't matter, which is very problematic, because that's someone history being erased . As a American Indian due to changes like this makes some American of dark completion effect lose their history and puts them in a miss classification as an African, when they have no ties to Africa, I think the treaty shouldn't be changed!

BIG RED THOMAS

Good Morning,

I wish to encourage that the 1866 Treaty be upheld to the recognising the Freedmen as First Nation. For example, Article 9 states explicitly states that Freedmen shall have all—not some, not half and not a little—of the rights of a Cherokee Native. As honourable people of the Five Tribes, it needs to be upheld out of a moral and legal obligation. This is active discrimination against Freedmen not because they are Native—which, by blood, they are—but because they are of African descent. At It's core, it is racist, and is deplorable. After the tribes came together to march for Black Lives Matter how can they still try to push fellow Native brothers and sisters out? It's morally disgraceful, not to mention the idea of this illegal violation being given any validation of any kind is simply despicable.

Do not, under any circumstances, take away the promised and legal rights of the Freedmen who are just as Indian, First Nation, Native American as anyone else. They are not second or third class citizens, and violating these rights sends the message they are.

I know the right decision will be concluded.

With regards,

TATYANA LEBA

Greetings Ladies and Gentlemen, I am Sybil Shmona Johnson,Wife of Damion Lamons Johnson and I submit this statement of facts on his behalf:

A) Damion Lamons Johnson is a Direct Blood descendant of Thomas Perryman, Benjamin Perryman,Moses Perryman,Lucy Perryman,Jacob Simmons Sr.,Laura Simmons, Ophelia Simmons,Joe Johnson Jr , Clarence Johnson Sr, in an unbroken succession. . . . furthermore:

B) Damion Lamons Johnson is of Direct Blood descendant of Bluford Miller Sr ,Jacob Simmons Sr, Laura Simmons, Ophelia Simmons, Joe Johnson Jr, Clarence Johnson Sr. . . . Ladies and Gentlemen of this honorable panel, My Husband is also direct descendant of Chief Cow Tom through unbroken succession via Cow Tom's daughter and Granddaughter Malinda CowTom and Rose Ellen Jefferson (Wife of Jacob Simmons Sr). Ladies and Gentlemen these are American Indians who have been stripped of their Native and indigenous identities unique to North America. Due to the admitted systemic racism displayed by the Dawes rolls agents my were reduced to descendants of Slaves erasing our families rich history and contributions to creating this country.

Respectfully,

S.JOHNSON ON BEHALF OF DAMION LAMONS JOHNSON.

My family has a roll number and proof of native blood. But was denied citizenship! Make this wrong right. Give us what is rightfully ours.

AUGUST 8TH, 2022

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Joel C. Burris. I am the great grandson of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty.

I am requesting that the rights of the descendants be reinstated.

Sincerely,

Clarence Burris
Jared Burris
Joel C. Burris
Joshua Burris
Roy Burris

AUGUST 8, 2022

Dear Sir/Madam of the Senate Indian Affairs Committee:

My name is Clarence C. Alexander jr. I am a "Choctaw Freedman" and a descendant of:

My great-great grandfather's name—Dave Burris; Dawes #668 (Card #338)

My great-great grandmother's name—Ruth Ann Burris; Dawes #7 43 (Carel #355)

My great grandfather's name—John Burris; Dawes #2859 (Carel #337)

My great grandmother's name—Delia Burris; Dawes #2860 (Card #337)

My grandfather's name—Duke BuITis; Dawes #2865 (Card #337)

My grandmother's name—Luella Burris; Dawes #2865 (Carel #337)

My specific Choctaw designation: Duke Burris; Dawes #286.5 (Card #337), John Burris; Dawes #2859 (Card #337) & Delia Burris; Dawes #2860 (Card #337)

I am writing to request that the Choctaw Nation and the United States of America abide by the promise made to the Descendants of the Freedman in the 1866 Treaty.

I am requesting that the rights of the descendants be reinstated.

Sincerely

CLARENCE C. ALEXANDER JR.

Dear Senators:

Choctaw Freedmen want to reclaim citizenship: We're now in the 21st century. Many decades have passed since the Choctaw Nation changed its constitution in 1983, where they no longer allow Choctaw Freedmen as citizens. The Choctaw Freedmen still face considerable discrimination in terms of social identity, not even having a seat at the table for an open dialogue and discussion. The Cherokee Nation, as a whole, has lifted itself into the 21st century and finally moved to address the heavy weight of racial injustice and favored equality for their Cherokee Freedmen and descendants. Now it's incumbent upon the Choctaw Nation, the US Senate of Indian Affairs Committee and the US Government; as well as, our Choctaw Freedmen Advocates and Supporters must all work together to see the once enslaved Choctaw Freedmen and their descendants today will be recognized as full citizens of the Choctaw Nation.

Sincerely,

BETTY WINHOLTZ

To whom it may concern!

I am writing to show that my relatives are Choctaw Freedom decent!

Roland Bulter is my grandfather.

Lucia Johnson is my grandmother(mother of Nora Butler).

Isabella Johnson was my great grandmother.

I have other documents of proof will roll numbers.

Please let me know if you have any questions or need additional information!

Thank you for your time and consideration!

IRA L. NUNLEY III

MUSCOGEE CREEK INDIAN FREEDMEN BAND

This letter is in response to the testimony of Jonodev Chaudhuri, professed "Ambassador" of the Muscogee (Creek) Nation (MCN) in the letter he submitted as testimony before the United States Senate Committee on Indian Affairs for a Hearing on the Freedmen Issue and Tribal Sovereignty, Wednesday, July 27, 2022.

We, as Freedmen Descendants, take issue with Chaudhuri and the MCN on several points. For the purposes of this letter, we will address the MCN through Chaudhuri as its Ambassador. First, while he speaks of the "imposition of colonial American life in our Nation (MCN)," he says nothing of the benefits the MCN derived from being a slaveholding nation. He implies that the enslavers in the MCN were somehow benevolent benefactors, only acting on behalf and in the interest of enslaved Africans. To imply that the act of owning another human being is anything other than a horrendous crime is highly offensive.

Chaudhuri says nothing about the financial gain obtained by the MCN from its enslavement of African people. He says nothing about the benefit to the MCN from those enslaved people's intellectual property, their physical labors, or their cultural contributions. He says nothing about the fact that these African people, despite their regulated place in society as enslaved people, rose in the MCN to become citizens, serve as interpreters, scouts, acted as band leaders, and even served in the House of Kings and the House of Warriors. He says nothing about the fact that the formerly enslaved people in the MCN enjoyed full citizenship in the nation due to generations of accrued culture, language, intermarriage, the production of offspring, and the Treaty of 1866 until Freedmen were forced out of the nation in the alleged name of "blood" and "sovereignty."

He says nothing about the fact that the MCN nation fully complied with their obligations to their Freedmen and their descendants, according to the 1866 Treaty, until 1979. He does not explain why the MCN made a stunning decision in 1979 to suddenly exclude its citizens known as Creek Freedmen. Could it have anything to do with the various judgment funds in the millions finally awarded to the MCN? It appears to be a very clear case of greed or racism. Or both. What other explanation is there after literal generations of shared lives and experiences? Mr. Chaudhuri admits himself that there are MCN citizens who support their brothers and sisters of Freedmen descendant being rightfully reinstated into the nation as citizens, but where are those citizens? Why are they never allowed to speak on behalf of the Freedmen? Why have we not heard from them?

We, as Freedmen Descendants, also take issue with the fact that at the same time Chaudhuri vilifies America for "colonialism" and her actions against Native people and people of African descent, he then himself speaks the language of a preset day oppressor when he advocates "blood-right" and bigotry against rightful citizens masked as sovereignty while simultaneously claiming the position of the oppressed. Apparently, despite their past "colonial" interference, Chaudhuri and the MCN demand that the United States Government (USG) continue abiding by its obligations under the Treaty of 1866 and provide funds and benefits to the MCN. However, Chaudhuri and the MCN paradoxically argue that the USG should not interfere when it comes to expecting the MCN to abide by its obligations under the Treaty and should allow the MCN to racially oppress its citizens, in direct contrast to the Treaty. He states, "The Freedmen issue traces its roots to injustices against both Native Americans and African Americans." He, and by default, the MCN, can only be understood to be arguing that if the United States can (historically) commit injustices against African Americans, then why can't they? In the name of "sovereignty."

Another point we, as Freedmen descendants, take issue with is the entire myth that there is any way to accurately quantify "blood quantum" with regards to the MCN or that it has anything to do with the rights of citizenship for Freedmen descendants. It is important to point out that between 1867 and 1895, the MCN created numerous rolls of its citizens. These rolls did not list a blood quantum or single out the Creeks of African descent, free Black people, or the formally enslaved African Creeks emancipated by the Creek Treaty of 1866. Blood quantum was never an issue before the Dawes Roll. Furthermore, how can they possibly make this argument without science? This alleged "Creek by blood" myth is directly tied to the same "colonial interference" that Chaudhuri repudiates in his written testimony. The same MCN citizens who are making the argument that only "blood" Creeks should be allowed citizenship are relying on "blood quantities" that were made by visual observation or by word of mouth and documented over 156 years ago by Dawes Commission employees. There is no moral or scientific basis for the MCN citizen "blood" claims.

However, that is all irrelevant to the intent of the Dawes Commission and the Treaty of 1866 that the MCN signed and is obligated to. Nor does the "blood quantum" issue have anything to do with the guarantee of citizenship for the formerly enslaved people of the MCN and their descendants as codified in the Treaty. If the MCN wishes to limit the citizenship and rights of their "by blood" citizens, who are we to stop them? Even though we do not agree. The guaranteed right to citizenship

for the Freedmen and their descendants was never intended to be dependent nor conditioned upon "blood quantum" or lack thereof.

Finally, regardless of how individual MCN citizens may or may not have felt at the time of the signing, the MCN ultimately signed the Treaty of 1866 with the United States following the Civil War. The MCN continues to benefit from that Treaty and expects that the United States Government will continue to honor its obligations delineated in the Treaty. The MCN understands that it does not have a legal leg to stand on regarding its continued violation of the Treaty, nor will it be able to withstand the increasing volume of the outcry against this injustice. The Muscogee (Creek) Nation Freedmen descendants have been fighting this injustice since the day the MCN's Constitution was signed in 1979, illegally disenrolling and disenfranchising the Freedmen citizens.

The fact that our Freedmen ancestors could thrive, persist, and overcome the ravages of slavery does not mean that their enslavement was "easy" within Native nations. They endured for us, their descendants. Our families are also among the first to inhabit Indian Territory (Oklahoma) via the Trail of Tears. They arrived after leaving their homes and families and all they knew not only as displaced people themselves but as the enslaved property of displaced people. They worked, fought, toiled, suffered, and survived alongside their Native enslavers, the new families, and bonds they created, and their fellow citizens. They contributed to those native societies and, for a long time, were accepted and participated as citizens within the MCN. They, and we as their descendants, have earned our right to exist peacefully within the MCN as much as African Americans have earned and deserve our/their place in American society. Anything less than that acknowledgment is criminal. Mr. Chaudhuri's anecdotal and sanitized personal family allegory regarding what was truly a heinous and brutal plight for enslaved African people in the MCN is irrelevant and condescending. It has nothing to do with the Treaty of 1866 or the MCN's obligations to the descendants of their formerly enslaved people. Our ancestors also have names. Our ancestors also had lives. Our ancestors also shared the same rigors of displacement, tragedy, and fear of the unknown during the removal to a new land. Our ancestors also live in our hearts and memories, and we will honor and fight for their (and our) birthright as disenfranchised citizens of the MCN.

Mvto. The members of the Muscogee Creek Indian Freedmen Band (MCIFB) and its Leadership, the proud descendants of the people known as Creek Freedmen.

First of all thank you for this opportunity, growing up as a child my mother was turned down housing we live in a four room house not indoor plumbing for many years I left home its age of 17 trying to pursue a better life started out in college but had to drop out because my son started going to college so I had to let him pursue his dreams . I am type two diabetic I have to worry about keeping insurance in order to get medication. I have a niece that passed away three weeks ago from kidney failure she was a diabetic with no insurance I could go on and on about what citizenship mean to me and my family, we have school loans that we can't pay, I haven't worked in 4 years, I had to retire because I could no longer do my job, it hard living on a fixed income, I live with my sister for the last 3 years, thank you for your time.

CAROLYN CHILDS

To whomever this may concern.

I'm the Great-Great-Great Granddaughter of Sidney Fisher I'm sending this letter on behalf of my family.

My great great grandfather (Alexander Fisher) Lawyer (Albert J. Lee) sent a letter in 1906 stating that he is Choctaw.

Also, documents were sent to the Department of Interior in 1902 Stating Alexander is citizen by birth of the Choctaw Nation.

How did the Dawes Commission state they didn't have "in their possession" a record of Sidney Fisher "recognized as a citizen by blood in Choctaw, but documents have been presented to say otherwise like the book below?

Also, if you read the who was who among the southern Indians Genealogical notebook 1698–1907 you will also find Sidney Fisher on page 233. (Don Martini)

My family walked the trail tears right along with their Native Brothers and Sisters.

We have sent birth certificates, death certificates and all documentation we can find, to Choctaw Nation, and continue to get the run around.

All we want is our Choctaw rights to pass along to our future.

Not one Fisher has ever requested for them to lose their family lineage which is Choctaw by blood.

I am requesting my Choctaw blood line to be re-instated because it should have never been removed.

WE ARE CHOCTAW BY BLOOD NOT A FREEDMAN!

Thank you,

LANEESHA PARKER

Greetings, my Name is Maku Hajur Nisur , Translated in English as "Chief RockEagle". I am the sitting Chief of the Yamasee Nation of The Great "Altamaha "Bloodline from the M'un Clan. I am a direct descendant of Ancient Chief Altamaha himself. After the documented Yamasse War in 1715 my people has been listed as extinct, when in fact we're not and have been here keep our heritage alive while being excluded from our rights as indigenous people. We have been listed as Freedmen , Negroes and slaves, due Racial prejudices. Our Tribal lands in Georgia has been divided and sold to the highest bidder without our consent. Yamasee Built the Creek nation Now called the Muskogee Nation. Article 3 of the 1866 Treaty distinguishes Yamasee From Africans in the Text in Article 2. In HR 1514 Yamasee or Jamasi are mentioned as being apart of the Confederation. However, since 1901 last time we (Yamasee) was mentioned by Congress, We're (Yamasee) not mentioned again . Where did the Yamasee people go when our last whereabouts is with the Muskogee Creek Nation? It has Been racism that has blocked Yamasee true heritage and classified us as Freedmen or Freedman. Our estate(land) has been stolen and The Yamasee has been denied Treaty rights. Therefore it should be redressed immediately and recognized as an Indian Tribe within the Confederacy of the Muskogee Creek Nation.

The Great Violation is the denationalization of indigenous people due to Color Code system imposed that is called apartheid. The right to a identity and Nationality is a Human right Enforcement of Treaties has to be done as part of restorative Justice .

Respectfully,

CHIEF ROCKEAGLE

Dear Committee members,

Please accept my testimony in support of citizenship rights of descendants of Creek Freedmen. I am a descendant of Nero Drew roll #2200 and Dick Anderson roll #2203. My grandmother Mildred Borders received a Per Capita letter from the Bureau of Indian Affairs in 1962. I attached a copy of this letter as part of the testimony in support of the 1866 Reconstruction Treaties between U.S. and Oklahoma Tribes. I pray this committee supports the 1866 U.S. Treaty rights of Creek Freedmen citizenship.

Thank you.

PAUL LITTLEJOHN JR.

Greetings,

As a concerned member of the American Indian community outside of Oklahoma , I am writing to affirm that the 1866 treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed or reconstructed.

Changing established treaties is a slippery slope and sets a dangerous precedent.

The treaties should stand and be enforced as written with no further changes in language or terms used. Some of the traits have already been reconstructed with the express purpose of removing any mention of the peoples whom the original treat specifically applied to.

The actions and outcomes of this hearing will affect the rights, legal statuses, ethnic identities, lineal histories, and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed here.

DEAN BROWN, A CONCERNED CITIZEN

As a descendant of the native American nation I have never received benefits and feel racially profile due to not receiving any benefits from any tribe. As a native American and knowing how harshly all the native American people were treated and continually to be treated I feel there's nothing but right to afford the native

American descendants to receive benefits for the undue harassment undue murder undo segregation that the native American people experience at the hands of Americans. Thank you for the opportunity God bless you.

DON R. HORTON SR.

My name is Yulonda Seamster a descendant of Chickasaw Freedmen. My family consists of 150 descendants of the same. We want to be heard included and counted.

Dear Senators:

My name is Noreen Fellows. I along with my siblings, our children, grandchildren and great grandchildren, are descendant of George Freeman #2955, Rosie Freeman #4444, and Mary Lena Freeman #44448 who were Choctaw Freedman whose names are on the Dawes Roll, the roll that the Choctaw Nation uses for citizenship but excludes those of us whose ancestors were on the Freedman pages of that roll.

I am writing to bring to your attention that today we are denied citizenship simply because our direct ancestors on the Dawes Roll were slaves. We are being forced to wear the badge of slavery which is a signal to the tribal enrollment office to exclude Freedmen.

My ancestor was a slave of Unknown from the Choctaw Nation. Like others, my ancestors arrived in the Territory with the tribe, toiled in bondage under them, and remained in the Territory after freedom came because it was the land that they knew as their home.

In the Choctaw Nation our ancestors were excluded from education for years after the treaty was signed in 1866, were limited in the right to gather after freedom and our ancestors lived oppressed for decades.

After statehood, we were then classified together with southern black families that migrated to Oklahoma, and we have been forgotten as part of the Oklahoma landscape.

Our identity is still that of being of Choctaw Nation descent and we continually seek inclusion in the nation that our grandparents and great grandparents were part of for many years.

We are rejected, and we continually see our Caucasian colleagues who will tell us that they are Choctaw tribal citizens and they have Indian rights. Yet, we, also have multiple levels of documentation and our family is on the same roll that provides our tie to the same nation. But because we are of African descent we are rejected when applications are submitted for enrollment.

We ask that you assist us with righting this wrong and that you no longer force us to pay through our own tax dollars for our own alienation from a nation that we have never violated. It is the nation that violates us.

Included with this letter are many of the descendants of George and Rosie Freeman. Please note that records at times may say Rosa Freeman, Rose Freeman, Rosie Freeman, Mary Magdalene Freeman, Mary Magdalena Freeman or Mary Lena Freeman.

I pray that you address the issue of citizenship for Freedmen descendants or consider withholding federal dollars from these nations that discriminate against us.

Sincerely,

NOREEN FELLOWS

Hi my name is Chester gooden a black Seminole Indian full blood I'm sending this to you about to discrimination that is being done against the black Seminole Nation we have all of our paperwork to prove that we're a full blooded Indians I've been always told I was an Indian not no African I am not a African American I am an Indian people have died from lack of healthcare because the Seminole Nation does not want to include us into the benefits that we are rightfully supposed to be getting even though they get paid money for us every month we don't see a dime of it they didn't want to include us in the housing they just now included us into healthcare benefits and this is stuff that we are we are entitled to if someone could please please look into these matters it's been going on too long the discrimination has been going on too long if we can prove that we are who we say we are how come we are still getting denied stop discrimination stop the discrimination.

Dear Senate Committee,

As an American Indian and child-bearer of American Indians, I am a concerned member of the American Indian community outside of Oklahoma. I am writing to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Furthering the continuance of paper genocides and removal of contributions of American Indian ancestries and cultural rights of passage passed down, creates perpetual harm to our future generations. Changing established treaties is simply a dangerous precedent The treaties should stand and therefore remain enforced as written.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. Freedmen being classified as Africans in Oklahoma is disingenuously disturbing to the American Indian community.

I ask that the committee withdraw from this attempt to rewrite history of the living ancestors of the American Indian. This attempt will set the presence and continuances of inaccuracies of the American Indian to be echoed. I speak for myself and all other American Indians when I say we are here and our children's children are as well.

TAMMIE DRAYDEN

I support the American Indian as Moorish American Moslem

DUDENEM1INC

I am of Indian Heritage and I jave not received any benefits and they are telling me I'm not eligible.

DWIGHT SAMPSON SR

Choctaw Freedmen want to reclaim citizenship: We're now in the 21st century. Many decades have passed since the Choctaw Nation changed its constitution in 1983, where they no longer allow Choctaw Freedmen as citizens. The Choctaw Freedmen still face considerable discrimination in terms of social identity, not even having a seat at the table for an open dialogue and discussion. The Cherokee Nation, as a whole, has lifted itself into the 21st century and finally moved to address the heavy weight of racial injustice and favored equality for their Cherokee Freedmen and descendants. Now it's incumbent upon the Choctaw Nation, the US Senate of Indian Affairs Committee and the US Government; as well as, our Choctaw Freedmen Advocates and Supporters must all work together to see the once enslaved Choctaw Freedmen and their descendants today will be recognized as full citizens of the Choctaw Nation. Choctaw Nation should provide Health Care, Housing & Homeownership support, Educational support, Business support, Economic Development support, other services to Choctaw Freedman and the Descendants of Black people once enslaved by ALL FIVE TRIBES. I want my Choctaw Nation citizenship reclaimed.

Sincerely,

ERICA BILLS
EVANGELA BILLS

Halito, To whomever this may concern.

I'm the Great-Great Granddaughter of Sidney Fisher I'm sending this letter on behalf of my family.

My great grandfather (Alexander Fisher) Lawyer (Albert J. Lee) sent a letter in 1906 stating that he is Choctaw.

also, documents were sent to the Department of Interior in 1902 Stating Alexander is citizen by birth of the Choctaw Nation.

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Not one Fisher has ever requested for them to lose their family lineage which is Choctaw by blood.

I am requesting my Choctaw blood line to be re-instated because it should have never been removed.

WE ARE CHOCTAW BY BLOOD NOT A FREEDMAN!

I'm doing this for my Grandma Emma Fisher.

Regards,

CARLENE CRAWLEY
ROSHAVIA CRAWLEY

My name is Freida Cudjoe Givens. I am the third generation of the Cudjoe Families. My great-grand father Witty Cudjoe at the age of 9 years came to America with his father, mother, and grandmother aboard a slave ship. Life aboard the ship was a hardship. As a result, his grandmother died. Reaching America, Witty and father and mother were sold to the Seminole Indians

In the 1800s, as the Seminoles were removed from their lands, Witty Cudjoe agree to stay with the Creek Indians as their slave to allow his son and wife to travel with the Seminoles for a chance for freedom. Witty Cudjoe was able to eventual join the Seminoles and became a brother within Seminole Nation. Witty Cudjoe married Maggie Fulbright who was the daughter of slave owner's son. Because of the harassment their twin daughter experience, he and Maggie migrated from the Carolina's, to Topeka, Kansas. Traveling with Maggie's father, who was a minister, they settled near Earlsboro, Oklahoma. During those year Witty and Maggie had a son name Darryl. When Darryl was of age, he married Willie Mae Jones and they had seven sons: Harold, Lance and Lawrence (twins), Wilburt (my father), Alvin, Freeland, and Commodore.

Lance Cudjoe, Lawrence Cudjoe, and Wilburt Cudjoe all served as counsel members on the Seminole counsel representing the Bruner Band. The Bruner Band are those descendants and extend bloodline of black Seminoles from the Black Seminole Caesar Bruner. Although the Seminole Indians were awarded access to money and benefits by the Federal Government in 1990s were they were awarded $16 Million to the Seminole Nation, those members Seminole's denied the Black Seminoles access to said monetary and other benefits awarded as "blood" Seminoles did not accept the Black Seminoles as part of the Seminole Nation, thus leading the Federal Government to place a hold on said benefits until a unified consensus could be made that both bands Bruner and Dozer Barker Bands. In 1995, more than 300 Black Seminoles converged on the Bureau of Indian Affairs offices in Wewoka to apply for their Certified Degree of Indian Blood Cards. I, along with my children, have yet to receive those cards as proof of our bloodline inheritance. It has been stated that those documents proving our bloodline were destroyed. We still have copies of the applications that we applied. We all have received membership cards that allow voting rights to counsel elections.

The Oklahoma Seminoles in 1991, received 75 percent of the $16 million plus interest which was around $92 million at that time. Black Seminole just as the Blood Seminole have faced the challenges of living decent lives. The main difference is that Black Seminoles have not been able to access such benefits as assistance in housing, clothing, food, health such as medical, prescriptions, dental, hearing, and vision. The lack of access to these programs has stifled black Seminoles to receive their equitable share of assistance for several generations, which could have benefitted many of us to obtain a better way of life and better pursue the American Dream, of such things as home ownership, advancement in education, and entrepreneurship. All we ask is inclusion which we have been denied for far too long.

Growing up, I had so many aunts and uncles (extended family types of Aunts and Uncles too), cousins and two grandmothers. Reunions, receiving cards, presents at birthdays and Christmas, and simple get togethers for Sunday dinners and holidays like Easter and Christmas were joyful times. Lots of laughter, telling stories and lots of delicious things to eat like fry bread, sofkee and chow-chow, etc. Even though my mother's philosophy for raising children was: "children should be seen and not heard" mixing with the adult relatives was a favorite past time for me. As long as I was not loud and boisterous or "chiming in," I could sit on laps and listen to grown folks' conversations and laughter.

My mother was the youngest of seven siblings, four sisters: Gladys, Dimples, Pearl and Oleta and brothers "Man Crain" and Albert. All had different personalities and for the most part, were fun to be around.

This photo is part of my vast personal collection of family photographs. It is not included in my book. From bottom left to right: Violet P. Crain—grandmother, Vivian Lowry, Gladys Sypert, Halley Floyd and husband James Floyd, Oleta Crain, Maggie Bruner, Albert Crain-Peck, me and my mother, Grace Hicks. [1]

The most serious one was Aunt Gladys. She was the oldest and the slowest. She and Uncle Carl lived in Shawnee, Oklahoma. Aunt Gladys was the only sibling who stayed near the Crain family roots in Seminole County, Oklahoma since their grandparents settled there after being displaced from Florida during the "Trail of Tears" under President Andrew Jackson. It was said that as a child, Aunt Gladys was so slow. When a storm was approaching and everyone was getting into the tornado shelter Aunt Gladys was slow getting to the shelter. It was shut locked by the ones who were in place so she had to go back to the house and get under the dining table in the house instead. In spite of moving slow, that quick thinking saved her. I would laugh to myself when she demonstrated how to get under a table and hold on to the legs in case of a tornado warning.

The first image insert above, shows my Grandmother seated in the lower left. Below is my compilation sketch I include in my soon to be published book: Finding Out: Coming to Terms with Adoption. It includes my grandmother's teaching degree from Langston University and several views I captured from vintage photos from my personal collection. The upper right group are her students she taught in a one room school house in Wewoka, Oklahoma. I was told by the the paperboy that delivered the morning paper to 401 S. Seminole In Wewoka where she stayed with one of her relatives while her children stayed at the Turkey Creek farm that she cried every morning when her driver came to pick her up and take her to the school to teach the students. He said my grandmother hated teaching. Maybe because of the poor conditions and lack of school books and supplies. Maybe because she was away from her children. Or maybe because she was paid $99 for teaching the year and all grades. As a child, she was taught in Indian missionary schools away from her family. In one of the early US Census reports, I saw that she answered for her great grandparents because neither spoke or wrote English.

Below is Caesar Bruner, My Grandmother's grandfather. The Freedman Seminole Indian Band in Oklahoma bears his name—Bruner Band. Much has been written about him, his brothers and his father, Tom Bruner. I did not know him since he passed before I was born. After moving from Brunertown, he chose land in Seminole County for his people that would provide acreage for farming and herding cattle. I have a map that depicts the location and other features of Indian Territory, IT.

Below are sketches from early activity on Turkey Creek farmland and other parts of Seminole Co. Probably 1920s or earlier because the child in the sketches is my mother—Grace Crain. The others are my Aunt Dimples, Memo, my grandmother and one of my mother's cousin.

Below is an excerpt In my book, Finding Out: Coming to Terms with Adoption. Below is my compilation sketch of Aunt Oleta. She was such an incredible woman. Growing up, I knew she was special even though she hardly spoke of all her many accomplishments—and there were many, starting with her debating team days at Douglas High school in Wewoka, Ok. More can be read about her in Women of Consequence. Below is my compilation sketch included in my book. Shown are my mother's siblings around 1950's and earlier.

In my possession are a few artifacts I mention in my book. Two are the abacus and the school bell my grandmother used when she taught in the one room schoolhouse in Wewoka. The other is a cypress wood sugar bucket that was brought from Florida during the Trail of Tears. "The bucket is an artifact of evidence I have to support that my ancestors were part of the "Trail of Tears". I have a handwritten note that has rested for decades in the sugar bucket in Mother's possession after my grandmother's passing. Now the sugar bucket is in my guardianship. The note was written by my grandmother. It reads on the envelope:

"V. Polly Alexander Crain's Note about Rachel Warren's Sugar Bucket"

The note reads:

"This is Great Grandmother's (Rachel Lincoln Warren) sugar bucket made from Cypress (Cypress) wood, bought from Florida during the Seminole Indian Removal to Indian Territory 1839–1849. To be kept in the family of Lucy's descendent, V. Polly Alexander Crain, the present owner.

Rachel Warren was the daughter of Abraham Lincoln of Tampa Bay, Florida. A Negro, who intercedes with the Indians for Gen. Jessup, U.S. Commander, persuading them to give up their rights and consent to the removal."

More references to Seminole Indian history and Seminole Freedman background are woven into my story. I don't approach my book as an historian. There are plenty

[1] Photos and sketches have been retained in the Committee files.

writers more knowledgeable than me. I include as much personal backdrop and anecdotes to create a human scale story to provide my future readers enough information to understand the events in the book. It is a collection of an adopted child's memoirs, revealing a very personal side of being a Filipino adopted by a Black Tuskegee trained airmen and a direct decendent of a Seminole Freedman Indian—my mother. I embrace my Seminole heritage with pride and it was a joy to share what I loved about my mother's heritage and family.

In my book, I do not address current issues like land steal, the disappearance of mineral rights over the generations, lack of recognition for Seminole Freedmen's presence in the Seminole Nation governance.

For more information or permission to use any portion of this submittal including the sketches that are part of my soon to be published book, please contact me.

PAULA WILSON

We the undersigned are descendants of persons designated as "Freedmen" of the Choctaw and Chickasaw Nation. Two of our members were present at the recent hearing on July 27th when tribal representatives spoke to you about issues pertaining to the descendants of Freedmen and their rights and the denial of their rights as citizens of their respective nations.

As descendants of Choctaw and Chickasaw Freedmen we wish to point out a few facts with you and to also make a request to this honorable committee. Please note the following historical indisputable facts:

- Both tribes signed the same Reconstruction treaty in April 1866 in Ft. Smith, to abolish slavery and to extend citizenship to their former slaves.
- It was a full 19 years before the Choctaw Nation complied while Freedmen suffered their fate as stateless people.
- The Chickasaw never complied with the treaty. They considered it in 1873 but it was never approved and once there was congressional oversight the tribe fought vehemently against citizenship for their former slaves.
- Chickasaw Freedmen lived for 41 years belonging to no nation, without rights, protection under the law, without education for their children and in communities of violence extended to them without punishment.
- In 1882, The Memorial of the Chickasaw Freedmen was written and sent to Congress.
- The year after Choctaw citizenship, the executive council passed a bill banning inter-marriage with anyone of the African Race, an offence punishable by "50 lashes on the bare back."
- Freedmen of these two nations remained in the only land they knew as home, living within the culture of their tribe, speaking the language of their tribe, practicing the food ways of their tribe.
- After adoption in 1885, Choctaw leaders such as Chief Green McCurtain attended a 4-day conference to court the vote of the Freedmen. This event was covered in detail in the local press at that time.
- When Choctaw Freedman citizen Henry Cutchlow ran for office in the 1890s and won a seat on the tribal council, he was prevented from taking his seat and serving.

Of Concern Today:

- Today descendants of these two nations, who live in the Oklahoma communities where these tribes are located, are prevented from receiving services extended to their neighbors.
- Freedmen Children are not permitted to take advantage of STEM educational opportunities offered to their neighbors' children.
- Freedmen children are not eligible to attend Jones Academy a private school for individuals from all other tribes who have CDIB cards. Meanwhile, Freedmen who are connected to this nation since the Indian Removal of 1830 are prevented from enrollment.
- Elder housing is not available to senior citizens who are Freedmen.
- Choctaw Homebuyer Advantage Program is not available to Freedmen in the same community.
- The LEAP program a Lease to Purchase housing program is not available to Freedmen homebuyers.

- The “37” Rental Assistance Program in the Chickasaw Nation, is not available for Freedmen in the same area, which assists low income families with rental assistance.
- The “98” Rental Program of the Chickasaw Nation is not available for Freedmen in the same area, assisting low income families to lease units in the private sector.

There are dozens more services from health services, mental health assistance and much more, that are not extended to Freedmen from these two nations, who are also in need.

Our Requests:

- We request the opportunity to share the Choctaw and the Chickasaw Freedmen story and to share our unique concerns.
- We also request the opportunity to discuss a method of determining the possible numbers of Freedmen today.
- The core group of CCFA, has a sociologist on our team who has compiled statistical data on the Freedmen, that we are willing to share with the committee. From this data, that was originally presented by the Department of the Interior in 1906 that included numbers of Freedmen from all tribes. From that data, population projections could possibly be made. We are willing to meet with you, share this data that we have, and to assist in any way in the future in learning more about the plight of Freedmen.
- Our core group also has a published author and national speaker who has studied Freedmen history and communities for over 30 years. That individual’s research may assist the committee in learning more of the similarities and differences among the Freedmen communities.
- Two members of our core committee also have direct ties to persons still based in Oklahoma Freedmen communities who can attest to the specific needs of the Freedmen living on Oklahoma soil.

Therefore, we humbly request the opportunity to meet with the Senate Committee. Two members of the CCFA core group were in attendance at the July 27th hearing, but they were among those voiceless Freedmen in the room, whose perspectives were not heard. We represent Choctaw and Chickasaw Freedmen descendants and are also willing to speak on a panel alongside Muscogee Creek and Seminole Freedmen representatives to be heard.

We pray that this egregious error of omission can be rectified by allowing representatives to share our voices of concern to with you honorable senators. We are willing to make ourselves available sometime in the near future to meet with you all.

We thank you and hope to hear from you soon.

Sincerely,

ATHENA GAITEN BUTLER
TERRY J. LIGON
JERRY H. MOORE
ANGELA Y. WALTON-RAJI
SANDRA WILLIAMS

Hello and good morning, I wanted to introduce myself, my name is Kera Carter. According to my Ancestry family tree I am Siminoe as all of my mothers fathers people are in have been. I just stumbled upon this information within the last few months however the information I am finding for people of color, Black people who are finding that they are actually native it’s discouraging. Many people of color many Black people who find out that they are actually native or have native family members on the Dawes Roles or who replaced on the dolls rose even though they had native blood it just breaks my heart. My hope in writing is that I would hope that we could have a better understanding about our history as a country in as native people. Since I just stumbled upon this information I’m trying to feverishly get as much done because my mother didn’t even know her history. My mother is one of those people who has a delayed Birth certificate. Her biological father, James sterling Whose name did not appear on the roles but who’s mother, Alice Carter, her mother Leah and every generation as far back as I could go appear on the roles. I would like to be able to have my mother reconnect to her people is there a way this can be done respectfully!? I feel it’s time for us to open the door to the true and real history and allow people to receive their land back be able to benefit from the programs that are available to them. Not to mention their families. The fact is

we are stronger together. I hope to hear back and I pray you are well. Please respond.

KERA CARTER

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Bella A. Vinson. I am the great, great, great granddaughter of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

BELLA A. VINSON

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Billy Mitchell. I am the great, great grandson of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of

America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

BILLY MITCHELL

Greetings

This email is to bring to light that many of the people called Freedmen are not the descendants of slaves as popularly reported but many are the Yamassee or Jamassi Indians.

Article 3 of the 1866 treaty distinguished them from Africans in the text in article 2. In HR 1514 the Yamassee or Jamassi are mentioned as being part of the confederation. However, since 1901 last time they were mentioned by Congress they are not mentioned again. Where did this Indian Tribe of Indigenous people go to when their last whereabouts is with the Muscogee Creek Nation.

It was and is racism that has blocked the Freedmen from their true heritage. Their estate has been stolen and they have been denied treaty rights. Therefore it should be redressed immediately and recognized as an Indian Tribe within the Confederacy of the Muscogee Creek Nation.

The great violation is the denationalization of Indigenous people due to a color code system imposed that is called apartheid. The right to an identity a nationality is a human right. Enforcement of treaties has to be done as part of restorative Justice.

Sincerely

ISA EL MAHDI

My name is Teresa Elliott.I have been doing my family history for over 30 years.I can find Indian roll numbers on both sides of my family.But I keep getting turned down.But these blonde hair and blue eyed Indians who don't have a drop of blood nor were adopted by Indians get cards.I think this is ridiculous.You should have to go by the Treaty of 1866 which Freedmen are included only Cherokee Indians are doing right by black freedmen.The system is always stacked double with blacks.When will American ever do right by Black citizens.We are human too.

Currently four out of the Five Tribes are still in illegal violation of Article 2 of the 1866 Reconstruction Treaties.

- Muscogee Creek Nation
- Choctaw Nation
- Chickasaw Nation
- Seminole Nation of Oklvhomv

Due to anti-Black racism tens of thousands of Black Indigenous (Muscogee Creek Nation) have been kicked out (dis-enrolled) of the Muscogee Creek Nation of Oklahoma.

Black Muscogee people, many of whom are the descendants of enslaved people owned by Muscogee Creek Nation, have Muscogee Creek Nation ancestry, and were a part of the Muscogee Creek Nation for generations pre-removal, were full citizens

of the Muscogee Creek Nation from the signing of of 1866 Reconstruction Treaties until 1979.

In 1979, an anti-Black faction of the Muscogee Creek Nation pushed through an illegal vote that did not permit Black Muscogee people to vote.

The result of the 1979 vote was the full disenfranchisement and exclusion of the of Black Muscogee people from the tribe.

Black Muscogee people continue to be disenfranchised from their tribal communities and are currently going through litigation to restore their rightful citizenship in the Muscogee Creek Nation and restore their Muscogee Creek kinship and cultural ties in their nation per the Treaties of 1866.

tvlse public schools, tvlse public schools Indigenous Education Department and memorial high school are complicit in systematic discrimination against dis-enrolled Black Muscogee people.

My son, Kianle Frazier is not allowed to receive services from tvlse public schools Indigenous Education Department.

My son was denied tutoring from memorial high school (2021–2022). Twanna Johnson, MS , Social Worker, refused tutoring and told me to complete tvlse public schools Indigenous Education paperwork. Twanna Johnson also referred to Indigenous people, the original stewards of Turtle Island as “Indians”.

I request an independent investigation of discrimination practices at tvlse public schools (regardless of intentional or unintentional)against disenfranchised Black Indigenous students.

I request tvlse public schools move into 21st century knowledge. The proper term is Indigenous people. The use of the word “Indian”, is rooted in anti-Indigenous racism, Indigenous erasure and seeks to not view Indigenous people in a contemporary context.

Yes, referring to Indigenous people, original to Turtle Islands as “Indians” is NOT okay.

The ONLY time non-Native Indigenous people should be using “Indians” is when using proper titles like Indian Country (that’s actually what its called) and the official names of tribes (ex: Eastern Band of Cherokee Indians).

I included the Senate Indian Affairs Committee. It’s important the committee is aware how deep systematic discrimination is resulting from the illegal violation of the Reconstruction Treaty of 1866.

Kindly acknowledge this email upon receipt.

Looking forward to hearing from you,

DYMETRICE NICOLE HALL

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Alexander J. Vinson. I am the great, great, great grandson of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of

America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

ALEXANDER J. VINSON

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Helen J. Vinson. I am the great, great, great granddaughter of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of

America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

HELEN J. VINSON

Good morning Senators:

I am a Descendant of a Choctaw Freedmen.

I’m asking that the Committee persevere in recognition of the Freedmen and their descendants.

GLENDA YOUNG

Dear Indian Senate Committee,

I am a descendant member of the Creek Freedman and my ancestors are Anderson and Drew.

J. HERRON

Dear Congressional Senate Members:

I am a lineal descendant of African and Chickasaw people enrolled as "Freedmen" on the Dawes Rolls. The Dawes Rolls, which were used as a census created by the U.S. Government and the Chickasaw nation of those living within the tribal nation as a result of chattel slavery and removal from their original homelands to Oklahoma Territory.

The Dawes process of enrollment was flawed from its inception. Instead of creating a historical list of who lived within the territory, this census became a segregated list of who was considered a By Blood Native, an Intermarried White or Freedman (slaves and their families regardless of any blood ties to the Native tribe).

My ancestors have suffered immensely from this government sanctioned injustice. In spite of this, my ancestors survived and at times thrived on their own accord, as people who have remained forgotten by the Chickasaw tribe from which they were enslaved and were also born into.

I have included a photo that has been a prized possession within my family for over a century. The photo is a compilation of individual photos which were taken the actual day of my family's enrollment by the Dawes agents in 1900. My grandfather is pictured as a young toddler of 2 years old in the top left corner of the photos below with his brothers, his mother and his grandmother. As he aged, he explained to all of us that his family traveled to the city of Ardmore from their location in Hendrix (Kemp City), Oklahoma to be enrolled for their land allotment by the Chickasaw Nation. They dressed for the occasion in their finest clothes as they headed to the big city. This day was of major importance and since they were dressed for the occasion, my great grandmother decided to capture this historical day with a family photo.

What can visually be observed in my family's photo is the obvious admixture Native American and African American combination. My family was a mixture of African and Chickasaw due to the injustices of slave miscegenation. It is not a secret anymore that women held in bondage or slave conditions are not free from the crimes of rape and other physical abuses. The Chickasaws or any of the 5 Slave Holding tribes do not discuss the horrors brought to families due to this issue. Where do these people fit into the tribe? We have their blood but also have African blood! As my grandfather told me, the day they registered they were sent to the tent of Freedmen not By Blood, although they contain the blood of both. Don't forget the old saying and rule of one drop of African blood means you are African and nothing else! My Great Grandmother, Angie Chico (Chickasaw Freedmen Roll 3956, card 1029) and over 2000 additional families tried to re-register in Equity Case 7071; Bettie Ligon et al., Plaintiffs v Douglas H. Johnston et al., Green McCurtain, et al., and James R. Garfield Secretary of the Interior.

We were never admitted as citizens and also received only 40 acres of land during the allotment versus other native by blood and intermarried whites who received 320 acres. Although some Chickasaw By Blood fathers are listed on my family's Dawes cards, the word. . .ILLEGITIMATE also appears. Who are we, Chickasaw nation? Who are we, those that are here by the injustice and horrific conditions of slavery by your people. My early family members spoke the language, ate the same foods and lived the cultural lives of both cultures. This is all they knew having lived with and among this nation.

My family as with many Freedmen families deserve to be included within the Chickasaw Nation with full citizenship and all rights afforded to this Nation.

Let me be clear, I have a college degree, and am the owner of an international consumer brand and I personally do not need the assistance of the Chickasaw Nation. My passion is for my people who are descendants of a proud family who worked and toiled this land for the betterment of your Nation and the United States. My extended family members and any further descendants we have deserve not to be disenfranchised or marginalized any longer. Please right the wrongs of the past!

Congress and Chickasaw Nation please find a way to include the PEOPLE (Freedmen and their descendants) that you have neglected for over a century.

Sincerely,

SANDRA K. WILLIAMS

Hello!

I'm on the Tribal Council of The Accawmacke Indians of Virginia. Our reservation land in Northampton County is being illegally occupied.

Northampton Parks and Reservation occupies our land and has the audacity to have built a game of disc golf directly alongside the area of land that is occupied as a burial site for our Kings. PNC Bank (along with other businesses and residences) is also occupying our land. This is sacred ground.

The Indians of Virginia are Virginian History. If it wasn't for our tribe and other Virginian tribes, this country wouldn't exist. The Accawmacke of Virginia were one of the first tribes the colonists encountered upon arrival.

We need help getting back what was stolen from us and desecrated. This is an embarrassment to America. The local news station won't cover it. How can you help us?

MISS CYPRESS

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Gene Burris, Jr. I am the great grandson of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

GENE BURRIS, JR.

Dear Committee members

Please accept my testimony to support of citizenship rights of descendants of Creek Freedom, I am a descendant of Nero Drew roll #2200 and Dick Anderson roll #2203. My grandmother Mildred Borders received a Per Capita letter from the Bureau of Indian affairs in 1962. I attached a copy of this letter as part of the testimony in support of the 1866 Reconstruction Treaties between U.S. Treaty rights of Creek Freedmen Citizenship.

Thanks you.

LESLIE JOHN MAXWELL

This letter is in regard to the Oversight Hearing on 1866 Reconstruction Treaties. I am a descendant of the Muscogee (Creek) Nation. I am a descendant of Cow Tom (aka Cow Mikko) and Harry Island. Both of their names are signed at the end of the Creek Treaty of 1866. Please make note that mikko means "chief." I am writing on the behalf of my ancestors and living relatives: Carl, Leonard, Cortez, Inger, Tammy, Weldon, Krishnia, Andrea, Franklin, etc.

The Creek Nation Treaty of 1866 was ratified July 19, 1866 and proclaimed August 11, 1866. Isn't it time for the U.S. government to honor its treaty with the Creek Nation as indicated at the time the treaty was ratified and proclaimed. Article 2 of the Creek Treaty of 1866 is the glaring evidence that justifies the African descendants of the Muscogee (Creek) Nation's quest for full citizenship rights. PLEASE SUPPORT CREEK FREEDMEN AND FREEDWOMEN RIGHTS.

Thank you very much,

ATA OMOM

Please send information about the Indian Heritage Roll. I believe my ancestors are genetically linked. My children's paternal grandmother's name was Eva Hamilton Parker. Her dad was Native American but we are not aware of the tribe. She had 7 sons. Four are still alive.

My mother Mildred Thompson McDaniel had stated that they were part Native American. She has 7 living children.

Please send the necessary information in order to be better informed on how to proceed.

Cordially

DEBORAH PARKER

Hello my name is Kenya Elaine Cooper Andrews, I am the Great-Great granddaughter of John and Delia Burris, the Great-Granddaughter of Duke and Luella Burris, the Grand-daughter of Etha Wilson. Etha Mae Wilson is the mother of my birth mother Lucille Marie Talbert, who was born in Idabel, Oklahoma.

My Grandmother is Etha Wilson, who is the biological and oldest daughter of Duke and Luella Burris. Duke Burris biological mother was Delia Burris. I am requesting to be allowed to be placed back into and registered as I am a biological descendant of a Choctaw Freemen. I remember the many times the elders would tell us of our people's, especially when we attended the many Pow-Wow's as we were growing up. How they told me not to forget my people or my heritage. My mother often told about how we are the descendant's of the Choctaw Freemen from Tom's Oklahoma/Idabel Oklahoma in a place they called the bottoms. My mother, Lucille Talbert was born in Idabel Oklahoma and said that she lived part-time with her Great-Grandmother Delia in Tom Oklahoma/the bottoms. My Great-Great Grandfather is Duke Burris, his roll#is (2865) on card#(337), my Great-Great Grandmother is Delia Burris, her roll#is (2860) on card#337

KENYA ELAINE ANDREWS.

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Bryan Vinson. I am the great grandson of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of

America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

BRYAN J. VINSON

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Dale Hardy. I am the great granddaughter of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of

America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

DALE HARDY

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Zuri M. Vinson. I am the great, great, great granddaughter of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of

America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

ZURI M. VINSON

Dear Senators:

My name is Shanda Green. I am a descendant of Isaac Gardner, who was a Choctaw Freedmen whose name is on the Dawes Roll, (Card number 821, Roll number 1793), the roll that the Choctaw Nation uses for citizenship but excludes those of us whose ancestors were on the Freedman pages of that roll.

I am writing to bring to your attention that today we are denied citizen simply because our direct ancestors on the Dawes Roll were slaves. We are being forced to wear the badge of slavery which is a signal to the tribal enrollment office to exclude Freedmen.

My ancestor was a slave of Polly Leflore from the Choctaw Nation. Like others, my ancestors arrived in the Territory with the tribe, toiled in bondage under them, and remained in the Territory after freedom came because it was the land that they knew as their home.

In the Choctaw Nation our ancestors were excluded from education for years after the treaty was signed in 1866, and were limited in the right to gather after freedom and our ancestors lived oppressed for decades.

After statehood, we were then classified together with southern black families that migrated to Oklahoma, and we have been forgotten as part of the Oklahoma landscape.

Our identity is still that of being of Choctaw Nation descent and we continually see our white colleagues who will tell us that they are Choctaw tribal citizens and they have Indian rights. Yet, we also have multiple levels of documentation and our family is on the same Roll that provides our tie to the same nation. But, because we are of African descent we are rejected when applications are submitted for enrollment.

We ask that you assist us with righting this wrong and that you no longer force us to pay through our own tax dollars for our own alienation from a nation that we have never violated. It is the nation that violates us.

I pray that you address the issue of citizenship for Freedmen descendants or consider withholding federal dollars from these nations that discriminate against us.

Sincerely,

SHANDA GREEN

Greetings,

I, Latoya Fields, the living woman and living bloodline heir of the Cherokee, Choctaw, and Muskogee. As a member of the American Indian community, I am writing to declare that changing the 1866 Treaties between the United States of America and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations would be unethical. Our forefathers agreed that the freeman were to be included in this treaty and to change that now would be morally wrong. Changing this treaty to exclude the freedman or any parties in the original treaty could set a trend for all other treaties involving American Indians recognized and unrecognized. And that will no longer be tolerated. Our ancestors included the Freedman for a reason and that reason will be honored.

Dear Senate Committee,

As an American Indian of Mattaponi ancestry and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed at this hearing.

Thank you,

LOUIS ANDERSON

Dear Senate Committee,

As an American Indian of Mattaponi ancestry and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed at this hearing.

Thank you,

Claudia Anderson

I Donetta Love Starks wish to have my family and I included in this hearing as it relates to our heritage. I feel that we should be a recipient if funds are given. Thank you!

I am of Indian heritage and I feel like I've been robbed of my inheritance because I have received nothing and they are telling me I'm not eligible

I Matthew Sampson have been cheated out of my Indian inheritance, i am a descendent of JANE ALEXANDER of the Choctaw tribe

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As an American Indian of Cherokee ancestry, I am writing you concerned about the altering of the 1866 Treaties between the Oklahoma tribes and the United States government. I do not agree with anyone changing this treaty because of the possibility that this change may affect treaties for other American Indian nations.

I also believe that the Freedmen of the Indian nations of Oklahoma should have more representation in these types of hearings and that they should not be unfairly excluded because they were included in the original treaties as full members of their respective tribes with "...all the rights and privileges of native citizens." and ".the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color." as stated in Article 2 of the 1866 Treaty of the 5 Civilized Tribes. This article is very important to the integrity of the treaty and should not be altered or removed.

This issue is important to my community and me because if the promises of the treaties are not upheld or changed it can be the undoing of many tribes in Oklahoma and throughout the United States, as well as future generations of American Indian descendants who wish to reconnect. My ancestors have experienced trauma and pain due to the changing of agreements or these agreements not being sustained.

I respectfully ask the committee not to change the current 1866 Treaty with the United States and the Tribes of Oklahoma.

Thank you,

LATASHA GIBSON

I am Irene Renee Parker Eva Hamilton Parker is my grandmother. Her son Donald Ray, is my father. Eva's father Thomas Hamilton migrated from Rutherford North Carolina to Siminole Oklahoma in 1907 . (The Seminole Indians, one of the so-called "Five Civilized Tribes," were forcibly removed to the Indian Territory (present Oklahoma) in the first half of the nineteenth century. This migration was part of the United States' general policy of Indian Removal, and it resulted from both a series of Seminole wars and several questionable treaties with the federal government.) I lost alot of my research in Harvey. Andrew Whiteside was Thomas father who in census later appeared as Andrew Hamilton. According to some of research it was easy to change your name or claim family. When the census was documented you would go to the inscriber and you would give a name and claim whomever as family if they were with you. I began seeing Hamilton instead of Whiteside in early 1900. I remember a census where Andrew claimed Hamilton as the surname but a person traveling/living with Andrew his wife and children kept his Indian name. Attached is a picture of Thomas Hamilton. He is not black and notice the Indian blankets/saddle on the horse is tribal. I hope this helps. I have quite a bit of research just have to redocument it. Please keep me in the loop. I have been attempting to gather information because everyone says we are entitled to heritage benefits but no proof which is the research.

IRENE PARKER

APPROXIMATELY SOME 500 CHILDREN WERE NOT GIVEN ALLOTMENTS. HAVINGS PARENTS THAT HAD BEEN ALLOTTED LAND AND WHO WERE JUST NOT FREEDMAN OF THE CHICKASAW AND CHOCTAW NATION.

FINE EXAMPLE COMES HARRIETT HUMDY POWERS CHICKASAW FREEDMAN,FIELD CARD 614 ROLL #2597. DESCRIMATED AGAINST BY THE CHICKASAW NATION. HER FATHER WAS EDMUND HUMDY CHICKASAW #2630 WAS THE SON OF LYDIA COLBERT PART CHICKASAW AND LYDIA'S MOTHER SELPHIA/ZELPHIA COLBERT PART CHICKASAW BY BLLOD. SELPHIA COLBERT WAS THE DAUGHTER OF THOMAS COLBERT A NOTED CHICKASAW BY BLOOD, THOMAS THE SON OF MAJOR JAMES COLBERT AND CHOCTAW SUSAN JAMES.

MY GGG GREAT GRANDMOTHER SELPHIA COLBERT CAME TO CHOCTAW TERRITORY AS A FREE WOMAN WITH HER COLBERT FAMILY.. THOMAS COLBERT HER FATHER. THE LONG HARD PLIGHT FROM MISSISSIPPI TO CHOCTAW TERRITORY MY FAMILY ENDURED.

MY FAMILIES HELP TOILED THE CHICKASAW LAND AND SERVED AS INTERPUTERS.AND FOUGHT IN THE CIVIL WAR ALSO SERVICEING THE

DAWES COMMISSION. DEVOTED TO THE NATION OF THEIR BIRTH.BUT YET THEIRS NAMES STRICKEN OUT AS IF THEY NEVER EXISTED.

RECALLING THE TREATY OF DANCING RABBIT LEVI COLBERT HAD NO FEAR OF THE AFRICAN SLAVE OR THEIR MIXED OFFSPRINGS OF THE CHICKASAW NATION WHO HAD COHABITATED WITH THEIR SLAVES.. NEVER A FEAR OF THE SLAVES. LATER CALLED FREEDMAN IN TAKING OVER THE NATION.

BUT YET NOTHING BUT BIAS AND PREJUICE AGAINST THE BLACK CHICKASAW FREEDMAN TILL THIS HOUR. THERE IS NO PROUDNESS IN BEING DENIED YOUR RIGHTS BECAUSE YOUR MOTHER WAS AN AFRICAN WOMAN AND YOUR FATHER WAS A CHICKASAW/CHOCTAW BY BLOOD.

CALVIN HUMDY CHICKASAW FREEDMAN FIELD 682 ROLL # 2940 FILED A PETITION IN BEHALF 0F EDMUND HUMDY AND AGNESS HUMDY JONES AND THEIR CHILDREN. PETITION FILED 5 MARCH 1906 ENROLLMENT BY BLOOD DENIED.

WE ARE THE CHICKASAW FREEDMAN/BY BLOOD OFFSPRINGS OF THE TREATY OF 1866 SHOULD NEVER HAVE BEEN FORGOTTEN.

SUBMITTED,

JULIA VALERIE POWERS

I Karen Burgess (Buford), am a descendant of Rosa (Rosie and George freeman child of Mary Lena Freeman, who was a Choctaw Freedman whose name is on the Dawes Roll, the roll that the Choctaw Nation uses for citizenship but excludes those of us whose ancestors were on the Freedman pages of that roll.

I am writing to bring to your attention that today we are denied citizenship simply because our direct ancestors on the Dawes Roll were slaves. We are being forces to wear the badge of slavery which is a signal to the tribal enrollment office to exclude Freedman.

My ancestor was a slave (unknown) from the Choctaw Nation. Like others, my ancestors arrived in the Territory with the tribe, toiled in bondage under them, and remained in the Territory after freedom came because it was the land that they knew as their home.

In the Choctaw Nation our ancestors were excluded from education for years after the treaty was signed in 1866, and were limited in the right to gather after freedom and our ancestors lived oppressed for decades.

After statehood, we were then classified together with southern black families that migrated to Oklahoma, and we have been forgotten as part of the Oklahoma landscape.

Our identity is still that of being of Choctaw Nation descent and continually seek inclusion in the nation that our grandparents and great grandparents were part of.

We are rejected, and we continually see our white colleagues who will tell us that they are Choctaw tribal citizens and they have Indian rights. Yet, we also have multiple levels of documentation and our family is on the same roll that proves our tie to the same nation. But because we are of African descent we are rejected when applications are submitted for enrollment.

We ask that you assist us with righting this wrong and that you no longer force us to pay through our own tax dollars for our own alienation from a nation that we have never violated. It is the nation that violates us.

KAREN BUFORD

My testimony is that I am of Indian blood however I have not received any benefit from the Indian tribes my ancestry is Choctaw Chickasaw I would love to give a live in person interview if necessary thank you for your time and attention.

KATHY SAMPSON

Hello my name is Davorien Ray, from the county of Laurens South Carolina As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. I vote against the bill and I feel as though it will effect me and my people greatly. Please and thank You.

I am doing my testimony because I am getting wrongfully done I am 100 percent Seminole Indian I have my card I have my roll number I have everything to prove it we are getting wrongfully discriminated again they are getting money for us that we do not see a dime for we have just been included into the health plan we do not get none of the housing any of it we don't see a dime of it and I have family members that have suffered for this my grandmother was a 100 percent Indian Seminole Indian full blooded and I am 100 percent full blooded and getting wrongfully discriminated against someone needs to investigate this and look into it because we deserve our money and they don't deserve a dime of it and we should be getting what is rightfully hours and they have been getting it for years and not us seeing a dime of it please investigate this matter.

LaTena Threatt

In the 27 July 2022 hearing, the question was asked. How many Freedmen descendants are there. I am just one of the numerous Freedmen descendants of former slaves of the Chickasaw Nation. Thank you.

Valerie Walker

Greetings Ladies and gentlemen I am Damion lamons Johnson and I'm direct by blood descendant of Both The Perryman Family of Creek Nation and Chief CowTom who has been designated as a freedman. Ladies and gentlemen of this honorable panel, There has been many historical fictions written about my Great x5 Grandfather and his origins and Status within the only Nation he has ever know. Cow Tom was no slave. He was a member of the Yamasse Native American Indians who were apart of the Creek confederation and members of the Tuscarora and Iroquois confederation before joining the Creek confederation. The are countless documents to support and show that My Grandfather was an American Indian NOT A SLAVE. I am seeking to right the wrong that has been done to this side of my Native Family through the systematic racism of the Dawes rolls and their agents who blatantly with a stroke of a pen turned my people into African Americans who are descendants of Slaves. Finally ladies and gentlemen I'm NOT here asking for reparations or assistance as being an American Indian. I'm asking this congressional committed to recognize that We are In fact American Indians who have been catatogrized an misidentified as Freedman. Thank you for your time. Humbly, Damion lamons Johnson.

I am an American Indian Connection

Family story Linage should be in proper place

Concerned citizens of Indians territory left behind & their issues effect me here decisions made by 5 civil tribe explain position on matters black and Africanized

2 sentences final point

Ancestors to the descendants

Diatribe concerns with the treaties

Markus Wilson

Halito, To whomever this may concern.

I'm the Great-Great Granddaughter of Sidney Fisher I'm sending this letter on behalf of my family.

My great grandfather (Alexander Fisher) Lawyer (Albert J. Lee) sent a letter in 1906 stating that he is Choctaw.

Also, documents were sent to the Department of Interior in 1902 Stating Alexander is citizen by birth of the Choctaw Nation.

How did the Dawes Commission state they didn't have "in their possession" a record of Sidney Fisher "recognized as a citizen by blood in Choctaw, but documents have been presented to say otherwise like the book below?

Also, if you read the who was who among the southern Indians Genealogical notebook 1698–1907 you will also find Sidney Fisher on page 233. (Don Martini)

My family walked the trail tears right along with their Native Brothers and Sisters.

We have sent birth certificates, death certificates and all documentation we can find, to Choctaw Nation, and continue to get the run around.

All we want is our Choctaw rights to pass along to our future.

Not one Fisher has ever requested for them to lose their family lineage which is Choctaw by blood.

I am requesting my Choctaw blood line to be re-instated because it should have never been removed.

WE ARE CHOCTAW BY BLOOD NOT A FREEDMAN!

KATRINA BILLS

I am denied benefits being a black Indian but not acknowledged by Muskogee Creek Indian Tribe counsel. I have tried many times over the years and continually told Blacks were adopted in. Please help.

BEV ELLIOTT TAYLOR

As an American Indian and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.

CRYSTAL SPAULDING

Dear Representative/Senator/Senate Committee, My name is Nakiyah Phillips. I am a direct descendant of 1866 Creek Treaty signer Cow Mikko.

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

NAKIYAH PHILLIPS

Dear Chairman Schatz and Vice Chairman Murkowski:

I am writing on behalf of the Native Village of Unalakleet to urge the U.S. Senate Committee on Indian Affairs to support and pass S. 2907—Truth and Healing Commission on Indian Boarding School Policies Act out of Committee. This legislation will create a Congressional Commission to locate and analyze the records from the over four hundred known Indian boarding schools that operated across the country. This Congressional Commission will bring together boarding school survivors, tribal representatives, along with experts in education, health, and children and families to account for the long-lasting impacts of the federal Indian boarding school policy. S. 2907 will also be an important additional measure to support the U.S. Department of the Interior's Federal Indian Boarding School Initiative.

For well over 150 years, hundreds of thousands of American Indian and Alaska Native children were taken, forced, or coerced to attend federal government supported Indian boarding schools away from their families, communities, and Tribal Nations. These schools were part of a policy of cultural assimilation and genocide, the disposition of tribal lands, and produced long-lasting impacts including the loss of Native languages and cultures. Many children that were taken from their families and Trial Nations died at the boarding schools. These children were never returned home to their loved ones and often their families were never notified of their deaths. The first Federal Indian Boarding School Initiative Investigative Report has helped shed light on the schools.

The Congressional Commission created by S. 2907 will help further the ensure a full and complete review of: the total number of Native children forced to attend Indian boarding schools; the total number of Native children who were abused, died, or went missing at Indian boarding schools; and the long-term impacts that Indian boarding schools have had on the children who attended and their families. S. 2907 will ensure that there will be a full accounting of the Indian boarding schools and will promote truth, justice, and healing. We urge the Committee to pass S.2907 when it comes before the U.S. Senate.

Sincerely,

FRANK KATCHATAG, PRESIDENT

My name is Tony, I'm a vexed American Indian heir as to why there's a change to 1866 Treaty. My grandmother was Opelousa Indian tribal member from Louisiana. As a tribal member that never received benefits, I insist that the Senate committee to hold the Five Tribes accountable for not including Freedmen in the treaty of 1866. If you ask me the act of exclusion is an attack on my people once again.

I ask the readers of this email to recognize the plight of my people not being included in this great nation's history. Please don't let the family stories passed down to me be wiped away with the stroke of a pen.

Dear Congressional Members,

Halito, my name is Michael Tyrone Dean Jr and I am a Georgia voter/resident although I currently reside in Tongva ancestral lands at 738 N Clementine Street in Anaheim, California during my graduate studies at California State University Fullerton.

I, on behalf of my family and extended family write you to ask that you support efforts of Congresswoman Maxine Waters to obtain enforcement of the 1866 treaty rights of Freedmen tribal members/Descendants of Freedmen tribal members.

I am descendant of African/Black Chickasaw and Choctaw Freedpeoples, historically referred to as Freedmen descendants of the Five so-called 'Civilized' Tribes which include the Muscogee Creek Nation, Seminole Nation of Oklahoma, Choctaw Nation of Oklahoma, Chickasaw nation, and Cherokee nation—who held enslaved African individuals and families before, during, and after U.S. President Andrew Jackson's Indian Removal Act of 1830.

I am a lineal descendant of Mahala and Ben McGilbry directly through their daughter whom is my 2nd great-grandmother, Julia Ann Jackson. My 3rd great grandmother Mahala was an enslaved African woman within at the time traditional Chickasaw/Choctaw lands among the Chickasaw, when she met my 3rd great-grandfather Ben McGilbry who was the son of John McGilvery, a mixed European-Chickasaw/Choctaw. My 2nd great grandparents were Julia Ann and Isom Jackson who were born in the nations of their Chickasaw/Choctaw enslavers in Indian Territory by way of their elders taking the infamous Trail of Tears as the tribes traveled west of the Mississippi river after forced removal from the ancestral homelands—with African/Black enslaved people clearing the way and laboring upon newly cultivated lands in what later became eastern Oklahoma. Following his death, tribal leader Samuel 'Pitman' Colbert's 'slave property'(including my grandmothers Mahala and Julia) was passed on to his daughter Harriet (Colbert) Folsom whom married wealthy Choctaw slave owner, Dr. Henry Nail Folsom. Together, these families along with Chickasaw James Lanihee owned a majority of my Freedmen ancestors. My 2nd great grandfather Isom was born in the Choctaw Nation's Kiamichi county where his family, including his brother Henry were split up and sent to Texas (see interview document) while he remained in bondage in Indian Territory. Following the Treaty of 1866, which abolished slavery in the five slaveholding tribes, my family remained in the lands that had been the only home they knew as a bicultural and biracial people; within the marginalized allotments of the Choctaw Nation/I.T. The Dawes Commission, in collaboration with tribal leaders at the time, classified individuals living within the tribes according to designations that discriminated against people of African ancestry who were formerly enslaved by lumping them into the category of Freedmen; although many had the blood of their former slave owners and other recognized Natives. This event prompted Freedmen to respond with Equity Case 7071 filed April 13, 1907; in which my 2nd great-grandmother Julia Ann Jackson and family is a listed litigant who joined in testimony to be moved to the "By Blood" designation in the Dawes Rolls. Unfortunately, she was denied and Equity Case 7071 not taken seriously within the court nor among tribal leaders. It must be noted that according to the Dawes Commission, Freedmen were to receive 40 acres of land while members on By Blood roll and intermarried whites would receive 320 acres of land. To this day, equal treatment of Freedmen tribal members and their descendants is still being denied and the Chickasaw/Choctaw Treaty of 1866 which guarantees these protections for descendants is not being upheld.

As stated in solidarity with statements from other Freedmen descendants of four out of the five tribes: House Financial service committee chairman Maxine Waters and her staff are working on language to put in a NAHASDA (Indian housing) reauthorization bill to tie receipt of Federal Indian Housing funds of the above listed

tribes to equal treatment of their Freedmen tribal members/descendants of freedmen tribal members on the same basis as other members in accordance with 1866 treaties signed by the listed tribes and the United States government. This language would not affect any other tribes than those listed above—as other tribes did not join the Confederate states in order to keep persons of African ancestry as permanent chattel slaves. I believe in tribal sovereignty; however, I also believe that tribal governments must keep their word & agreements (so far as tribal services and/or equal tribal membership) to the U.S. government and to persons formerly enslaved under tribal law prior to 1866.

To continue: no NAHASDA reauthorization bill has been introduced in the House financial service containing freedmen protective language at the time; however, we ask that you support Congresswoman Maxine Waters efforts to include such language in a NAHASDA reauthorization bill this term. We are aware that some tribal leaders have requested that some members of Congress not support legislation which "singles out tribes" so far as taxpayer funded NAHASDA program money.

My hope is that you will support the civil and human rights of Black Indian Freedmen and their descendants by supporting efforts led by California Congresswoman Maxine Waters.

Yakoke Sincerely,

MICHAEL DEAN

My name is John Parker, I am an American Indian, a tribal member of a non-recognized tribe and a very concerned citizen. I implore the Senate Committee to hold the 5 Tribes accountable for the treatment of all of their citizens, especially their Freedmen Citizens according to the original stipulations of the 1866 Treaty.

I was extremely saddened to learn about the current status of the Freedmen of the 5 Tribes. They have been treated as Second Class Citizens with little to no access to the benefits provided to Non-Freedmen Citizens when in my understanding, the 1866 Treaty stipulated their full membership to the Tribes. I believe the 5 Tribes have been allowed to practice exclusion and dare I say racism towards their Freedmen Citizens when by law they agreed not to do so. This in my opinion is a breach of the Treaty.

Again I implore your careful consideration of my email, and please hold true to the original stipulations of the 1866 Treaty to not add in or allow the Tribes to continue exclusion or oppression of rightful Citizens.

Thank You,

JOHN D. PARKER III

I Clinton Lamar Crawley, a descendant of Sydney Fisher, will be submitting these documents of my ancestors and lineage, thank you.

Hello my name is Clayton Allen. I'm a Seminole by blood freedmen reclassified as freedmen with no Indian blood. I'm a Indian not a African. I have had family die due to being labeled freedmen. I proved I have Indian blood & still I am denied. Thank you for taking time to hear our cries.

Nahambipi,

I am writing this as a concerned American Indian(Lumbee/Saponi), on behalf of the citizens of Indian Territory. The treaties signed by the Indigenous inhabitants of this land are the foundations of the United States legal system. The original wording and context is crucial to holding all parties involved to their duties and responsibilities there in. I am opposed to any changes of the original wording of any American treaty.

My sincere regards,

DAMON TAYLOR

Greetings Senators Brian Schats Senator Lisa Murkowski, Committee members and staff,

Thank you in advance for your leadership in forging ahead with hosting a committee hearing in the Senate Committee on Indian Affairs.

Please review the attached information of links and letters that the Estelusti Seminoles of Oklahoma would like to submit on behalf of the Dosar Barkus Band of the Seminole Nation of Oklahoma.

We were advised to submit our testimonies and evidence that is clear that we need Congress to intervene Immediately in regard to the violation of the 1866 Treaty and the negative effects it has on indigenous people of color in America.

The Seminole Nation of Oklahoma's Constitution Article 2. reaffirms that their membership consists of all citizens. This is being violated along with the 1866 Treaty Article. 2.

Mvto.

PHILLIP BARKUS, ASST. BAND CHIEF, DOSAR BARKUS BAND OF THE SEMINOLE NATION

6028 enrolled creek freedmen by 1921 according to Napoleon Davis in Oklahoma Creek Freedman, My Roots 1858–1921. Dunn Roll of 1869 prior captures others and an omitted (rejected) roll denied by Creek Council lists many black creeks who later had majority population and vote in Creek Nation before 1979. My ancestor, an original allottee was Comfort Polk #6356, Census Card 2050. I was denied enrollment by blood 6/17/19 and on appeal under the guise that this public record of enrollment could not be found. Absurd. Comfort Polk later Mann was Black. My attempted enrollment in person was humiliating and I witnessed the difference in treatment among applicants. You are not welcome even if not enrolled freedmen if that Ancestor is Black. The days of stares, tension and hatred are ever present. Hope this helps because I'm too old to exaggerate or lie.

GAIL M. JACKSON

Goodevening to the Indian testimony hearing committee, I Julius E Harris from Moss Point, Mississippi. I am of the Chahta and Ogaxpa Mazho peoples of Sunflower County, Mississippi. That's not of the Five Civilized Tribes out of Oklahoma do not consent, condone, or comply to the removal of the 1866 Treaty.

SAM WILLIAMS

Dear Representative/Senator/Senate Committee,

My name is Sarah Finney. As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

Respectively,

SARAH FINNEY

Dear Senators:

My name is Carlotta Kemp Wheeler. I am the granddaughter of Wellington Kemp and Mary Lamey Kemp, Chickasaw Freedmen whose names were on the Dawes Roll, the roll that the Chickasaw Nation uses for citizenship but excludes those of us whose ancestors were on the Freedmen roll. My grandfather, Wellington Kemp is listed as Chickasaw Freedmen, Roll #3498, Census Card #839. My grandmother, Mary Lamey, Chickasaw Freedmen, Roll # 3685, Census Card #888. My grandmother, Mary Lamey and her siblings joined with Bettie Ligon and about 2000 other Choctaw and Chickasaw Freedmen as litigants in a case referred to as "Equity Case 7071", to be removed from the Choctaw or Chickasaw Freedmen roll and placed on the citizens by blood roll.

I am writing to bring to your attention that today we are denied citizenship simply because our direct ancestors on the Dawes Rolls were slaves. We are being forced to wear the badge of slavery which is a signal to the tribal enrollment office to exclude Freedmen.

My ancestors were enslaved by Julia Reynolds and Ala-hun-tub-by from the Chickasaw Nation. Like others, my ancestors arrived in the territory with the tribe, toiled in bondage under them and remained in the territory after freedom came be-

cause it was the land that they knew as home. In the Chickasaw Nation our ancestors were excluded for years after the treaty was signed in 1866 and were limited in the right to gather after freedom and our ancestors lived oppressed for decades.

Our identity is still that of being of Chickasaw Nation descent and we continually seek inclusion in the nation that our grandparents and great grandparents were part of. We are rejected, and we continually see our white counterparts who will tell us that they are Chickasaw tribal citizens and they have Indian rights. Yet, we also have multiple levels of documentation and our family is on the same roll that provides our tie to the same nation. But because we are of African descent we are rejected when applications are submitted for enrollment.

We ask that you assist us with righting this wrong and that you no longer force us to pay through our own tax dollars for our own alienation from a nation that we have never violated. It is the nation that violates us.

My hope is that you address the issue of citizenship for Freedmen descendants or consider withholding federal dollars from these nations that discriminate against us.

Sincerely,

CARLOTTA KEMP WHEELER

Choctaw Freedmen want to reclaim citizenship: We're now in the 21st century. Many decades have passed since the Choctaw Nation changed its constitution in 1983, where they no longer allow Choctaw Freedmen as citizens. The Choctaw Freedmen still face considerable discrimination in terms of social identity, not even having a seat at the table for an open dialogue and discussion. The Cherokee Nation, as a whole, has lifted itself into the 21st century and finally moved to address the heavy weight of racial injustice and favored equality for their Cherokee Freedmen and descendants. Now it's incumbent upon the Choctaw Nation, the US Senate of Indian Affairs Committee, and the US Government; as well as our Choctaw Freedmen Advocates and Supporters must all work together to see the once enslaved Choctaw Freedmen and their descendants today will be recognized as full citizens of the Choctaw Nation.

Sincerely,

DEDRA M. STRICKLAND

In honor of our Ancestors of this Land, I come bestowing You with the highest of elevations.

This coming Wednesday, July 27, 2022, is scheduled a meeting of Congressional Senators and assigned Committee Members to discuss and review parameters involving the oversight hearing to examine select provisions of the 1866 Reconstruction Treaties between the United States and some American Indian Tribes. As an American Indian, active registered voter and tax paying American, it is my ancestral duty and bloodline rite to communicate with my elected officials and committee members about the significant impacts these meetings and potential addendums would have on my community. It is certainly understood there are many treaties which ushered in detrimental effects of removal acts, sweeping multitudes of ancestral families off their lands. Other treaties presented notions to offer a revolutionary aspect of living for Indigenous Americans, while there were other stipulations placed upon ancestral and historical practices of families; also compromising the unity within family units.

The Treaty of 1866 with the Cherokee (which I have lineage to) states to establish the abolishment of slavery amongst American Indians connected to the Cherokee Tribal Nation, recognized by the United States government. Within this treaty, there are limited expansion boundaries for allotted Tribal families and their descendants, although to the contrary other members are provided amnesty towards crimes committed, allowed tribal members to be in charge of their commercial presentations with no government interference, in addition to a collective of other parameters removed or strengthened upon the verbiage of the Article. During this time, the treaty also determined structural mandates for Cherokee Governance and council requirements.

Subsequent articles also present the allowance of some tribal members to reside with selected residential spaces, as long as one is deemed civilized; in conjunction, as designated areas of tribal lands highlighted for assigned states lands.

As a descendant of Pre-colonial, first contact American Indians and having lineage to the Cherokee Nation prior to the Civil War, I have an ancestral obligation to com-

municate how imperative it is to communicate my understanding of how the amendment of this treaty, without substantial input from direct descendants must not be.

In addition, the addendum towards such significant government sanctioning treaties will alter a person structure within one's lives, also ancestral lineage practices which were impaired, halted, or able to commence by way of the Treaty of 1866.

I am seeking to have representation of diverse participants (Cherokee members, tribal family descendants, and other allies) in addition to American Indians who are directly involved in the adjusted parameters placed as a result of the present treaty or potentially impacted from amendments to such treaty.

Any and all assistance your offices and representatives will offer are highly appreciated.

Infinite Peace to You,

PAULA "LITTLEFEATHER HUMMINGBIRD" DEWITT

Dear Sir (or) Madam:

I am an American Indian who is very concerned with this hearing that is taking place on July 27, 2022. I am appalled that Freedman are not being allowed to fully share their grievances at the Oversight Hearing. The Freedman are being excluded from testifying at the hearing.

In addition, detribalized American Indians are being completely ignored. You are trying to rectify a treaty without including people who are disproportionately impacted by it.

My great great grandmother was part of the 1830s removal from Mississippi to Oklahoma, she was identified as a Mvskoke American Indian during that time. She ended up returning to Mississippi and now her descendants, though American Indians, are living their lives as "Black."

This July 22nd hearing and the manner in which it's being played is concerning. I hope you will reconsider rectifying the treaty without the oversight of those who are impacted by it.

Thank you,

FRANCINE ANDERSON

My name is Doris Burris Williamson and I've been asked by Marilyn Vann—Freedmen Advocate and Speaker for the upcoming 07/27/2022 Hearing—1866 Reconstruction Treaties Between the United States and Oklahoma Tribes.

Please submit my (4) documents as exhibits in support for the upcoming 07/27/2022 Hearing with the US Senate of Indian Affairs—1866 Reconstruction Treaties Between the United States and Oklahoma Tribes.

1. Official Letter from Choctaw Freedmen Citizenship Footprints, Inc.
2. Change.org Petition Message and Update Letter to Supporters
3. Excel Spreadsheet—Petition
4. House Bill 16 U.S. Government Memorial Passed 11.021880

DORIS BURRIS WILLIAMSON, PRESIDENT—CHOCTAW FREEDMEN CITIZENSHIP FOOTPRINTS, INC.

To All Parties The Issue May Concern,

Osiyo. My name is Conchata Laferrel Clark, and I am an American Indian. I do not reside in Oklahoma or any current reservation. My family with the surname Clark, were detribalized and misclassified. My family was misclassified as Colored, Negro and Black. My family's lineage is that of Cherokee blood, that includes the lineage of the Moytoy Chiefdom. I am also a descendant of Beloved Woman (Ghi-ga-u) Nancy Ward. My family, like many Cherokee Indians, were moved from areas like Tennessee, Georgia and later to Oklahoma. My Clark family eventually moved to Texas. My grandparents Osborne and Dora Clark were one of the original settling families in Prairie View, Tx. They are responsible for the economic and agricultural growth of that city. However, our Cherokee affiliation and traditions were taken away. We have been forced to live under a false identity as Black. My paternal great grandparents William H Clark, Lila Clark and their children Mabel Clark and James Clark are all listed on the Dawes Roll as Cherokee by full blood. I am now in the process of being registered in the Cherokee Nation, to reclaim my family's lineage and tribal affiliation. Changes to the 1866 Treaty is a detriment to other detribalized and misclassified Indians such as me. Please consider your actions and the repercussions that other American Indians may endure as a result of any amendments.

Wado,

CONCHATA LAFERREL CLARK

Greetings to this body

I am Chief Amaru Xi-Ali. I am addressing this body representing disenfranchised descendants of freedmen & women who were misclassified as enslaved Africans/Negroes/Blacks amongst the 5 civilized tribes and the states of the United States of America.

In history we were classified as the Powhatan Confederacy which after wars splintered into primarily the Yamasee Muscogee Guale Choctaw Seminole & various other tribes known in records by their distinct culture & phenotypes. These phenotypical variants were used against our ancestors by the above mentioned parties to establish a color code of denationalization & genocide.

The 5 civilized tribes set up a policy in the CDIB policy against the above First Nations aboriginals designed to mirror the apartheid practices similar to South Africa and other instances of genocide against indigenous peoples based on the aforementioned color code systems.

At that time 1) the states of the US 2) the federal government and 3) the 5 civilized tribes implemented reclassification tactics against these First Nations aboriginals reclassifying us as Negroes Blacks Africans etc.

Their descendants (US) lost self governance autonomy and nationalit vis these breaches of law.

For the last 15 years we (Xi- Amaru Confederation) have compiled genealogical data—genetic data—archived history to prove this reclassification was a violation of treaties still in force and our autonomy. What the records show is that these acts were breaches of law and now human rights.

The Xi-Amaru Confederation) has assumed the primary responsibility to use its institutions to bring this information to the descendants of disenfranchised Aboriginals impacted by these unlawful acts. We have organized publically for 13 years to bring awareness to these realities and we have structured institutions in order to autonomously bring restitution in these primary areas.

Indigenous Health institutions
Tribal Courts & Institutions of Law
Indigenous Educational Institutions
Indigenous Commercial Institutions
Indigenous Mental Health Institutions

Our actions pertain to protections already guaranteed in contract in re our autonomous institutions and restitution of the lands, resources, and injury suffered due to genocide owed to us by the 5 civilized tribes, the states of the US, and the US federal government. We will continue to work autonomously and address this body for means to gain restitution for the descendants of First Nation aboriginals mentioned herein.

CHIEF AMARU XI-ALI

Dear Senate Committee,

I am an American Indian Woman (Cherokee) and registered voter. My concern pertains to the 1866 traty in Oklahoma to Africanize the American Indians who have been misclassified as “Black and/or African”. As a descendant, changing this treaty as it stands now would further genocide and ethnocide the American Indian and set a precedent to alter future treaties.

CELESTINE WILSON

I'm a concerned American Indian Descendent of the creek nation living outside of Oklahoma. I believe the 1866 treaty should be upheld and not reconstructed by any means

THEODIS BROWN

Dear Sir/Madam of the US Senate of Indian Affairs Committee:

My name is Brenda McClellon-Droke. I am the great granddaughter of Freedmen John Burris, Freedman Roll #2859 and Delia Burris, Freedman Roll #2860.

I am writing to request that the Choctaw Nation and United States of America abide by the promise made to the Descendants of the Freedmen in the 1866 Treaty. I am requesting that the rights of the descendants be reinstated.

Sincerely,

BRENDA MCCLELLON-DROKE

To all who is concerned about Truth and Fairness,

My Name is Robyn L. Powell. I am a descendant of James Foster, which he is our Great Grand Father his Roll number is 2276.

I have three sisters & one Brother We all are under the same Row number.

Robyn Powell, Steven Jefferson, Stephanie Tweedy, Kim Jefferson, Tamala Menifee. Our Mother was Juanita June Jefferson. Who has been deceased since September 15th, 2000, who was Born in Seminole on December 29th 1936 to Elizabeth Foster. (Who is all of Juanita's children Grandmother.

The oldest who is almost 66 years old (Robyn) was born in Wewoka, Okla., the other children were all born in Oklahoma City OK.

Also, Elizabeth Foster had a son who is also deceased Vernell Jefferson.

He had 3 sons Vernell Jr.; Andre & Jeffery all born right here in Oklahoma as well.

We are the direct descendants of James Foster, who begot Elizabeth Foster, who begot Juanita & Vernell. We fall under Juanita & her Brother Vernell.

They fought until their death to get benefits started for themselves & their children.

It now our generation, we have been fighting for our rights & our Benefits.

So many under this very Row number died trying to get help for education medication, medical help, monthly benefits & aid to housing. This has been kept from us for generations after generations.

Now, please tell how fair it is to be counted generation after generation on the Row, but at the same time can't be treated fairly according to various treaty acts. Our family fought alongside of these Seminoles & it's not fair for only them to receive benefits. We are Seminole Nation Just like they are.

We need this to he looked at with a true, non-bias, fair eyes. Most of us has our Seminole Nation ID, All under the very same Row number, Under the Ceasar/Brunner Band.

But every benefit has been held back except voting rights, & until last year, we have medical.

I urge you to look at this the same way you looked the other Tribes. It's not right, it's never been right & its needs to be rectified. It wasn't right then & it isn't right Now.

They used our number to collect from the Government & never gave us one red dime from generation to generation. Make this right, In the eyes of God It's called the 5 Civilized Tribes!!!

Not the 3 Civilized tribes. We have suffered enough just like the People in That Tulsa Murderous attack on their ancestors. We died too, not because of physical bombs, But because of mental Bombs, greed, Blocks, cheating, cooking books to accomplish more hatefulness, heartlessness & just plain evilness. Please, Make this right.

Thank you

ROBYN POWELL

Dear Senate Committee,

As an American Indian and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations. The treaties should stand and be enforced as written. Respectfully, do not attempt to change the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations.

Yours in Health,

DR. FALLON JOHNS, DC, CME

Hello,

My name is Marlon Ladd. I've recently discovered that my ancestors and myself are all part of the Seminole Nation. Discovering one's roots, especially being "African American" in the United States is an empowering pursuit. Especially consid-

ering that too much of our history has been discounted, marginalized or completely left out of teachings in our schools. I am a Seminole Freedmen on my father's side via his mother, my grandmother. My father passed away in 2017 and I had and still have many unanswered questions about my lineage. As a college professor and a filmmaker, I tend to do a lot of research where my community is concerned and I have recently began do said research on Native American and U.S. Government affairs.

Learning about the history of the Freedmen has left me very saddened. The Seminole Freedmen in particular did a great many things for this country, including serving as soldiers and scouts in the Civil War. Seminole Freedmen and other Freedmen were a very specialized group of people, because they knew and understood the ways of Native Americans and the American way of life. They served not only as soldiers and scouts, but also as interpreters and their value when it came to strategy and fighting was unmatched. It is a painful pill to swallow to learn that in a country where inequality is still a big issue, I discover that all of my heritage related to my ancestors on both sides were pushed aside and forgotten.

Every parent wants to pass down wealth and knowledge to their kids, so that those kids will not have the same struggles as their parents. Generational wealth starts with land ownership. We have seen almost every group of people receive this type of benefit, except for Freedmen and African-Americans. What's one thing they have in common? African roots.

No one and no one country is perfect, but as with anything else, you know better, so you do better. It's important to get this right. I have a family and it's important to me that they be treated fairly. They, like me and my father before me are descendants of the Seminole Nation. We are descendants of people that made the ultimate sacrifice for this country. Descendants of a people that were made to travel from their homeland in Florida to "Indian Territory," a place where nobody wanted to be until oil was discovered there. We are descendants of a people that were hunted and harassed and therefore migrated to Mexico. We are descendants of a people that were then asked to come back and fight in a war that helped to unify this country. We have done and still continue to do great things, but I fear all will be lost and forgotten if we continue on this same path of division that threatens the very inclusivity of a people that earned their seat at the table.

This issue is extremely important to me and countless others. If there is anything I can do to help I'm this process, please let me know.

Thanks

MARLON LADD

To the Senate Committee regarding Native American assistance and Indian affairs, my name is LeEtta Osborne-Sampson and I have served as the General Council Representative of the Seminole Nation of Oklahoma for 12 years and as the Band Chief of Caesar Bruner Band for 11 years. As a proud 4th generation General Council Representative I am devastated by the actions of the Seminole Nation of Oklahoma and the federal government of the United States of America. In 2002 the Freedmen won the case of Seminole Nation vs. Norton and are eligible for all programs within the tribe. However, the Seminole Nation of Oklahoma is withholding assistance to the Freedmen and the federal government has been aiding the Seminole Nation in not abiding by the Treatises of 1866.

The Seminole Nation has not taken any steps to address their policies regarding Freedmen having access to all programs funded by the federal government. The language of their policies is used to deny the Freedmen based on "Jim Crow Laws." The former and present Chiefs stand before the government of United States of America and claim my people as citizens, but do not recognize Freedmen as members. The terms member and citizen are nothing more than the Jim Crow etiquette of "white" and "colored." The nation has left us at the mercy of the State of Oklahoma, but we are denied by the State of Oklahoma due to the fact we are citizens of the Seminole Nation. As a result my people are regulated to reject being Seminole as a means of having basic necessities such shelter, food, and burial assistance. The Seminole Nation uses anti-black racism to not include us in federal programs, but includes us in their headcount for Federal revenue.

In Article II of the Seminole Nation Constitution it grants membership in the Seminole Nation to "all Seminole citizens whose names appear on the final rolls of the Seminole Nation of Oklahoma approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 138) and their descendants." Despite, Freedmen being granted membership they have been denied the following: housing, education, burial assistance, judgment funds, healthcare, COVID 19 vaccinations, COVID 19 relief funds, and etc. For example, many Freedmen live below poverty level therefore, can't afford

to live on generational land without assistance from the tribe. My people are being forced to leave ancestral lands due to a degree of blood quantum. The Freedmen were given these ancestral lands based on Treaties of 1866 with the United States government and Seminole Nation, however tribal assistance has been refused.

The Seminole Nation of Oklahoma must cooperate with the Federal Law and the decision made in the case of Seminole vs. Norton to secure tribal assistance for all citizens. The Freedmen have been through enough injustice and the United States federal government must step in on our behalf to stop the destruction of my people. My request is that the Senate Committee designate tribal funds as a separate program for the Freedmen or include all Freedmen of the Five Civilized Tribes in the programs funded by the federal government. The reinstatement of all federally funded benefits to the Freedmen of Seminole Nation of Oklahoma must be enforced with haste. The birthright of the Freedmen is under attack.

Kind regards,

LeEtta Osborne-Sampson

Dear Senate Committee Members,

I am requesting that the 1866 Treaty remained unchanged and enforced as is. As an American Indian outside of the Oklahoma Community I understand the this treaty sets a precedence for all the other treaties that will ultimately affect the American Indian Community at large.

Thank you in advance for your attention to this matter.

Selina Howard

Dear Senators:

I write to you in response to the recent hearing on Capitol Hill pertaining to Freedmen descendants from the Five Tribes of Oklahoma, please note that we are not attempting to push our way into a foreign entity. I am from a family was taken to Oklahoma during the years of Indian Removal, enslaved in the Choctaw Nation and later freed when the 1866 treaty abolished slavery.

After the United States passed the 13th Amendment to the US Constitution and passed the 14th Amendment making former slaves citizens of the US, there was no requirement that the slaves had to have white blood to be American citizens. Yet, three of the Five Tribes that held African slaves, are now federally funded while having a requirement that descendants of formerly India-held slaves, cannot have Indian nation citizenship, because they don't have the slave owner's blood. You were told at the hearing that "it is all about blood." Senators their placing blood as a requirement, makes their policies all about race. Because many of their former slaves had their blood as they were fathered by Indian men. But having a black mother for them somehow "erased" their blood, making them "less than equal" and never to be seen or treated as citizens. This is racist and this is wrong. The US Constitutions that each of you uphold, refutes this.

Please understand that these are requirements that were created in the 20th century specifically for the Creek and Choctaw Nations to remove the Freedmen. You all know that in the early 1900s as anti-black sentiments manifested during the years of lynching and racial violence in the nation, three of the Oklahoma slaveholding tribes simply removed their citizens of black ancestry. Muscogee Creeks quietly did it in 1979, and the Choctaws blocked them in 1983. Prior to that, Freedmen and their descendants were citizens.

The wording of their new constitution was carefully constructed in the 1979 by the Creeks and 1983 by the Choctaws. With the assistance of the BIA the use of a CDIB card was invented as the tool of exclusion. They never existed before that. Senators—degree of racial or ethnic blood can't be measured. This is not based on any scientific methodology, yet it is practiced by an arm of the US government! The United States does not practice South African apartheid such as the old pass cards—but CDIB cards is precisely doing that-measuring blood quantum and declaring that someone is "racially" Indian! To illustrate this—these tribes will admit someone who is 1/1000th Indian which means that they are actually white, but they are given all of the privileges of being Chickasaw, or Choctaw, or Muscogee Creek. And these thin blooded citizens live all over the US, suffering no discrimination, living in no native communities and are racially indistinguishable from being Caucasian.

However, a Freedman descendant, whose ancestor had an Indian father on the Dawes Roll, who is not a great-grandson or great-granddaughter is technically if one does the same math-$\frac{1}{32}$ Creek, or Chickasaw, or Choctaw, but-they are physically

black in appearance, they do suffer discrimination based on color. In addition—they do have the blood of their ancestors who had native blood. But their being black eliminates them. This is not American and this is simply wrong.

Senators, at the hearing as the tribal officials spoke, a room full of black people sat in the back listening. All of them have a documented tie to a person on the Dawes Roll. All have family ties that go back to the years of the Indian Removal, because their ancestors were removed with them a enslaved people. They learned the culture of the slave masters, spoke the language, prepared and ate the same food, lived among them after freedom abided by the same laws. And for some women they were forced to have children with their slave owners. And even THOSE children were rejected even though they had the "precious" Indian blood. Why? Because to them, Freedmen blood did not count because their mothers were black, as if their African blood put a stain on their Indian-ness, even though they were of direct lineal descendant of their Indian father. And for those tribal freedmen whose mothers did not have Indian-fathered children, their children were forever considered just colored and always second class, and destined to be treated differently a policy which continues to this day.

But today they are not to be considered one of them? Many served on the tribal council in the years after the Civil War, serving in both ruling houses of the Creek Nation. And today—-they are not considered one of them? This is simply wrong. Black tribal citizens were simply removed, and language suddenly appeared from the tribes, crying "sovereignty" no different from "states' rights" cried by deep south racists, claiming a "right" to prevent opportunities and equal treatment of people of African descent. THIS IS RACIST AND CANNOT OCCUR IN AMERICA TOAY!

Chickasaws broke the treaty and NEVER extended citizenship to their former slaves, and until Oklahoma statehood came in 1907 those freed people lived in a harsh land, with no schools, no rights, no laws to protect them. They were a people without a nation. No one helped them.

For the tribes that still mistreat the descendants of the Freedmen, in an effort to look more like like "traditional" Indians where their leaders and representatives are mixed white and native, such as those who addressed the committee on July 27th of this year, they strive to continue to keep descendants of Creek Freedmen, Choctaw Freedmen, Chickasaw Freedmen from a citizenship that is their birthright. Freedmen descendants are NOT intruders nor enermies of the tribes, and never have been, whether in the past, nor in the present.

The question therefore must be asked:

How can the United States allow this practice based solely on race to occur? These racially motivated tribal leaders will NOT change their policy based on any moral sense of doing what is right. They are committed to a racially based policy denying their black citizens who were citizens of these tribes.

On July 27th 2022 these three tribes sent representatives to Congress to address those of you on this committee to justify the continuation of a heinous practice of policy based on race. But please understand the following:

Choctaw slaves and their children WERE Choctaw.

Chickasaw slaves and their children WERE Chickasaw.

Muscogee Creek slaves were Creek, and today—-their descendants ARE Choctaw, and ARE Chickasaw and ARE Muscogee Creek.

In contrast to the other speakers, the committee saw and heard the leader of the Cherokee Nation, Honorable Chuck Hoskins address the issue, and pointed out that previous practices were simply wrong. Chief Hoskins also uttered and apology for this act of racism extended to the Freedmen portion of their nation. They have corrected previous policies and are now a much stronger nation as a result. Meanwhile the other tribes that have another purpose and interest spoke differently to you.

Congress cannot continue to fund these three nations that twist their words to appear that they are hapless victims aka "poor Indian tribes" to be pitied, or to imply that their former slaves were "forced" upon them.

Not one enslaved person willingly jumped on the auction block to be enslaved. Yes, the tribes were forced to free them from bondage, because they refused to do so. And these nations today are wealthy sovereign nations, wealthy enough to have "ambassadors" to speak to you, as lobbyists.

Meanwhile, Freedmen have no voice, no lobbyists, nor representatives in Washington to negotiate issues on our behalf. The racist policies continue, as they have, for 156 years. We realize that the past cannot be changed. However, the future can be affected, and Congress has the ability, to bring to an end, the heinous hypocrisy of these three tribal nations, who are NOT victims today.

These wealthy tribal nations receive BILLIONS of US Dollars each year. As these wealthy tribes sent ambassadors and lawyers to speak to you, in front of a room

full of Freedmen descendants, black people, about whom they spoke untruthfully, the issue needs to be addressed.

One speaker begged that nothing be done to "hurt" the nation or their sovereignty. Freedmen will not affect the sovereignty of the nations. Yet they are allowed to continue to "hurt" the Freedmen descendants. The term "sovereignty" is used to justify their mistreatment of black citizens. That senators is not sovereignty—-that is racism!

Freedmen descendants hold no ill will toward to citizens of any nation. It is the tribal leaders who hold ill will against Freedmen descendants, and wish to continue to ignore them and to deny them, while others including those descended from intermarried whites——who had NO Indian blood, are welcomed. That, honorable senators is a policy that is TRULY ALL ABOUT RACE, and NOT ABOUT BLOOD.

Meanwhile the descendants of their slaves still especially in rural Oklahoma communities live in poverty, and their children have no access to the same educational benefits that lighter skinned or "white looking" Choctaw, Chickasaws and Creeks receive. No summer camps for Freedmen children, no STEM training for them. The Freedmen descended elderly receive no health assistance, or living aid for assisted-living facilities. No mental health care for those in need of such help. And the McGirt ruling will not be applied in any cases facing them.

Something must be pointed out to you as well: When lands were allotted, those called Choctaws and Chickasaws "by blood" received 8 times more land than their former slaves. Why? Because the practice of giving people of African descent less was acceptable. In addition—-the concept of being a citizen "by blood" was established when the Dawes Roll was created, and this is the BASE ROLL used by all of the Five Slaveholding Tribes today. Their "sovereignty" allows them the freedom to use this race-based roll and to admit only people whose ancestors appear on certain pages of the roll.

In the 20th century these nations, in conjunction allies in the Bureau of Indian Affairs, later created a concept of CDIB cards—-especially since the blood of Freedmen was omitted, thus making it legal to move past the people that these tribes once bought, sold, traded and owned as human property. This is not only illegal, but also immoral.

Today such policy is no longer acceptable. However these tribes have been able to continue these policies based exclusively on race, and to hide behind the word, "sovereignty", and are continually receiving federal funds, because there has been no Congressional oversight. They have simply "gotten away with it."

Interestingly looking back in time, policies about race have been in place. After citizenship came to Choctaw Freedmen in 1885, Executive Office of the Choctaw nation banned marriages to people of African descent. If marriages occurred, actions were to be punished 50 lashes on the bare back. Today they will show you that they have members of African descent who are citizens but they are children recent-day inter-racial marriages. Their children are then posed as "poster" children to demonstrate some kind of "inclusivity" and diversity on their part. But those poster children are not descendants of slaves. Because for them, a person having an enslaved ancestor is somehow less Choctaw, thus inferior. This is simply racist, wrong and illegal in the America.

Again looking back in time, the base roll used for membership is the Dawes Roll that refused to record the Indian blood of mixed children who were Choctaw and "negro". Meanwhile mixed children who were Choctaw and white, Chickasaw and white, and Creek and white were recorded and today they are still welcomed into the tribe—because their blood was recorded. And these nations are federally funded for excluding descendants of their slaves, and are allowed to do this!

America is better than this! Likewise, these tribes should be better than this! To allow US tax dollars to fund entities that practice such acts, is not the nation that clearly America claims to be.

Today, many Freedmen descendants still claim an identity as Choctaw people, and Chickasaw people, and as Muscogee Creek people. Yet they live in Oklahoma communities where tribal entities are supported and honored, and they are excluded from services, jobs, housing assistance, that should benefit them as well.

The current lawsuit from Creek Freedmen is permanently stalled, because the tribe refused assign a judge to hear their case in tribal court. There is a possible reason for this: It is expected that the Creek judge will rule against them, which will then allow the Freedmen-descended plaintiffs to appeal in Federal court. Once in Federal court, there is a chance that they will win. So, to prevent the Freedmen lawsuit from going forward, (after more than a year), their case appears to be permanently stalled. Without a preliminary, judgement, nothing can happen. These Creek descendants are not aliens trying to force themselves on a nation to which they have no tie. They are a Creek people.

So much more can be said and it is hoped that the voices of Freedmen can someday fully be heard by you, and understood, and that termination of this practice of institutional racism can be brought to a much needed end.

Thank you for your attention to this matter.

Respectfully submitted,

ANGELA Y. WALTON-RAJI

I am a descendant of a Seminole and Muskogee Creek Nations.

And I would like to register my disapproval of any changes to the 1866 treaties.

And because the nations policy, which put the tribes in violation of the treaties, I demand that the treaties remains exactly the same. And for those treaties to be enforced as written.

It was a violation of the treaties when the freedmen were removed from the tribes. And the federal government was involved in this illegal act by allowing the tribes to take this action against the people who the treaty was written for.

I demand that this violation which is in your hands be cleared up as soon as possible.

WALTHO WALLACE WESLEY

As an American Indian I am expressing my concern about the changes that are being proposed for the Treaty of 1866. While I reside outside of Oklahoma City, it is imperative that the 1866 Treaty should remain in place as outlined in 1866, whereas it sets a precedent for other treaties.

The Treaty of 1866 must stand and be enforced as written.

Respectfully,

D K HASAN

To: Senator Brian Schatz and Members of the Senate Committee on Indian Affairs:

My name is Sharon Lenzy-Scott. I would like to submit my statement to you and the committee regarding Creek Freedmen's long fight for our citizenship rights as Citizens of the Creek Nation.

My mother Adlene Perrymen Lenzy and her sisters were enrolled citizens of the Creek Nation until 1979. My mother's father, grandfather and grandmother and great-grandfather had always been citizens of the Creek Nation. My great-grandmother's response in her testimony while being enrolled by the Dawes Commission in 1898, when asked how long have you been in the Creek Nation was "all my days." My great grand father was a loyal creek , who fought in the war.

As you know, Oklahoma did not become a state until 1907. It had been known as Indian Territory up until then. Dawes was sent to Indian Territory to enroll and separate the tribes by having two sets of rolls Freedmen and By Blood Rolls. How Dawes determine a blood degree by the color of ones skin in itself was a false determination. There was no DNA method of determination at that time.

My purpose in sending this letter to the Committee is the failure of the Creek Nation to adhere to the treaty of 1866, and article 2 of that treaty. It was said by the Creek Nation that the federal government has broken several treaties, so the Creek Nation can justify by breaking this treaty, which is the main source of their livelihood. My concern is the federal government has not penalized or questioned why the 1866 treaty has been broken, yet the federal government with freedmen's tax paying monies is still supporting the Creek Nation.

As a Freedmen of the Creek Nation, I feel the federal government has not protected the rights of the Freedmen as citizens of the Creek Nation, but has allowed the Creek Nation to take the citizenship rights and benefits of the Freedmen away and for allowing the Creek Nation to break the treaty.

Where is the justification for not penalizing the Creek Nation for breaking a federal law? Other nations which have signed treaties with the United States has to follow the treaties signed or be penalized. Why is the Creek Nation being treated differently? They are a sovereign nation and has the right to create and use their sovereign rights by creating constitutions within the Creek Nation, but their constitutions does not overide the Treaty, which is the Law of the Land.

United States is a law abiding nation for everyone. Please correct this failure of the federal government and make the Creek Nation do the right thing for all their citizens. Citizenship is not a blood requirement , but a cultural and idenification requirement.

Thanks for your attention to this matter

SHARON LENZY-SCOTT

Dear Chairman Brian Schatz, Vice Chairman Lisa Murkowski and Ranking Member Fox:

I write to commend the committee for having the Oversight Hearing on "Select Provisions of the 1866 Reconstruction Treaties between the United States and the Oklahoma Tribes". I would like to express my appreciation that the matter was discussed and how re-enrollment should begin as sooner then later.

My maternal grandfather Clarence Harkins Sr. (2/5/1922) was registered with the Choctaw Nation. He was dis-enrolled during the period of time during the late 70's early 80's when the tribes modified their constitutions. These are the same tribes that his federal tax dollars were allotted to while actively discriminating against him and other Freedmen descendants.

The Choctaw Nation continues this practice of institutionalized racism and anti-Blackness currently under the guise of "sovereignty". The general counsel for the Choctaw Nation—Michael Burrage made a statement that the exclusion of Freedmen descendant was "not about race" is false because the the nation has a few citizens who are Black (often biracial/mutiracial persons). The Freedmen descendants are Black and the only population within the tribe that was not allowed to vote on their ability to remain in the the tribe or the new constitution that dis-enrolled them due to "by blood" statements. It can only be about race. Please note that many of the Dawes roll's Freedmen cards note on the back of the card parents and their "owners".

Native parent(s) are listed on the cards showing "by blood connection". This subject is largely ignored.

The tribes' (Choctaw, Chicasaw, Seminole and Muscogee/Creek) argument regarding sovereign rights goes against the United States' Civil Rights act of 1964 and the multiple Reconstruction treaties of 1866. The United State's "hand's off" and "turn a blind eye" approach has continued to be detrimental to the descendants of the Freemen who are United States citizens. Our complaints and request for intervention have largely been ignored. This practice supports the Tribes continued disregard to the 1866 Reconstruction treaties and the disrespect/discrimination of the Freedmen descendants.

The time to act is now. This committee and the Bureau of Indian Affairs has the ability and duty to rectify this matter. My ancestors and my relatives interest must be protected and taken out of this game of using "sovereignty" as a shield to openly practice institutionalized racism and anti-Blackness.

Sincerely,

TRACY R STUBBLEFIELD (CLARENCE HARKINS SR. GRANDDAUGHTER)

Honorable Senators,

This letter and comments are intended to provide a different point of view regarding the "Select Provisions of the 1866 Reconstruction Treaty" between the Chickasaw and Choctaw Nations. I respectfully ask that it become part of the Congressional Record of this hearing.

As the lawyers for the Choctaw and Chickasaw Nations presented their positions on the "Reconstruction Treaty of 1866" and the issue of citizenship, they left me asking more questions about two points made by the attorneys that were not directly addressed by this hearing on a certain class of Freedmen Descendants.

The class of "Freedmen Descendants" that comprised the litigants in Equity Case 7071; *Bettie Ligon et al., Plaintiffs v Douglas H. Johnston et al., Green McCurtain, et al., and James R. Garfield Secretary* of the Interior Defendants at the time it was filed was estimated to be worth fifteen-million dollars in land value. Today, that value lost by Choctaw and Chickasaw Freedmen descendants could range anywhere between one-half a billion to over nine-billion dollars and that is a question that was not entertained during the hearing on the "Reconstruction Treaty of 1866." As the great grandson of the lead litigant Bettie Ligon whose father, my great-great grandfather Robert Howard Love was one of the signers of the treaty I feel it is my responsibility and obligation to bring long overdue attention to this obvious miscarriage of justice before your committee for a resolution.

The plight of the estimated fifteen-hundred (1,500) to two-thousand (2,000) individuals as citizens based on their "lineal descent" should have been part of the decision to make them citizens at their birth and following the ratification of the 1866 treaty. It was not until 1898 when the Dawes Commission began creating a "census" of "citizens" on a blood roll and freedmen roll when the tribes and United States

government began to disenfranchise the litigants involved with Equity Case 7071 based on the "race of a female ancestor or parent."

Both attorneys clearly illustrated that point when Judge Michael Burrage's initial comments confirmed their rights as citizens with the following statement; *"to be clear, the Freedmen issue, as it relates to the Choctaw Nation, has nothing to do with race. Tribal membership is based on blood, not race."*

Judge Burrage immediately followed that up with, *"Today, Choctaw Nation's tribal membership includes African Americans as well as those from other races. All members of our Tribe share one characteristic in common, they are all Choctaw by blood. They are all the lineal descendants of Choctaw Indians."*

Judge Burrage emphatically confirmed to the Senate Committee on Indian Affairs that the claimants in Equity Case 7071 who sought citizenship based on their "lineal descent" to a recognized citizen of the Choctaw and Chickasaw Nations had a legal right to that citizenship but because of the racial policy of excluding people who had a "freedmen" mother while disregarding their father deprived each and every one of them citizenship and the value of three-hundred and twenty acres of land.

From 1866 to 1898 to 2022 this is the legacy of the decision that mixed blood freedmen were not "lineal descendants" and worthy of citizenship and equity in the land distribution of the Choctaw and Chickasaw Nations. It is why nine, 9–Billion dollars is a small price to pay for the continued injustice that occurred in 1866, 1898 and presently in 2022.

I mentioned that attorney Stephen Greetham shares this view that "lineal descent" is the basis for citizenship in the Chickasaw Nation and despite his best efforts to obscure that fact you only have to look at the lone footnote in his prepared statement.

"The Chickasaw Nation and Choctaw Nation share a close treaty relationship, starting with the Removal Era treaties of the 1830s which vested them with undivided interests in the realty of the secured treaty territory."

In the 1830 Treaty that is mentioned by Mr. Greetham it states that the land that was to become the state of Oklahoma was for the benefit of the people who were a party to that treaty and their descendants. If you take into consideration the words of Mr. Burrage that citizenship is based on "lineal descent" then the descendants of every person that was a claimant in Equity Case 7071 has a legal right to "equity" for the loss of land value that was incurred based on the "racial" biases that saw them erroneously being placed on the freedman rolls.

Every action taken by Department of the Interior and the Choctaw and Chickasaw nations to refuse citizenship and land equity for the "mixed race" Chickasaw and Choctaw "freedmen" and their descendants was about race. The claims of sovereignty today only mask that history of their nations but the record is clear; today as it was then, a specific class of Choctaw and Chickasaw Freedmen Descendants have been denied their "rights and privileges" within the nations of their ancestor's birth based on the political construct of race and a suitable remedy must be found by Congress as well as the Choctaw and Chickasaw Nations.

Not one of those slaves that were part of the removal with the Choctaw and Chickasaw nations willingly travelled west. But all you hear about are the sorrow and degradation of the tribes. When the descendants of Kissander and Daniel who worshipped alongside their enslaver Tennessee Bynum, their descendants are now recognized citizens of the Chickasaw Nation because of "lineal descent." But because of the peculiarities of "race" the descendant of Margaret Ann Wilson who came west with Benjamin Love; her daughter Bettie Love-Ligon and the "lineal descendants" of two-thousand other similarly situated people don't share the distinction of citizenship and have been deprived of the generational wealth that came with owning 320 acres of valuable land in the new state of Oklahoma.

Congress and the Senate has some difficult decisions to make concerning the people who were denied equity and protection based on their status as a protected group living under the power of a protectorate (Choctaw and Chickasaw Nations) of the United States. They were placed in a position that did not guarantee their citizenship, equity and due process before the law that Mr. Greetham declared when he stated that "Treaties matter!"

These same two nations created a "race" of people and denied many of them their citizenship because of the "taint of negro blood " so the cries of sovereignty somehow are meant to wipe away all of this history, land and citizenship and still to this day ignore the humanity of the people that were the "lineal descendants" of numerous Choctaw and Chickasaw men, some who even signed the duplicitous treaty of 1866, like Bettie's father Robert Howard Love.

As a descendant of Bettie Love-Ligon Choctaw Freedman Card #106 and Ella Jackson-Freeman Choctaw Freedman Card #1252, who were both litigants that

sought to be transferred from the Freedmen Roll to the by blood roll; I speak for the tens of thousands descendants of Equity Case 7071 filed April 13, 1907; *Bettie Ligon et al., Plaintiffs v Douglas H. Johnston et al., Green McCurtain, et al., and James R. Garfield Secretary of the Interior Defendants.*

We demand that Congress open up this case for the due process that our ancestors deserved but were denied. We demand that descendants of the litigants of Equity Case 7071 be paid for the racially discriminatory act that saw them lose the value of 640,000 acres of land and their citizenship dating back to 1866 when the "Reconstruction Treaty" was signed. We are asking for $9 Billion dollars, for the land loss because of the racial practices of the Choctaw Nation, Chickasaw Nation and Department of the Interior.

In an interview in March of 1911, Webster Ballinger the attorney that was to argue Equity Case 7071 before the Supreme Court of the United States "I some time ago abandoned the theory advanced in the Bettie Ligon case that any person of mixed Indian and negro blood, regardless of the degree, was entitled to enrollment as an Indian. I shall only advocate in the future the enrollment of persons of this class who are unquestionably Indians."

Ballinger felt the litigants in Equity Case 7071 "would be prejudicial" to the cases in his opinion that would be "successful in securing the rights of that class of cases about which there is no question." Again more evidence that the issue of race was paramount in the litigants in Equity Case 7071 being recognized rightfully for citizenship and their 320 acre land allotments.

Prior to this change of "legal theory" Webster Ballinger was waging a vigorous parallel challenge for the transfer of his clients in the Senate and House where he was met with resistance from practically the total Oklahoma Congressional delegation at the time. So it is more than peculiar that his change in theory just months before he was to argue the case before the Supreme Court of the United States in October of 1911 would have been welcomed by the people he represented.

Ballinger decided he would drop the court case to pursue a resolution through congressional action. That is why it was an extreme joy for me to be present to hear the arguments given by the counsel for the Chickasaw and Choctaw Nations. They confirmed that the legal theory first proposed by Webster Ballinger to be sound, that "lineal descent" or "any person of mixed Indian and negro blood, regardless of degree, was entitled to enrollment as an Indian." Judge Michael Burrage, a Choctaw Citizen and Chief Counsel for the Nation confirmed it when he began his presentation to the committee. There can only be one conclusion drawn from this hearing and the voluminous historical documentation that the litigants in Bettie Ligon et al., Plaintiffs v Douglas H. Johnston et al., Green McCurtain, et al., and James R. Garfield Secretary of the Interior Defendants are entitled to citizenship and compensation for the tremendous harm done to their descendants dating back to the signing of the "Reconstruction Treaty of 1866."

The Congress of the United States failed our ancestors because the climate in the country at the time made it sufficiently easy for racial attitudes of the day to hold sway. As I listened to Chairman Schatz and Vice-Chair Murkowski of Alaska, as well as Senator Lankford of Oklahoma their sentiment was to reconcile the issue of citizenship for the Indian Territory Freedmen, on this matter there should be little opposition, the descendants of Equity Case 7071 have waited more than one-hundred and twenty four years to be recognized as citizens. They have waited over one-hundred years to receive their rightful share for the value of land they were denied, by the courts, by their attorney, by the Dawes Commission, by the Department of the Interior and by the Congress of the United States.

There is no doubt the claims of Bettie Ligon and the other litigants was a just cause and deserved to have their day in court. Today we have the documentation and the science to support their claims as "lineal descendants" and because the case was never argued before the Supreme Court it would seem Congress, the Chickasaw and Choctaw Nations have an obligation and responsibility to "repair" this massive injustice.

I will leave you with this short story about my great-grandmother Bettie Love-Ligon who died on November 21, 1912. Over the years of researching my family's history I always wanted to know who Bettie was what made her the person chosen to be the lead litigant in Equity Case 7071? What was her demeanor? What was in her character to become the lead litigant in what was considered to be one of the most important cases in Indian Territory? One day I found a letter in her land allotment jacket that told me everything I needed to know about Bettie Ligon.

Bettie's attorney Albert J. Lee wrote to J. George Wright the Commissioner of the Five Civilized Tribes on December 14, 1907. In his letter to Wright he stated:

"Yesterday morning Betty Ligon, the principal plaintiff in the case known as Ligon Vs. Johnson, came to our office with Freedmen patents No. 3643, 3650, 3412, 3413,

3411, 3559, and 3414 which had been registered to her at Newport, Oklahoma. On receiving the enveloped from the Post Master and on opening one of them which disclosed a Freedman patent, she immediately came to our office without opening the rest of the envelopes."

"An attempt has been made once before to deliver these patents to Betty Ligon, and those similarly situated, but acting upon advice of their attorneys, they have refused to receive them and we return to you, herewith, the above numbered patents, and inform you that it is useless to again mail these patents, to Betty Ligon, as she declines to receive them until after the courts have finally passed upon the case now pending, which case will determine whether or not she is entitled to participate in the tribal property as an Indian by blood or as Freedman."

Senators, Bettie and her children reluctantly accepted freedmen allotments of 40 acres, yet she fought from the first time she applied for citizenship in the Chickasaw Nation in 1896 up to her death in 1912 for her rights as a citizen in the Chickasaw Nation. Bettie always made it known, she was the daughter of Robert Howard Love "who was the same Robert Love that signed the Reconstruction Treaty of 1866." Bettie, like the other "similarly situated" litigants left a legacy that they were Chickasaw or Choctaw by blood and as their descendants we are here to claim that identity as well as the compensation for the land our ancestors were denied and unable to leave to us, the "lineal descendants of Equity Case 7071: *Bettie Ligon et al., Plaintiffs v Douglas H. Johnston et al., Green McCurtain, et al., and James R. Garfield Secretary of the Interior Defendants.*

References

Ligon, Bettie, et al v. D.H. Johnson et al, Green McCurtain et al, James R. Garfield, Secretary of Interior Melven Cornish Collection Box 10, Folder 6, Native American Manuscripts Collection, Special Collection University of Oklahoma Western History Collections

Senate Report 5013 (59-2) Part 2, page 1526

Michael Burrage YouTube Video (33rd minute)

Senate Report 5013 (59-2) Part 2, pages 1497-98

Choctaw Nation 1830 Treaty of Dancing Rabbit Creek, Articles II & IV

Chickasaw Freedmen Cards #570 & #570, Chickasaw by Blood Card #1846

The Chickasaw Freedmen, A People Without a Country by Daniel F. Littlefield, Jr. page 52

Daily Ardmoreite, October 4, 1908 page1, column1&2

Vinita Daily Chieftain March 16, 1910 page 4

Bettie Ligon, Choctaw Freedmen Enrollment #2604 Land Allotment Packet page 7., (Letter to J. George Wright)

1896 Application for Citizenship in the Chickasaw Nation Bettie Ligon #73 (NARA Record Group 75, M-1650)

Joe and Dillard Perry Petition to Transfer Files 1-254, NARA Record Group #75, NRF-90C

TERRY J. LIGON; GREAT GRANDSON OF BETTIE LOVE-LIGON; GREAT-GREAT GRANDSON OF ROBERT HOWARD LOVE

My name is Leatrice Tanner-Brown. I am the Executrix of the Estate of my grandfather, George W. Curls, Sr., Cherokee Freedman No. 4304.

This correspondence is to request that the Secretary of the Interior provide an accounting to the Estate of George W. Curls, Sr. and similarly situated Freedmen of the so-called Five Civilized Tribes, who under the terms of the Act of May 27, 1908, are owed fiduciary duties by the United States.

The Act of May 27, 1908, imposed specific and detailed fiducimy duties upon the Secretary of Interior to preserve and protect the interests of minor Freedmen allottees in funds from any source and from leases on land allotted to Freedmen minors and to take all available actions to prevent dissipation or deterioration of these allotments and funds through carelessness, negligence or exploitation of Freedmen minors. [1]

[1] The Five Civilized Tribes allied themselves with the Confederacy during the Civil War and attempted to maintain slaves following the War. As a result of the Tribes disloyalty to the United States during the Civil War all territoty owned by the Tribes was forfeited. The status of the Tribes was reestablished under Treaties entered in 1866. The Treaties of 1866 came into existence as a result of the post-civil war reconciliation effort, and provided a means for the Five Tribes to re-establish their government-to-government relations with the United States, following their ill-concerned alliances with the Confederate States of America and long history of slavery. The Treaties addressed a number of issues for readmitting the Five Tribes back into

Continued

Under the specific statutory mandate imposed by the Act of May 27, 1908, upon the Secretary of Inte1ior to assure that if land allotted to Freedmen minors, funds derived therefrom and beneficial interest of Freedmen minors, were not being properly cared for by the guardians or curators appointed under the Act by probate comis of the State of Oklahoma, the Secretary was required to act to prevent the beneficial interests in land and funds from being dissipated, or permitted to deteriorate in value by reason of negligence, carelessness or incompetency of the guardian or exploitation of minor Freedmen. The specific fiduciary duties imposed upon the Secretary of Interior by the Act of May 27, 1908 includes a statuto1y duty to account to Freedmen minors subject to Section 6 for funds derived from allotted land.

I am the personal representative of the Estate of George W. Curls, Sr., a Freedman who by reason of his interest in restricted allotments under the Curtis Act of 1898, the ante-bellum Treaties of 1866, lost or mismanaged trust funds, has standing to sue the United States for breaches of trust related to losses and mismanagement of tiust funds derived from his allotted land. George Curls, was enrolled on the Rolls of the Cherokee Freedmen under the Dawes Act of July 1, 1902. Cherokee Freedmen Roll, Cherokee Freedman 4304. At the time of his enrollment, George Curls was five years old, having been born to former Cherokee slave parents in Indian Country, Oklahoma in 1897.

Mr. Curls received forty and twenty acre allotment deeds from the Cherokee Tribe under the Curtis Act. Under these two deeds, Mr. Curls received Curtis Act allotments equaling 60 acres. These allotments were received at a point in time when Mr. Curls was a minor.

Under the Act of May 27, 1908, restrictions against alienation of Freedmen allotments, were retained for minors, Under the Act of 1908 any funds from allotments owned by minor Freedmen were to be controlled and monitored by the Department ofinterior. See, Sections 2 and 6 of Act of May 27, 1908. The funds derived from oil, gas, agricultural, hay and pasture leases on Mr. Curls' allotments were subject to the fiduciary duties imposed by the Act of May 27, 1908, on the Secretary of the Department of Interior.

The specific terms of the Act of May 27, 1908, state:

> SEC 6. That the persons and prope1ty of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessaiy remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the fmther duty of such representative or representatives to make full and complete reports to the Secretary of the Interior.

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the federal union, including amnesty for all war crimes committed by its citizens, establishment of federal courts in the Indian territory, the settlement of "civilized friendly Indians" within the Tribes and the adoption of all freed slaves and free colored persons into the Tribes as tribal citizens. Article IX of the Cherokee Treaty is an example, and provides: The Cherokee nation having, voluntarily, in Febmary, eighteen hundred and sixty-three, by an act of their national council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntaiy servitude exist in their nation otherwise than in the punishment of crime, whereof the party shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen who have been liberated by voluntaiy act of their former owners by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents there in, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: Provided, that owners of slaves so emancipated in the Cherokee nation shall never receive any compensation or pay for the slaves so emancipated. Under the 1866 Treaties, Freedmen and their descendants, were to receive all the rights of native Tribe members. "All rights" can only be read to mean all rights, including but not limited to, the right of citizenship. See, Appellant Brief, Cherokee Nation v. Nash, Case No. SC–2011–02, Supreme Court of the Cherokee Nation,(emphasis added).

All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of May be appointed said minors.[sic]. The probate courts may, in their discretion appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further restricted lands, authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, with out charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, 11101igage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this Act or any other Act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Under the Act of May 27, 1908, restrictions against alienation of Freedmen allotments, such as the allotments to Mr. Curls', were not removed. Accordingly, any funds derived from Mr. Curls' allotments should have been accounted for by the Department of Interior under the terms of the Sections 2 and 6 of the 1908 Act.

This correspondence has also been addressed to the Honorable Susan Rice, Assistant to the President for Domestic Policy because according to the President's January 20, 2021 Executive Order on Advancing Racial Equity and Support for Undersigned Communities through the Federal Government.

"Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face ... It is therefore the policy of [the Biden] Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affinnatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decisionmaking processes, executive departments d agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as ban-iers to equal opportunity to reach their full potential. Consistent with these aims, each agency must assess whether, and to what extent, its programs and policies perpetuate systemic ban-iers to opportunities and benefits for people of color and other underserved groups.

President Biden has directed the head of each federal agency, or designee, to conduct a policy review and within 200 days from January 20, 2021, and to provide a report to the Assistant to the President for Domestic Policy (APDP), Ms. Rice, reflecting findings.

This conespondence is to request the Secretary begin immediate steps to provide the accounting owed to the Estate of George Curls by the Secretary. It is also to request that the Honorable Ms. Rice investigate the shameful history of the United States in connection with United States policy, that continues to this day, to embrace and extend paternalistic treatment and protection to Native Americans from the Five Civilized Tribes despite their disloyalty to the nation during the Civil War, while denying any redress whatsoever to the lesser educated and exploited slaves held by these Tribes who fought for the Confederacy. The result of the non feasance of the Department oflnterior has been to deprive Freedmen of valuable property rights and expose them to fraud and corruption ignored by the federal government.

Please respond to my conespondence at your earliest convenience.

Sincerely,

LEATRICE TANNER-BROWN

Halito,

My name is Kayla, I speak for my afro-native ancestors. Both of African and Native descent. We are Mississippi Choctaw to Oklahoma and Creek Freeman. We have ancestors enrolled on the Dunns Rolls and Dawes.

Link to some of my family papertrail. We received land in Mississippi and Oklahoma. We farmed- planting tobacco and corn and using plant medicines.

http://mcgeefamilyreunion6.com/nelsonsforefathers.html

We have been denied enrollment since 1903. I am a creative artist that has represented the stories and tales of these ancestors.

The Choctaw Nation has benefited from adapting settler colonialism in ways that is anti-black and racist. At the same time the nation relates cultural practices that are shared between African ancestors/current peoples like basket weaving and bead work. They also have a Seed Program that gives out Peas that originate from Africa.... The hypocrisy is blatant and offensive to then deny peoples who journeyed with you sharing blood, sweat and tears to not enroll them and deny them benefits.

We are calling for Justice and Reconciliation as this is the way forward through healing a nation of genecide and enslavement of black peoples.

As stated in the hearing "The government pitted African American and Native peoples against each other".

It is time for healing, it is time to change the path forward for the better.

Yakoke,

KAYLA BANKS

My name is Terry J. Ligon, I am a Chickasaw and Choctaw Freedmen Descendant as well as someone who is descended from a "recognized" Chickasaw citizen named Robert Howard Love. I am a history and genealogical researcher of Chickasaw and Choctaw Freedmen. I write and teach on the subject Chickasaw and Choctaw Freedmen History and Genealogy.

During the past 25 years or more I have served as a faculty member of the Mid-West African American Genealogical Institute (MAAGI.) I am a founding member of the African-American Genealogical Society of Northern California (AAGSNC) as well as a founding member of the Chickasaw and Choctaw Freedmen Association (CCFA)

My story is unique and it represents tens of thousands of other individuals, some who may not know their connection to the story of Chickasaw and Choctaw Freedmen who were part of a lawsuit filed on April 13, 1907 that was estimated to be worth twenty-million dollars and more than 640,000 acres of land.

This lawsuit dealt with the issues of identity, citizenship and land in the Chickasaw and Choctaw Nations and the unequal distribution of that land, based on people of mixed Chickasaw-African and Choctaw-African descent. Much of what you all will undertake during your hearing on the "Reconstruction Treaty of 1866" will probably never engage the subject of what is now known as Equity Case 7071 Bettie Ligon, et al., Plaintiffs v Douglass H. Johns(t)on, et al., Green McCurtain, et al., and James R. Garfield, Secretary of the Interior, Defendants.

Many would argue, as those who came before us and took their case before Congress during the early part of the 20th Century; our ancestors had a right to receive three-hundred and twenty acres of land and citizenship in the nation of their birth. Only because of their perception as being strictly "black" were they denied this right and the Reconstruction Treaty of 1866 is not the beginning of their story; it just a part that begins when my great-great grandmother Margaret Ann Wilson and hundreds of other enslaved men, women and children took part in what is known as the "Long Walk of Many Tears."

Their story, Bettie's story has roots in the 1830 Treaty of Dancing Rabbit Creek that paved the way for the Chickasaw and Choctaw Nations to establish their homes in now what is the state of Oklahoma and it was the work of the United States government under the jurisdiction of the Dawes Commission that systematically based citizenship and land ownership on "political construction of race" that excluded the children of "enslaved" or women of "African" descent.

The Reconstruction Treaty of 1866 does not account for the actions that took place during this period that may not be a part of your committee's "fact finding mission." Historically the Senate has had a prominent role in the actions by the Chickasaw and Choctaw Nations and their continued disenfranchisement of people known as "freedmen" and their descendants during the reconstruction era.

In 1870, a memorial was sent to the Committee on Indian Affairs "On Behalf of the Colored People of the Choctaw and Chickasaw Tribes of Indians" Senate Miscellaneous Document 106 (41st Congress, 2nd Session.) This document only four years after their "emancipation sought the help of Congress to "secure to them equal rights and privileges with white citizens."Unfortunately, the Senate and the Indian Affairs Committee did not "secure" nor protect the "equal rights" of the Chickasaw and Choctaw Freedmen at that time.

In 1873, the Chickasaw Nation submitted legislation passed in their legislature; Senate Miscellaneous Document 95 (42nd Congress, 3rd Session) that adopted their formerly enslaved population but because Congress failed to ratify this legislation at that time, the Chickasaw Freedmen and their descendants have never been

granted citizenship or their rightful share of the land promised them in the 1830 treaty.

In 1874, Our ancestors submitted Senate Miscellaneous Document 118, (43rd Congress, 1st Session) the "persons of African descent resident in the Choctaw and Chickasaw Nations" continued to lobby the Senate and Committee on Indian Affairs to intervene on their behalf because both nations and the United States failed to protect their rights contained in the "Reconstruction Treaty of 1866."

Here we are in the year 2022, the descendants of those formerly enslaved people seeking "equal justice under law" call upon the Congress of the United States, the Committee on Indian Affairs to fulfill their fiduciary responsibility to enforce the "Supreme Law" in that "Reconstruction Treaty;" more than one-hundred and fifty years later?

In closing, my great grandmother Bettie was the lead litigant in Equity Case 7071, her mother was an enslaved woman named Margaret Ann Colbert-Wilson. Bettie's father was a recognized Chickasaw citizen named Robert Howard Love and he was one of the men who signed that Reconstruction Treaty of 1866.

Bettie Love-Ligon and the other litigants who participated in Equity Case 7071 sought the same protections and equality given their kin on the blood roll. Throughout the time their case was winding its way through the court system, practically the entire Oklahoma Congressional Delegation sought to overturn every bill that came before Congress that would have given them "equity" (citizenship and 320 acres of land.)

The questions before this Committee, this Congress, this Senate is when will our ancestors be recognized for who they were?

When will their descendants receive "equal justice under law?"

Thank you for your consideration on these matters and respectfully request that my remarks be entered on the record of the hearing on 27 July 2022.

Regards,

TERRY J. LIGON

Dear Senate Committee Members,

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. The treaties should stand and be enforced as written. Changing this treaty could set a precedent for all other treaties involving American Indians recognized and unrecognized. Specifically excluding the Freedman from such discussion is troubling and problematic.

Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed at this hearing.

I appreciate all time and concern with this matter and am optimistic for the plight of the American Indian.

Best regards,

DEANNA DONALD

Good Afternoon to the members of the Senate committee. My name is Stephney Johnson and I am a Freedmen descendant of the Seminole Nation of Oklahoma. I am writing this letter as testament to my treatment within the Seminole Nation of Oklahoma.

In the Spring of 2018, I attended a council meeting at the Mekusukey Mission in Seminole, OK. Upon entering the Mekusukey Mission, I am greeted by a picture of "the last man hung in the Seminole Nation". As a Black Native, and as someone who has had an ancestor that has publicly hung in Seminole, OK, I find that very offensive. No-one can answer the question as to why the photo is there, but to have in on display for all of the public to see is extremely distasteful. At the meeting, there was a question from the band rep, Ms. Sylvia Davis of the Dosar Barkus band at the time asking why there is "0/0 degree of Indian blood" on our tribal enrollment cards for the Freedmen and how we can go about taking that part off of our cards. The lady did not have an answer to the question. She was then asked by Ms. Leetta Osborne-Sampson, band rep of the Caesar Bruner band asked when and why did the "0/0 degree of Indian blood come about being put on the cards, and when will it be taken off? Those questions were met with disagreement from the rest of the band reps of the Seminole Nation of Oklahoma, as well as from the crowd of other Seminoles. Being in the crowd and sitting next to someone saying that I don't de-

serve to be apart of the tribe because of a war that happened hundreds of years ago is very disheartening.

There have been many programs that we have been denied for within the Seminole Nation of Oklahoma including qualifying for the tiny homes for our Senior Citizens, obtaining a Seminole Nation of Oklahoma tags for our vehicles, closing assistance for our children for school, and the most recent one, not being able to obtain the ARPA—Household Assistance through the Coronavirus State and Local Fiscal Recovery Funds. In February of this year I filled out an application to receive COVID relief funds through the Seminole Nation of Oklahoma. Five months have now passed and I have not heard an acceptance nor a denial from the Seminole Nation of Oklahoma for obtaining COVID relief funds. I still cannot wrap my head around this because the Seminole Nation of Oklahoma counts me every single year for money from the United States government, but we cannot use any of the services within the Nation. How can the Seminole Nation of Oklahoma have council reps for the two Freedmen bands, Dosar Barkus and Caesar Bruner, sit on council and vote for programs and appropriate funds for th e tribe when we cannot use the things that benefit us?

In the online article published by NonDoc, Assistant Chief of the Seminole Nation of Oklahoma, Brian Palmer, said "The Seminole Nation follows the treaty and constitution with an understanding od how it was constructed and what was intended just the same as we view the U.S. Constitution." Article two of the Seminole Nation of Oklahoma Treaty of 1866 states: "The Seminole Nation covenant that henceforth in said nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime, whereof the offending party shall first have been duly convicted in accordance with law, applicable to all the members of said nation. And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color, who may be adopted as citizens or members of said tribe." It would not be fair if the United States of America picks and chooses which parts of the U.S. Constitution they want to abide by, so why has the Seminole Nation of Oklahoma gotten away with picking and choosing which party of the Treaty of 1866 they want to abide by? The Seminole Nation of Oklahoma should abide by ALL parts of the Treaty of 1866.

My ancestors come from the same part of Florida their ancestors came from. We fought the same Seminole War against the U.S. Army. We walked the same death walk from Florida to Indian Territory, which is commonly known as the Trail of Tears. We fought Oklahoma statehood, the land run, and my ancestors survived residential school together. We fought the same fight, shed the same blood. I do not understand why the Seminole Nation of Oklahoma suddenly decides that we are different because skin color is different or because our hair comes out of our head a little differently than them. No matter what, at the end of the day I am Seminole. Am I a proud Seminole? Yes. Am I proud to be a part of the Seminole Nation of Oklahoma? I will not be a proud Seminole until all members of the Seminole Nation of Oklahoma have rights.

STEPHNEY NOEL JOHNSON

Hello,

My name is Ray Jackson, on January 2005, I submitted my application, along with all of the required certified documentation as requested to show my lineage too my Choctaw Indian Descendants, in appling to obtain my Choctaw Identification Card, using my family's roll number 3939 under my grandfather's name Mitchell Jackson.

I in return, received a letter dated January 17, 2005, stating my grandfather was enrolled as a Choctaw Freeman with no blood amount listed. However, when I contacted the Choctaw Nation of Oklahoma, I was informed my application was denied, "due to, too many people using this same Roll Number"

I am the youngest of (11) children born to my parents, and I am the Father of (3) children. Therefore, that would be a long lineage that is entitled to usage of my Grandparents Roll Number, that was assigned to them. This also tells me that, some of my family members have been allowed to obtain a Valid Identification Card, utilizing the benefits offered, while I have not been given that same opportunity. I would like to be granted usage as well.

Thanking you in advance for reading my testimony, and hopefully you will be able to help me obtain my ID card.

RAY JACKSON

My name is Wanda Warren and I am the descendant of an enrolled Choctaw Freedmen. My ancestors were owned by Choctaw Chief, Peter Pitchlynn. Many years have passed since the Choctaw Nation changed its constitution in 1983 where they no longer allowed Choctaw Freedmen as citizens.

Choctaw Freedmen still face considerable discrimination in terms of social identity as well as economic and health disparities. At a recent U.S. Senate Committee of Indian Affairs meeting, only one representative from the Cherokee Freedmen, whose citizenship has been restored, was given time to speak. Although I am so grateful for the work that is being done, which is long overdue, I believe it is important to include the voices of all of those who will be affected before decisions are made and healing can begin.

Great men and great nations not only keep their word, they recognize and value everyone who has helped them to become prosperous no matter the race or origin. The Cherokee Nation recently dealt with the racial injustice that formerly guided their decisions of who could be citizens of their great nation.

I urge the Choctaw Nation as well as the other Oklahoma Tribes (Chickasaw, Muscogee, Seminole and Cherokee), the U.S. government and U.S. Senate of Indian Affairs Committee, along with representatives from all Freedmen communities to continue to work to recognize and restore the citizenship of once enslaved Freedmen and their descendants.

Thank you for the opportunity to provide this committee with feedback.

WANDA WARREN

I would like to change my status on a birth certificate

KENNIE BROWN

To whom it may concern,

I am an American Indian. I recently found out that my ancestors are Creek Cherokee, and Powhatan . Specifically my Creek ancestors lived in Oklahoma territory in the 1900's, before moving back to Alabam a few years later. With my recent findings my family and I plan to honor our ancestors customs and ways of the land. I am my ancestors. I am a descendant of many tribes. If they make the freedmen Africans in Oklahoma, they will do the same thing all across Indian country.They are trying to turn the American Indians to Africans, when some of us are simply not African. They are saying we are not showing up for work, but in the most recent census the number of American Indian grew by 90 percent.This treaty must be honored, because the descendants are still alive.

Kindly,

JB WILLIAMS

Choctaw Freedmen want to reclaim citizenship: We're now in the 21st century. Many decades have passed since the Choctaw Nation changed its constitution in 1983, where they no longer allow Choctaw Freedmen as citizens. The Choctaw Freedmen still face considerable discrimination in terms of social identity, not even having a seat at the table for an open dialogue and discussion. The Cherokee Nation, as a whole, has lifted itself into the 21st century and finally moved to address the heavy weight of racial injustice and favored equality for their Cherokee Freedmen and descendants. Now it's incumbent upon the Choctaw Nation, the US Senate of Indian Affairs Committee and the US Government; as well as, our Choctaw Freedmen Advocates and Supporters must all work together to see the once enslaved Choctaw Freedmen and their descendants today will be recognized as full citizens of the Choctaw Nation. Choctaw Nation should provide Health Care, Housing & Homeownership support, Educational support, Business support, Economic Development support, other services to Choctaw Freedman and the Descendants of Black people once enslaved by ALL FIVE TRIBES. I want my Choctaw Nation citizenship reclaimed.

Sincerely,

UNIQUE RAY

As an American Indian and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, and classifications of American Indians and tribal nation beyond the Five Civilized Tribes addressed at this hearing.

Thank you in advance for your attention to this item.

ELIZABETH MARIE BAGBY

In honor of our Ancestors of this Land, I come bestowing You with the highest of elevations.

This coming Wednesday, July 27, 2022, is scheduled a meeting of Congressional Senators and assigned Committee Members to discuss and review parameters involving the oversight hearing to examine select provisions of the 1866 Reconstruction Treaties between the United States and some American Indian Tribes. As an American Indian with multiple tribal nation lineages, active registered voter, and tax paying American, it is my ancestral duty and bloodline rite to communicate with my elected officials and committee members about the significant impacts these meetings and potential addendums would have on my community. It is certainly understood there are many treaties which ushered in detrimental effects of removal acts, sweeping multitudes of ancestral families off their lands. Other treaties presented notions to offer a revolutionary aspect of living for Indigenous Americans, while there were other stipulations placed upon ancestral and historical practices of families; also compromising the unity within family units.

The Treaty of 1866 with the Cherokee states to establish the abolishment of slavery amongst American Indians connected to the Cherokee Tribal Nation, recognized by the United States government. Within this treaty, there are limited expansion boundaries for allotted Tribal families and their descendants, although to the contrary other members are provided amnesty towards crimes committed, allowed tribal members to be in charge of their commercial presentations with no government interference, in addition to a collective of other parameters removed or strengthened upon the verbiage of the Article. During this time, the treaty also determined structural mandates for Cherokee Governance and council requirements.

Subsequent articles also present the allowance of some tribal members to reside with selected residential spaces, as long as one is deemed civilized; in conjunction, as designated areas of tribal lands highlighted for assigned states lands.

As a descendant of Pre-colonial, first contact American Indians and having lineage to the Cherokee Nation prior to the Civil War, I have an ancestral obligation to communicate how imperative it is to communicate my understanding of how the amendment of this treaty, without substantial input from direct descendants must not be.

In addition, the addendum towards such significant government sanctioning treaties will alter a person structure within one's lives, also ancestral lineage practices which were impaired, halted, or able to commence by way of the Treaty of 1866.

I am seeking to have representation of diverse participants (Cherokee members, tribal family descendants, and other allies) in addition to American Indians who are directly involved in the adjusted parameters placed as a result of the present treaty or potentially impacted from amendments to such treaty.

Any and all assistance your offices and representatives will offer are highly appreciated.

Infinite Peace to You,

WASWEKR CHEETA

To whom it may concern,

As a American Indian of the First Tribe from the ancestral homelands of Alabama and Georgia I would like the record to show that it will be irreparable harm and continued genocide of our identity and Human Right abuse with any overturning of the 1866 Treaty . The illegal President and sworn citizen of Spain Andrew Jackson was the central figure of this process with the Indian Removal Act and this United States is supposed to protect our Civil Rights.

We ask that you do not change the 1866 Treaties and you recognize our First Tribe status starting first with our Human Rights full restoration.

Thank you,

ISHMAEL A. BEY

I'm American Indian. It's very important that you keep the treaty the same and never change it. Enforce the current treaty of 1866. Thanks in advance.

CAREY BEY

I am an American Indian ,As a concerned member of the American Indian Community outside of Oklahoma the treaties of 1866 should not be changed and remain in place where as they set a precedence for other treaties, that's going to effect more then just the 5 recognized tribes.

BIG RED THOMAS

Dear Senate Committee,

As an American Indian and concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed, especially without the input of the Freedmen with ancestry of the tribes. Changing established treaties is a dangerous precedent. The treaties should stand and be enforced as written. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

DAMION

Dear Senate Committee,

I write with regards to the senate hearing on the 1866 Treaties between the Five Civilized Tribes.

As an American Indian and concerned member of the American Indian community outside of Oklahoma, I would like to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed. Changing previously established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, identities, lineal histories, and classifications of American Indians and tribal nations beyond the Five Civilized Tribes addressed at this hearing. Even alterations to seemingly simple nomenclatures (such as African, Negro, Indian, or Free Person of Color) with the intent of modernizing those terms is a dangerous act, as you risk merging distinctly separate ethnic groups of people without the specific genealogies and historical nuances that resulted in those terminologies that do not equate to terms used today. For example, many Free Persons of Color also appear on tribal rolls as Indians by blood. Thus, to contextualize Free Person of Color to also historically mean Negro or African American today would not only be a fallacy but would equate to ethnocide for those who were misclassified then and would be further misclassified in this process. The same fallacy is true for equating Negro to mean African or to equate any other historical term to mean something else today without a deeper understanding of family genealogies and state and federal legislations, such as the Racial Integrity Act of 1924 (which forced all distinct ethnic groups of people of color into the racial category of Negro).

Moreover, allowing the treaties to be altered (even with the appearance of benevolence) opens the door for obligatory parties to escape holding up their end of the bargain. If you don't like the terms of a treaty, create a new one. But the government, understanding its historic track record of breaking treaties, should be ashamed to be in the business of tampering with established treaties.

The treaties should stand and be enforced as written.

Sincerely,

ONOSCHIOKE TETHRAKE
AARON "GREAT RIVER MOON" MOSS

Peace & Blessings

I Chelon Robinson, (Yamasee Bloodline) am a direct descendant of Ancient Chief Altamaha himself. After the documented Yamasse War in 1715 my people has been

listed as extinct, when in fact we're not and have been here keep our heritage alive while being excluded from our rights as indigenous people. We have been listed as Freedmen , Negroes and slaves, due Racial prejudices. Our Tribal lands in Georgia has been divided and sold to the highest bidder without our consent. Yamasee Built the Creek nation Now called the Muskogee Nation. Article 3 of the 1866 Treaty distinguishes Yamasee From Africans in the Text in Article 2. In HR 1514 Yamasee or Jamasi are mentioned as being apart of the Confederation. However, since 1901 last time we (Yamasee) was mentioned by Congress, Where (Yamasee) not mentioned again . Where did the Yamasee people go when our last whereabouts is with the Muskogee Creek Nation? It has Been racism that has blocked Yamasee true heritage and classified us as Freedmen or Freedman. Our estate(land) has been stolen and The Yamasee has been denied Treaty rights. Therefore it should be redressed immediately and recognized as an Indian Tribe within the Confederacy of the Muskogee Creek Nation.

The Great Violation is the denationalization of indigenous people due to Color Code system imposed that is called apartheid. The right to a identity and Nationality is a Human right Enforcement of Treaties has to be done as part of restorative Justice.

Respectfully,

CHELON ROBINSON

Dear Representative/Senator/Senate Committee, MY NAME is AMARAY FINNEY

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

Respectively,

AMARAY FINNEY

Dear Senate Committee,

As a concerned member of the American Indian community residing outside of Oklahoma, I'm writing to corroborate that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

The changing of these established treaties disrupt established precedents & is dangerous! These treaties should stand and be enforced as is. Moreover, the actions and outcomes of this hearing affects the rights, legal status, ethnic identities, lineal histories, prisoners of War and classifications of American Indians and Tribal nations. If the make the Freedmen, Africans in Oklahoma, that will open pandora's box and lead the way for them do the same thing across Indian country.

JASON ROBINSON

I am an American Indian who once identified as African American due to my history being lost or hidden from people like me. I am descendants of the 5 civilized tribes and find that ratifying the 1866 treaty to change the names/nationality of the people who originally signed this treaty is a form of denationalization. At a time where people like myself are discovering their truth, that has been hidden from them, actions like the one proposed today will further hide the truth from ever seeing light. I do not want congressmen to change the original treaty to reflect something different. We have land ties affiliate with this treaty and continuing with ratifying it, is a form of cultural genocide and erasure.

JAZZ WHITAKER

To all members of 5he Congress, their staff, their aids and all Americans this correspondence is written in the Spirit of friendship that defines the bonds of our TREATIES between our nations the united states and her Citizens.

Honor our words as written by all our grandfathers on both sides of the table. To do otherwise is an action of unfriending.

Also, Can we normalize NOT marketing & PROJECTING the debunked pseudo social science Identity #BLACK #FBA #ADOS #BIPOC or any other eugenic racist by word or marketing slogan. We are Americans.

COKE JILES MAC LEOD

Dear Senate Committee,

As a concerned member of the American Indian community outside of Oklahoma, I write to affirm that the 1866 Treaties between the United States and the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations should not be changed.

Changing established treaties is a dangerous precedent. Furthermore, the actions and outcomes of this hearing affects the rights, legal statuses, ethnic identities, lineal histories, prisoners of war and classifications of American Indians and tribal nations.

The treaties should stand and be enforced as written.

KIA EDWARDS

Greetings,

My Name is Nina Tuyar Mayah, Translated to English as "Noble Lady Swan". I am a Clan Mother of the Yamasee Nation of The Great "Altamaha "Bloodline from the M'un Clan. After the documented Yamasse War in 1715 my people have been listed as extinct, when in fact we are not and have been here keeping our heritage alive while being excluded from our rights as indigenous people. We have been listed as Freedmen , Negroes and slaves, due Racial prejudices. Our Tribal lands in Georgia has been divided and sold to the highest bidder without our consent. Yamasee Built the Creek nation Now called the Muskogee Nation. Article 3 of the 1866 Treaty distinguishes Yamasee From Africans in the Text in Article 2. In HR 1514 Yamasee or Jamasi are mentioned as being a part of the Confederation. However, 1901 was the last time we (Yamasee) were mentioned by Congress; We're (Yamasee) not mentioned again . Where did the Yamasee people go when our last whereabouts were with the Muskogee Creek Nation? It has Been racism that has blocked Yamasee's true heritage and classified us as Freedmen or Freedman. Our estate (land) has been stolen and The Yamasee has been denied Treaty rights. Therefore, it should be redressed immediately and recognized as an Indian Tribe within the Confederacy of the Muskogee Creek Nation.

The Great Violation is the denationalization of indigenous people due to Color Code system imposed that is called apartheid. The right to an identity and Nationality is a Human right. Enforcement of Treaties has to be done as part of restorative Justice.

Respectfully,

NINA TUYAR MAYAH

Greetings, my Name is Pilar O. Muhammad. I am a Clan Mother of the Yamasee Nation of The Great "Altamaha "Bloodline from the M'un Clan. After the documented Yamasse War in 1715 my people has been listed as extinct, when in fact we're not and have been here keep our heritage alive while being excluded from our rights as indigenous people. We have been listed as Freedmen , Negroes and slaves, due Racial prejudices. Our Tribal lands in Georgia has been divided and sold to the highest bidder without our consent. Yamasee Built the Creek nation Now called the Muskogee Nation. Article 3 of the 1866 Treaty distinguishes Yamasee From Africans in the Text in Article 2. In HR 1514 Yamasee or Jamasi are mentioned as being apart of the Confederation. However, since 1901 last time we (Yamasee) was mentioned by Congress, We're (Yamasee) not mentioned again . Where did the Yamasee people go when our last whereabouts is with the Muskogee Creek Nation? It has Been racism that has blocked Yamasee true heritage and classified us as Freedmen or Freedman. Our estate(land) has been stolen and The Yamasee has been denied Treaty rights. Therefore it should be redressed immediately and recognized as an Indian Tribe within the Confederacy of the Muskogee Creek Nation.

The Great Violation is the denationalization of indigenous people due to Color Code system imposed that is called apartheid. The right to a identity and Nationality is a Human right Enforcement of Treaties has to be done as part of restorative Justice .

Respectfully,

PILAR O. MUHAMMAD

I Urenna of the House Kelly (Moore), am sending this testimony in regards to the 1866 Indian treaty and any decision made against it. Throughout my genealogy searches I have come to find that none of my relatives were enslaved africans. They have been living in the Americas prior to the inception of the Declaration of Independence. My people have continually been declassified and reclassified. I am here to set the record straight and allow the record to show, we are not any such misnomer colored, negro, black or african american. It was orally advised to me by my ancestors that my great great grandfather Samuel Lockhart (Donniel Lockheart) was full Cherokee by blood lineage. I am still in the act of diligently tracing my genealogy despite all of the oppression, terrorism and attempts of hindering such knowledge. My mothers kin are original to the lands of the Americas and not of African descent. She is American Indian by terminology found on the SF 181 form. I want to affirm that I oppose any termination, changes or evidential tampering of any treatise created by my ancestors that would molest any rights pertaining to the aborigine people of what's called the Americas and the utilization and true ownership of the land. We are bound to the land by heritage.

KELLY, URENNA

To who it may concern,

I am an American Indian. I am a Virginia Indian and my lineage is deep in Virginia soil we never migrate any where,we was the first to interact with the British settlers.

I am a concerned citizens of Indian territory left behind and the issues that affect me here with the decision made by 5 civilized tribes explaining position on matters blacks and Africanized. I would love to be able to stand on my lineage as a American Indian without prejudice. I know my ancestors was apart of the treaties that now being changed to remove me from my birth right.

Sincerely

PAMELA HALL

I appreciate this Committee for reading my written statement. In 2011, eleven (11) years ago, I submitted my first application with supporting documents to the Cherokee Nation. Then, on November 20, 2020, I submitted my second application with supporting documents to the Cherokee Nation. On January 21, 2021, I received a letter acknowledging receipt of my application. Concerning my application, I have had conversations with the office staff and have exchanged emails with Supervisor Caleen Bolin.

My Paternal Grandmother, Annie Crawford, age 5, is listed as a Cherokee Freedmen on the Dawes Roll, #2799. I was told that my application was being given to another processor. When I spoke with Ms. Bolin, she stated that she is researching my application. Is there a way that someone with expert knowledge on Cherokee Freedmen applications would be able to assist her in processing my application? The last voicemail that I left for Ms. Bolin was on May 25, 2022.

I am a member of and support the work of The Descendants of the Freedmen of the Five Civilized Tribes Association.

Much Gratitude.

LORYNE JOYCE BOWEN

Good evening,

I write this Testimony message to bring awareness to the unjustified and inconsistent business practices that have occurred on behalf of the Seminole Nation of Oklahoma. I have been a fully registered Seminole Nation tribe member for 2–3 years now and I am still being denied and refused services. My recent experience has been trying to get my used vehicle I just purchased registered with the Seminole Nation Tribe. I made a trip from Oklahoma City to Seminole which is about 45 minutes. Once I arrived, I gave the Seminole Nation representative my vehicle documents and she began to process my information. About 5 minutes later I received a call from the processing representative stating that she would not be able to process my information due to I am registered as a "Freedman". I requested if the provision or justification citing used to support the denial decision could be provided to me, it was refused. I requested a list of "Freedman" benefit exclusions to

tell me which services I am allowed and not allowed, it couldn't be provided. I asked when the last time the Seminole Nation operation codes were updated, no one knew. I've even been told just because my Tribal card says Seminole Nation, that doesn't mean I am a part of the Tribe. I drove back to the Oklahoma City to get my vehicle registered with the State of OK with no Tribal recognition since I was refused services. Also, about a month ago I completed and sent in BIA form 4432 to receive Indian Preference when I apply for Federal Jobs and I was denied. Again I was it was due to because I was a "Freedman". The Seminole Nation receives substantial amounts of funding for these programs and it is clear by the defiant actions from Upper Tribal leaders that the Tribe has zero Internet when it comes to recognizing the Seminole Freedman members as equals and it's extremely frustrating and discouraging. I request 2 actions: 1. That all BIA funded services operated under the Seminole Nation of Oklahoma are notified that Freedman citizens are to receive equal services effective immediately. 2. Membership cards are reprinted to removed the Freedman language. Thank you for your time and attention. I look forward to seeing these changes within the BIA and Seminole Nation.

PJ ROBERSON

Dear Sir/Madam:

This communication comes to you as a testimony that I would like to submit about my experiences of impartial treatment, discrimination, racism, and acts of what I feel is hate directed at me and my family and many other persons with Black heritage from the leaders and some members of the Seminole Nation of Oklahoma (SNO) tribe.

I am a member of the Seminole Nation of Oklahoma, and I am also Black. My Native American lineage extends deep and intertwines with my African American heritage both maternally and paternally. My maternal great great grandfather, Tecumseh Bruner traveled to Kansas and fought in the Civil War. He is listed on Congressional records as a "Loyal Creek." My maternal grandfather, James Foster was born in Indian territory. At a very early age he attended Indian schools, received land allotments and regular monetary payments. My maternal grandmother's family (Trotter & Dunlap) moved from Eupora, Mississippi to Indian territory when she was a teen. My grandmother's appearance showed a mixture of Native American and Black. Extremely long coal black hair, high cheek bones and the skin tone of Native American. As kids we would go to town in Wewoka, Oklahoma and many of the Native Americans communicated with her speaking their native tongue. Unfortunately, when she and her family sought to enroll on Dawes by blood roles, like so many that are mixed with Black, their paperwork mysteriously burned and was destroyed in a courthouse fire. She nor any member of her immediate family were ever enrolled on the Dawes because of this. My paternal family, the Cudjoe(s) were born and lived in Indian Territory. They had numerous land allotments in the Wewoka, Holdenville, New Lima and Seminole, Oklahoma area. My ancestors lived on Indian land and communities. They were family, intermarried and had children. My ancestors traveled the Trail of Tears and were forced to relocate to Indian Territory during the Indian Removal.

Once arriving to Indian territory, my ancestors enrolled on the Dawes rolls but depending on their appearance, many were listed on the Freedmen Dawes instead of the By Blood Dawes. The Freedmen Dawes forms has no column to list a blood quantum. Many who have/had the appearance of Black, were also mixed with Indian. But still today, many tribal leaders, government agencies and other individuals consistently try and create a blood quantum for Freedmen even though the government document does not list one.

In 1866, the United States Government and the Seminole Nation of Oklahoma entered into a treaty agreement. In this treaty, it states that ALL members of the tribe, would be treated equally in all matters.

U.S. Treaty with the Seminole Nation (1866)

March 21, 1866, Ratified, July 18, 1866. Proclaimed, August 16, 1866. Now, therefore, the United States, by its commissioners aforesaid, and the above-named delegates of the Seminole Nation, the day the year above written, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit;

Article 2 of the treaty states:. . . And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color, who may be adopted as citizens or members of the tribe.

The treaty agreement mentions nothing about a CDIB card or blood quantum. Sadly, many government entities have failed the Freedmen too. There is no accountability. When people who are on the Freedmen Dawes rolls seek to enroll in the SNO, they are issued a different card. This card is very powerful in that on sight, Freedmen are automatically denied many entitled benefits. The front of the card states that we have 0/0 Indian Blood. This information is inaccurate as many Freedmen have Indian Blood. The card also states that we only have VOTING RIGHTS. If a person is not part of your nation, why would you allow them to enroll and vote? The SNO submits enrollment numbers to the United States government and include all Freedmen in this count. Once they receive the government funding, they refuse to acknowledge the Freedmen as a member of the tribe and keep any funding they have received on the Freedmen's behalf. This is fraud, racism, and discrimination. I have contacted numerous Congressional leaders and government agencies, but my pleas have been ignored. Without the billions of dollars tribes receive from the United States government, the effect of the SNO's racism would be diminished. Freedmen are told that we do not qualify for benefits due to the fact that there is no CDIB shown on the government form with our ancestor's names. If they do not use a CDIB when they count Freedmen in their reported enrollment numbers, it should not factor when Freedmen inquire about programs and other benefits that are being withheld from us.

On September 10, 2018, R. Glen Melville, Acting Regional Director of the United States Department of the Interior penned a letter, addressing it to The Honorable Harold Frazier of Eagle Butte, South Dakota. The letter discussed doing away with the CDIB program. He stated that he would reach out to the tribes to get their input on the affects it would have on their tribal nations. The tribes will never agree to do away with CDIB. It's their tool of power, a tool they use to discriminate and enact racism on Black tribal members. Doing away with CDIB in the SNO, would help the tribe to own up to their part in the treaty agreement of 1866 and hopefully restore equality within the tribe.

Below I will outline some of the disparate treatment my family and I have had to endure.

MEMBERSHIP CARDS—I spoke to Shirley Walker, the SNO's Enrollment Office Director about the appearance of the Freedmen's card. On January 31, 2018, I wrote a letter of appeal to her as my family's Membership cards arrived with inaccurate information on them. I requested that the inaccurate information be removed, and new cards be sent. On February 8, 2018, Ms. Walker sent a response stating that "Freedman has no proven Seminole Indian Blood. New citizenship cards will not be issued as they were initially issued to designate voting precincts. . .." On March 13, 2018, Ms. Walker further stated that "by law we cannot go beyond or change anything on the Dawes Roll." In all actuality, Ms. Walker has gone beyond and changed what the Dawes Roll, a federal document states. The Freedmen Dawes Roll does not have a column for a percentage; therefore, Ms. Walker can not make up her own interpretation of the federal document and apply it as a law. It does not say 0/0, there simply is not one there. The CDIB program is flawed and the placement of this requirement to receive equal access to programs is discriminatory towards Freedmen and contrary to the 1866 treaty. Ms. Walker also stated that "the federal government has made that distinction and that our family is not eligible for an appeal no matter what the enrollment office places on our cards." On April 21, 2018, a petition was submitted concerning the inaccurate information on Freedmen enrollment cards. The petition was signed by over thirty members of the Caesar Bruner band, a part of the SNO. The petition requested that this situation be heard before the council and discussed. The petition was certified mailed to then Chief Greg Chilcoat. Chief Chilcoat refused to put it on the agenda and refused to acknowledge the issue.

AFFORDABLE CARES ACT—The SNO received ACA funding. Although Freedmen were also affected by the COVID–19 pandemic, Freedmen were denied monetary payments. Applications were completed and turned in, but no response was ever made from the tribe. Many of my family have completed these applications and have proof that they were received by the SNO, but we have been ignored and continue to be denied of our benefits.

VOTING RIGHTS—The chief and many other SNO members say Freedmen have no place in their tribe, but during election time I and many other family members receive post cards, letters, and other election mailouts asking us to vote for them.

SNO TAG AGENCY—My family and I have tried for at least 4 years to take advantage of the SNO tribal tags, vehicle registration and other services this

agency provides. However, each time we are denied and told that Freedmen are not allowed to use these services. The tribal tag agency comes as a department where tribal members can receive huge discounts on these services and pay less than they would it they chose to use the state of run tag agencies. We are denied this service and are being forced to pay hundreds if not thousands of dollars more than other tribal members each year. On March 19, 2018, Mary A Mashunkashey SNO Business & Corporate Regulatory Commission Executive Director informed me that codes say that they must give services to "tribal members and I am a citizen." My family and I have been denied the use of these services for many years.

JUDGMENT FUND—On March 19, 2018, I visited the Judgment Fund office to drop off an application for my 65-year-old brother who is an enrolled SNO member. He was seeking help from the Elderly Assistance Program. I spoke to Madonna Williams who said she was the coordinator there. She asked for my brother's CDIB card and when I explained that he did not have one but gave her a copy of his membership card. She refused to accept the application for my elderly brother and said that he would need a CDIB card. My brother met all other qualifications to the program but was denied.

SNAP PROGRAM—During the April 28, 2018, General Council Meeting, the director over the federally funded snap program stated that their program is a supplement to the supplement to allow people in the tribe to take advantage of dual programs. Freedmen would not be allowed to participate nor take advantage of this tribal program.

ASAP STRONG KIDS PROGRAM—Mr. Jonathan Bennett was the director of this program during the time span of April 28, 2018, at the General Council Meeting. Our band representative Ms. Osborne-Sampson asked if Freedmen would be allowed to participate in the program, his reply was "I don't have a problem with it as long as the Department of justice (DOJ) doesn't." According to his response, Freedmen families would need to have special permission from DOJ to participate in this program.

HEADSTART PROGRAM—During the April 28, 2018, General Council Meeting, the person who is over this program said they receive federal funding, but they do not have any guidelines in place.

HOUSING AND URBAN DEVELOPMENT (HUD)—At the April 18, 2018, General Council Meeting, the manager of the Housing Authority of Wewoka, OK gave a report and said that "Full Blood Member" will get preference over Freedmen. In another situation, a 184-loan application had to be approved twice before that SNO tribal member's "Freedmen" application was finally approved. It was approved, rescinded (saying the tribal member needed a blood quantum) but after the Freedmen filed a complaint, the 184 was approved again. Contact was made with HUD director's office, Sharon Gordon-Ribeiro to file a complaint about the process and what they felt was discrimination. The applicant was told there is basically no place to file a complaint as HUD can't investigate themselves.

LOYAL CREEK FUNDS—My family received a letter from the Department of the Interior, Bureau of Indian Affairs saying my mother, her siblings and several other relatives were entitled to funds from my great great grandfather loyal Creek Tecumseh Bruner. My relatives were never paid, and I and my deceased mother and sisters have inquired to numerous government agencies about this for many years. I have made numerous Open Records requests, to be ignored. It seems as if there is a cover-up and the funds my family should have received over 50 years ago is being kept from us.

Many tribal members and officials even taunt Freedmen saying, "You can't do anything to us, we're Sovereign." "Sue us, I forgot, you can't, we're Sovereign." It seems as if the SNO believes that they are untouchable and can continue to receive billions of dollars from government funding but does not have to answer to anyone.

One U.S. Senator wrote me saying that the U.S. Government does not meddle into Sovereign affairs and the U.S. has no authority to do anything. I disagree, the U.S. government does have authority. They have authority to STOP funding the racism. Make a decision to own up to ALL parts of the 1866 treaty. Stop giving money to the tribes based on their numbers if they are not allowing all of those people counted to participate in the programs.

I pray that the United States Senate will make some changes and open doors for all tribal members to be treated equally as the Treaty of 1866 meant for it to be.

Please do not hesitate to contact me should you need additional information or have any questions.

Sincerely,

ROCHELLE STEPHNEY-ROBERSON

My Name is Beverly Ann Elliott Taylor. My great grandmother is Lizzie Sango. CDIB 1043 I believe. I have contacted Creek county in Muskogee and the say I was adopted In. . .And not eligible. My grandmother, Lizzie's daughter, deceased, was Fannie Mae Webster 75 percent Indian. She did not have a CDIB card. . . . my dad, Clarence Elliott, who is deceased, did not have one either. Please help.

Thank you for your consideration.

Greetings to the Senate Committee,

This communiqué is regarding the Oversight Hearing on Select Provisions of the 1866 Reconstruction treaties Between the United States and Oklahoma Tribes. My name is Dr. Nolan L. Fontaine, I am misclassified American Indian. I am asking that the US Senate Committee steadfast on reconsidering the provision for freedmen outside of Indian Territory. This particular will have reverberating effects on Urban Indians like myself. My maternal great-great grandfather, John Wesley Saunders was misclassified in the state of Delaware who was listed as Mulatto on the 1840 census after baptism. On later censuses Grandpa John and his children were labeled as Colored/Negro, then Black. This same method was continued to their progeny.

This reclassification methodology also doubled-downed as a covert intergenerational silencing tactic and resulted in most family to hide, obscure and disguise our culture, heritage and spiritual practices for fear of state & federal retribution or relocation to Indian Territory. Not until Public Law 95–341 (45 USC 1996) the American Indian Religious Freedom Act of 1978 was it legal for American Indians to engage in spiritual practices without retaliation of levy, fine or incarceration.

By 1978, my mother, who also was American Indian, had graduated high school and my grandmother, who was the head of household covertly lived as a misclassified American Indian woman so she would not have to be relocated to HUD Indian Housing. In the past, there has also been overt attempts to Africanize Indian Territory and Indians around America to erase our cultural memories. This particular practice also occurred in the housing project where I was raised.

Indian Territory is now known as the State of Oklahoma with respect to 2/3 of the state land belonging the Muscogee-Creek, the Choctaw-Chickasaw, the Seminole, and the Cherokee as well. As a concerned descendant of American Indians who stayed behind post-1866, matters in Oklahoma Tribe provisions effect Indians outside of Indian Territory immensely. I am appreciative of Gov. Kevin Stitt, the Oklahoma State Assembly, the US House and US Senate and the Committee on Indian Affairs in working nation-to-nation with the Muscogee-Creek, the Choctaw-Chickasaw, the Seminole, and the Cherokee, as well as with Urban Indians, like myself with family who live outside Indian Territory respectively.

It is my request as registered voter with a family of forty (40+) American Indians that the committee highly consider the impact that changing provisions may have for other Urban Indians families. For the purpose of posterity, I would like this document saved in the US Senate record for the future seven (7) generations.

Respectfully Submitted,

DR. NOLAN L. FONTAINE

Dear Senators:

I am a descendant of Creek Freedmen. I am writing to inform you that I, and hundreds of thousands of other Creek Freedmen Descendants, are being discriminated against and denied citizenship within the MCN due to our African ancestry. Our ancestors were the 1st people to inhibit Indian Territory (Oklahoma). Our ancestors took part in the infamous Trail of Tears and were removed from their Southeastern homelands, suffering the same losses and tragedies as the so-called full-blood tribal members on the journey west to the new land.

Our ancestors were enslaved by the MCN and placed on the Creek Freedmen Dawes Roll regardless of blood degree. In 1979 the MCN disenrolled all citizens placed on the Creek Freedmen Roll from the tribe due to their African blood and greed. As a result, we have been stripped of our birthright, language, culture, educational opportunities, Indian Health Services, Covid relief funding, and the vaccine.

Congress, I ask that you assist us with righting this wrong and that you no longer force us to pay tax dollars only to be denied access to the Nation of our ancestor's birth and our birthright as the descendants of Creek Freedmen.

I pray that you address the issue of citizenship for Freedmen descendants or consider withholding federal dollars from these nations that discriminate against us.

Kind regards,

Cynthia Griffin
T'Aubrey Griffin
Talton Griffin
Deborah Hawkins
Lester Darnell Hawkins
Juanita Hawkins-Davis
Tammy Hawkins-Landrum
Doris Elaine Hawkins-Williams
Marsha Hawkins
Marcus Hawkins Jr.
Rico Hawkins
Cametra Lasette Johnson
Ke'Yonna HawkinsA'Morey Davis-Jackson
Jascent Janelle Glenn
Obby Darnell Mayes
Moniqueka Whyte-Mayes
Crystal Carolyn Mayes
Anna Cato Mayes
Ramona Hankerson
Tiara Sank
Cedric Christon
Phillip Jennings
Leon Lenzy
Charles Cedric Jennings
Obadiah Joseph Mayes
Cynthia Cato Mayes Pottinger
Tyree R. Parker"

Senate Committee on Indian Affairs,

Choctaw Freedmen want to reclaim citizenship: We're now in the 21st century. Many decades have passed since the Choctaw Nation changed its constitution in 1983, where they no longer allow Choctaw Freedmen as citizens. The Choctaw Freedmen still face considerable discrimination in terms of social identity, not even having a seat at the table for an open dialogue and discussion. The Cherokee Nation, as a whole, has lifted itself into the 21st century and finally moved to address the heavy weight of racial injustice and favored equality for their Cherokee Freedmen and descendants. Now it's incumbent upon the Choctaw Nation, the US Senate of Indian Affairs Committee and the US Government; as well as, our Choctaw Freedmen Advocates and Supporters must all work together to see the once enslaved Choctaw Freedmen and their descendants today will be recognized as full citizens of the Choctaw Nation. Choctaw Nation should provide Health Care, Housing & Homeownership support, Educational support, Business support, Economic Development support, other services to Choctaw Freedman and the Descendants of Black people once enslaved by ALL FIVE TRIBES. I want my Choctaw Nation citizenship reclaimed.

Sincerely,
Chamia Bills
Kyree Bills
Etta Daniels
De'Kyria Mitchell
Juanna Nobles
Kirsten Nobles
Unique Ray
Sandra Reynolds

Dear Chair and Committee Members,

I am one of many descendants of Creek Freedmen.

I want to express my opinion regarding the current hearing on the 1866 U.S. Treaty. Specifically Article II of the Muscogee Creek Nation treaty with the United States Government. For the last 40 years my family members have been fighting for our citizenship rights back into the Muscogee Creek Nation. Due to the breach of the 1866 U.S. Treaty by the Muscogee Creek Nation that expelled the Creek Freedmen around 1979 from the Muscogee Creek Nation based on racial divide. Four of the Five Civilized Tribes continues to breach this Treaty agreement with the support of the BIA. We feel that this is discrimination to support such a breach and it even mimics what could be a form of genocide to remove Creek Freedmen descendants as if they never existed.

Well we do exist and there are thousands of descendants of Creek Freedmen living in the United States but expelled from their ancestor's tribe the Muscogee Creek Nation simply because they are descendants of former black slaves.

I know the question came up in the hearing how many Creek Freedmen descendants are there? Well in my family alone there are hundreds and around the country thousands possibly 20,000 or more. My ancestors were the bread winners for the Muscogee Creek Nation making their farmlands prosperous. The contributions they gave free of charge allowed the Muscogee Creek Nation to grow into the strong Nation it is today. This is one of the very reasons our people cannot be erased from history and there must be a path moving forward for both Muscogee Creek by blood and Muscogee Creek Freedmen to co-exist. First, we want these types of human rights violations to stop. Secondly, we want a path to citizenship rights per the 1866 U. S. Treaty.

This means that all descendants of Creek Freedmen should be eligible for citizenship based on their ancestors Creek Freedmen roll numbers. No more human rights challenges based on blood quantum requirements. Blood quantum requirements were removed from the Amendments of the Stigler Act in 2018 but failed to include the protection of land for the Freedmen. This is why so many Creek Freedmen lost their land due to the language written in the original Stigler Act. Even my family lost their land in Wagoner County, Oklahoma that my ancestors would've passed down to their descendants if it weren't for the Adverse Possession or just straight out thievery. This land was supposed to be protected land for Freedmen as well as Natives by blood. The policies, laws and Muscogee Creek constitution have been written to discriminate and exterminate the very existence of the Freedmen. Well, I am here to say we are still here and willing and able to testify about this issue that we have been fighting for 40 years now.

Some of our Matriarchs have passed on but they taught us well about our history. This gives us the ability to keep our heritage alive and well. We recommend the Committee invite the descendants of Creek Freedmen and other nations Freedmen to testify via Zoom. We want you to hear our voices and we making an effort to be available to discuss the issues. We can provide documentation that includes our ancestors roll numbers and other documentation about the allotment of land.

We pray the Committee can find a way moving forward by listening to the voices of the descendants of enslaved ancestors. And by honoring the U.S. 1866 Treaty rights granting citizenship to our ancestors and their descendants. We are proud Muscogee Creek Freedmen descendants of the Five Civilized Tribes.

Thank you for your help.

Sincerely,
Betty Latimer
Tyler Ford
Bre'Yell Thompson
Robert Jeffery
Erica Bills
Deric D. Isaac
Diane Tucker
Eric Ford
Glendie Herron
Nadine Brown
Ameenah Fuller
Cathy Ford
Freedman Portland Andrews
Roger Abdul-Raheem
Maerean Coleman
Milinda Mayfield
Ieashia Fox
Robin Fox
Zakiyyah Abdul-Raheem
Gina Tucker

Byron Brannon
Hattie Harris
Steven Brannon
Maxwell, Kevin
Katherine Williams
Pam Isaac
Reginald Littlejohn
Rexal Ford
Roy Tucker
Glendie Herron
Anitra Herron
Quintin Maxwell
Antoinette Carruthers
Virgie Anderson Jones
Marsha Giddings
Toni M. Jones
Apollos Tucker

Any other statements and attachments have been reviewed and retained in the Committee files.