

Lori Stinson
Attorney General, Poarch Band of Creek Indians
Testimony before the
Indian, Insular, and Alaska Native Affairs Subcommittee
House Natural Resources Committee
May 14, 2015

Good afternoon Chairman Young, Ranking Member Ruiz, and Members of the Subcommittee. My name is Lori Stinson. I am the Attorney General of the Poarch Band of Creek Indians (“Poarch Creek” or “Tribe”), a federally recognized tribe located in Alabama and Florida, and an enrolled member of the Tribe. The Poarch Creek people have always lived in Alabama and the Florida panhandle area, and we continue to live there today.

Thank you for the opportunity to provide testimony on the Tribe’s views on the legal and moral obligations of the U.S. to ensure that the land-into-trust standards effectively assist all federally recognized tribes instead of prohibiting and hindering trust acquisitions of tribes as set forth in this Subcommittee’s hearing memo dated May 12, 2015. Like many other Indian tribes and tribal organizations across the country, Poarch Creek supports legislation, including H.R. 249 introduced by Rep. Tom Cole and H.R. 407 introduced by Rep. Betty McCollum as introduced, that ensures that all federally recognized tribes can continue to rebuild our communities through the land-into-trust process consistent with federal policies of self-determination first developed by President Richard Nixon and as set forth under the U.S. Constitution, treaties with the U.S., and other federal laws.

We would also like to respond to misleading allegations levied by the Muscogee (Creek) Nation of Oklahoma and Hickory Ground Town (collectively, “Muscogee”) against Poarch Creek. Poarch Creek is extremely troubled by Muscogee’s repeated inaccuracies about the history and events on Poarch Creek trust lands. Over the decades, Poarch Creek leadership has consulted with and made great efforts to work with Muscogee on a Tribe-to-Tribe basis often flying to Oklahoma to meet in person, and it pains us that Muscogee has chosen to raise an inter-tribal dispute in this congressional forum. We are concerned that these allegations will distract from our goal today of ensuring that the U.S. fulfills its trust responsibilities to all tribes in assisting all of Indian country in reacquiring our homelands.

Background of the Poarch Band of Creek Indians

Poarch Creek is the only federally recognized tribe in Alabama with over 3,000 members. It took Poarch Creek decades of painstaking effort before the United States recognized the Tribe’s inherent sovereignty by bestowing federal recognition to the Tribe in 1984 under the Reagan Administration.

Our trust lands are located in Alabama and Florida, and our tribal members live in both of these states as well as other parts of the country. The Tribe has fought hard to preserve our proud heritage while moving forward into the mainstream of today’s modern society. Our determination to maintain both our identity and inherent right to self-government guides everything we do. We will continue to do what we have always done in preserving our culture

and improving the quality of life for our community.

We are the descendants of a segment of the original Creek Nation that once covered almost all of Alabama and Georgia. Our ancestors lived along the Alabama, Coosa, and Tallapoosa Rivers, including areas from Wetumpka south to Tensaw settlement. The Treaty of Fort Jackson in 1814 forever changed the face of the great Creek Nation as 21 million acres of Creek Indian lands were ceded to the U.S. In the 1830's, the Trail of Tears saw many Creek Indians removed from remaining lands and resettled in present-day Oklahoma. This dark history of the United States' Removal policy inflicted unheard of tragedy on dozens of tribal governments that were forcibly removed from their homelands. However, Poarch Creek, like some other tribes, remained on our homelands. It was not easy to persevere under these circumstances. Our Poarch Creek ancestors moved out of the Tensaw region and into the Poarch area. Some received land grants for their service to the United States, and this area is where we are still located today.

Our tribal governmental operations include police and fire protection, education, health care, housing, transportation, elder services, social services, cultural preservation, and much more. These services are made available to tribal citizens, and some of our services are also made available to non-citizens residing on or near our tribal lands. Many of these services are located on the Tribe's trust lands.

After many decades of effort, the Tribe's vision of improving our region's health care services finally became a reality when we opened the Buford L. Rolin Health Clinic on the Tribe's trust property. The Clinic is named after former Chairman Rolin who retired last year and who dedicated his life to addressing the health care needs of the Poarch Creek people and all of Indian Country, including serving as Tribal Co-Chair of the National Steering Committee for Reauthorization of the Indian Health Care Improvement Act from 1998-2010 and he was appointed Tribal Co-Chair for the Tribal Leaders Diabetes Committee and the White House Commission on Complementary and Alternative Medicine Policy. The Clinic provides much needed health care services, including a diabetes program, Women-Infant-Children (WIC) program, women's health program, and a primary care clinic encompassing specialty care services, dental services, diagnostic imaging services, a laboratory, rehabilitation services and physical therapy, behavioral health services, preventive health services, and education and public health nursing services. *Attached to this testimony is a picture of the Buford L. Rolin Health Clinic.*

We were also recently able to make another dream become a reality when the Tribe opened the Lavan Martin Assisted Living Facility last year to create a home for our elders on tribal lands. The Assisted Living Facility creates a safe environment for seniors, their families and community members. The design includes four Assisted Living homes, an entrance canopy, courtyards, dining, a coffee shop, business center, quilting room and resident laundry. There are 24 one-bedroom apartments, 8 two-bedroom apartments and 2 guest rooms. The complex also serves elders who live nearby with a 100-seat dining room and recreational and entertainment venues. The architectural concept was inspired by our Creek heritage and culture and elements found in nature. *A picture of this Assisted Living Facility is attached.*

In addition to providing for our elders, we also invest resources into our future. Once such way

is the operation of the Fred L. McGhee Learning Center on tribal trust lands.

Further, the Poarch Housing Department provides safe and decent homes to tribal citizens and their families. The Housing Department has worked to alleviate the acute shortage of homes on the Reservation and is in the process of developing a new tribal subdivision for 35 single family homes, a new rental subdivision that will consist of 20 rental units and there were 20 townhomes completed earlier this year.

Many of our services and activities are located on Poarch Creek fee land. For example, the Tribe built a state-of-the-art fire station on Poarch Creek fee land and that provides services to not only the Poarch Creek community but the surrounding areas as well. We also provide emergency and rescue services for tribal and non-tribal communities. The Tribe also owns and manages the Magnolia Branch Wildlife Reserve, which is over 6,500 acres and provides recreational and camping opportunities to the region to enjoy nature and its beauty. These lands are not in trust, and it is the Tribe's desire to place the lands into trust and preserve these lands in perpetuity.

The Tribe employs thousands of area residents and has diversified our economic enterprises in recent years. These enterprises include: Perdido River Farms, Muskogee Technology, the Creek Travel Plaza, Muskogee Inn, Wind Creek Casino & Hotel in Atmore, Wind Creek Casino & Hotel Wetumpka, and Creek Casino Montgomery.

The Poarch Creek tribal government is committed to being a good neighbor and to improving lives of all Alabamians. In 2014, our Tribe made more than \$6.9 million in charitable contributions to our state and neighboring local governments, including: \$650,000 to Alabama educational institutions, \$250,000 to Escambia County drug task forces; \$500,000 to Escambia County health facilities; \$850,000 to the Wetumpka Fire Department; \$400,000 for roads, telecommunications and other related county governmental infrastructure; \$850,000 to the Elmore County Emergency Operations Center; and \$500,000 to national Native American organizations.

U.S. Legal and Moral Responsibility to Protect Tribal Sovereignty and Tribal Trust Lands

The ability to exercise governmental authority over land is the core of tribal sovereignty. Without the ability to take land into trust, a federally recognized tribe cannot exercise jurisdiction over its land to provide housing, economic development, or the conservation and preservation of tribal homelands, among other benefits.

In the 1800's through the federal policies of Removal and Allotment, Indian tribes lost hundreds of millions of acres of Native homelands. The Senate Committee on Indian Affairs recently acknowledged that in 1850 tribal governments owned in excess of 330 million acres of land. In just 31 years, the tribal land base was cut by more than half to 156 million acres by 1881. Commissioner of Indian Affairs, John Collier (widely known as the author of the IRA), presented information to Congress that tribal land holdings at the beginning of the Allotment policy in 1887 amounted to 138 million acres. Tribal governments lost an additional 90+ million acres of land over the ensuing 37 years under the Allotment policy.

In a significant shift from the failed policies of the nineteenth century, Congress passed the Indian Reorganization Act (IRA). The IRA sought to stop the devastating consequences of Allotment, to restore the tribal land base by authorizing an administrative land to trust process and by authorizing Indian land claims, and to rebuild tribal economies through various means.

It is important to note that the IRA's land into trust provisions were not limited to restoring Indian lands lost through allotment. While Sections 1 and 2 of the IRA focused directly on stopping the impacts of allotment, the remaining provisions of the Act sought to rebuild tribal lands decimated throughout the 1800s. Section 5 generally authorizes the Secretary of the Interior "to acquire ... any interest in lands ... within or without existing reservations ... for the purpose of providing land for Indians." History is clear that many Indians and Indian tribes were not subjected to allotment. In addition, Commissioner Collier testified to the IRA's intent to provide landless Indian tribes with "new reservations" acquired under the Section 5 authority. Other provisions of the IRA authorize Indian land claims to bring about justice by restoring Indian lands taken through "fraud, deceit, and collusion" See statement of Oklahoma Senator Elmer Thomas, Hearing on the IRA Before the Senate Committee on Indian Affairs, at 260-261, 73rd Cong. (1934).

Since 1934, under both Republican and Democratic administrations, under the IRA, the U.S. Secretary of the Interior (Secretary) has taken land into trust for tribes for housing, health care facilities, elder facilities, schools, and other important infrastructure. The IRA has enabled tribes to maintain control of our lands in order to provide economic development for tribal members and surrounding communities and to preserve lands of significance to us. In short, the IRA has protected and promoted tribal sovereignty.

Judicial Attacks on Tribal Sovereignty and Tribal Trust Lands

However, in February 2009, the Supreme Court in *Carcieri v. Salazar* upended 75 years of this federal practice under the IRA of restoring Indian lands to tribal governments. The *Carcieri* decision strikes at the heart of tribal sovereignty. In *Carcieri*, the Court ruled that the Secretary's authority to take land into trust under the IRA is limited to only those tribes that were "under federal jurisdiction" as of 1934. However, the phrase "under federal jurisdiction" was not defined in 1934 by the United States. Other terms such as "federally recognized" were only developed in the 1970's when the Department of Interior (DOI) was formalizing its administrative process to acknowledge existing tribes and have a different legal meaning. The *Carcieri* decision has caused great uncertainty in DOI's land into trust process. Further, the *Carcieri* decision causes the unequal treatment of federally recognized tribes contrary to congressional intent and federal policy.

The *Carcieri* decision has spawned dozens of legal attacks based on the misplaced assumption that the decision limits the Secretary's ability to place land into trust for an Indian tribe that was federally recognized after 1934. Instead, the case limits the Secretary's IRA land to trust authority to tribes that were "under federal jurisdiction" as of 1934, again an undefined term.

Primary examples of cases stemming from *Carcieri* include the Supreme Court's 2012 *Match-E-Be-Nash-She-Wish v. Patchak* case and the Ninth Circuit's 2014 *Big Lagoon Rancheria v.*

California decision, both of which constitute direct attacks on tribal sovereignty and add to the legal uncertainty inflicted by *Carciere*.

In 2012, the Supreme Court in *Patchak* held that the Quiet Title Act (QTA) does not bar a lawsuit brought under the Administrative Procedure Act (APA) to challenge a Secretary's IRA land in trust decision. The Court found that the Secretary's IRA trust land decisions were subject to APA review for up to six years after a final determination was issued (the APA statute of limitation).

Patchak represents a significant divergence from the Court's prior QTA rulings. Congress enacted the Quiet Title Act (QTA) to provide a comprehensive solution to real-property lawsuits involving federal lands brought against the United States. The QTA strikes a careful balance by imposing limits on the federal government's exercise of sovereign immunity with the government's need to ensure the protection of the public interest – including the ability to uphold its legal treaty and trust obligations to Indian tribes.

The QTA, Section 2409a, provides that “[t]he United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest.” The remainder of the Act imposes conditions on this waiver of immunity. Vitally important to Indian tribes, one of these conditions provides that the right to sue “does not apply to trust or restricted Indian lands.” §2409a(a). The Supreme Court has reasoned that this provision is consistent with the federal government's unique legal obligations to protect Indian lands.

While *Patchak* undermines the need for legal certainty to Indian land holdings, the Ninth Circuit's 2014 *Big Lagoon* decision takes attacks on Indian lands and tribal sovereignty to a dangerous new level by permitting lawsuits against existing Indian lands that have been in trust for decades. *Big Lagoon*, along with other claims against long-existing Indian trust lands, raises dangerous questions about the legal status of millions of acres of Indian lands placed in trust pursuant to the IRA. These challenges ignore the limits of the *Patchak* decision, ignore the APA's statute of limitations, ignore the Quiet Title Act and its purposes, and completely undermine the need for stability upon which sound governmental decision-making and necessary infrastructure investments must be based. This is a direct threat to all of Indian Country.

This Committee's Oversight Plan for the 114th Congress includes as one of its top priorities the protection of private property rights. We urge you **not** to ignore the existing property rights of Indian tribes.

The *Carciere* decision and its progeny cases are causing considerable damage to tribal sovereignty and economic development. Legal uncertainties and potential challenges to land in trust for up to six years and possibly longer are deterring investment in Indian country. It is halting the ability of tribes to develop and use their land in the manner that is best for their members, the very heart of tribal sovereignty. The *Carciere* decision has a direct negative effect on the ability of tribes to create jobs, provide infrastructure, build housing, provide health care, build schools, and to exercise jurisdiction over our lands. Due to jurisdictional uncertainties,

Indian country criminal convictions and civil actions have been placed into doubt and will lead to further litigation.

Need for Congress to Address Attacks on Tribal Sovereignty and Tribal Lands by Enacting H.R.249/H.R. 407 As Introduced

H.R. 249 and H.R. 407 would address the uncertainties created *Carcieri* decision by reaffirming the authority of the Secretary take land into trust for the benefit of federally recognized tribes. Further, this bill would protect tribal sovereignty, remove uncertainty in the land-into-trust process, and foster opportunities for tribes to continue to develop our reservation economies and provide essential governmental services to our communities. We are grateful that six members of the Subcommittee, including the Chairman and Ranking Member, are co-sponsors of H.R. 249.

Tribes and national and regional tribal organizations across the country support *Carcieri* fix legislation. The organizations include: the United South and Eastern Tribes, the Great Plains Tribal Chairmen's Association, the Inter Tribal Association of Arizona, the Midwest Alliance of Sovereign Tribes, the California Association of Tribal Governments, the Southern California Tribal Chairmen's Association, the Tribal Alliance of Sovereign Indian Nations, the Alaska Federation of Natives, the Native American Rights Fund, the National Indian Education Association, the National Indian Head Start Directors Association, the National Alliance to Save Native Languages, the National Indian Health Board, the National Council of Urban Indian Health, the Native American Indian Housing Council, the National Indian Gaming Association, the Indian Law Resource Center, the Indian Land Tenure Foundation, the Intertribal Agriculture Council, Americans for Indian Opportunity, the First Nations Development Institute, the Self-Governance Communication and Education Tribal Consortium, the National Center for American Indian Enterprise Development, the Native American Finance Officers Association, the National Congress of American Indians, and the Native American Contractors Association. In the past, these tribal organizations and the Navajo Nation have signed joint letters urging enactment of *Carcieri* fix legislation.

Further, many communities near tribal trust lands support *Carcieri* fix legislation because the economic activities or tribes employ many non-tribal residents in the area and are often times the primary or sole economic engine in the region. Recognizing this, the U.S. Chamber of Commerce supports passage of a *Carcieri* fix. Indeed, our neighboring town of Atmore, AL, strongly supports a *Carcieri* fix because the continuing vitality of the town is linked to the economic endeavors of Poarch Creek and the Mayor of Atmore, Jim Staff, has flown to D.C. to advocate for passage of H.R. 249 and H.R. 407. Mayor Staff is also a good friend to the Tribe as are many others in the communities that surround Poarch Creek trust lands.

There are some who say that Indian Country is divided on a *Carcieri* fix. However, the opposite is the case as evidenced by the support listed above, which is unprecedented in Indian Country and shows the unification of Indian Country for this legislation. Further, there is overwhelming support from tribal governments across the country for a fix. Of the 566 federally recognized tribes in the United States, the great majority support a fix.

Land-into-Trust Standards are Not Inadequate as Stated in Hearing Title

Based upon the title of today's hearing and this Subcommittee's hearing memo dated May 12, 2015, we are concerned that rather than addressing the difficulties experienced by Indian tribes in acquiring trust property, more barriers may be created in the trust acquisition process. Creating more barriers in the land-into-trust process is not a fulfillment of the trust and fiduciary duties owed to tribes, and this perception that the land-into-trust standards are inadequate is inaccurate for several reasons.

First, the land-into-trust process is governed by the IRA, which Congress intended as a means to restore tribal government homelands for housing, education, health care, and other essential government services. DOI's process for acquiring land in trust for tribes is stringent and set forth in regulations at 25 C.F.R. Part 151. Pursuant to these regulations, DOI considers the following criteria in reviewing trust applications: (1) the tribe's need for the land; (2) the purpose for which the land will be used; (3) statutory authority to accept the land in trust; (4) jurisdictional and land use concerns; (5) DOI's ability to manage the land; (5) compliance with all applicable environmental laws; and (6) impacts that the acquisition would have on state and local governments with regulatory jurisdiction over the land resulting from removal of the land from tax rolls. Further, off-reservation non-gaming acquisitions must meet an even higher standard.

In the current IRA trust land acquisition process, the vast majority of trust land acquisitions take place in extremely rural areas, do not involve gaming (over 99% of trust acquisitions from 2009-2013 have been for non-gaming purposes), and instead involve prior tribal government homelands of 30 acres or less within reservation boundaries. Trust land acquisition is also necessary for consolidation of fractionated and allotted Indian lands, which most often are grazing, forestry or agricultural lands. Other typical acquisitions include land for Indian housing, health care clinics that serve both Indian and non-Indian communities, and land for Indian schools.

Second, state and local governments and other concerned parties have a role in the land into trust process. The DOI's regulations provide opportunities for all concerned parties to be heard, and place the burden on tribes to justify the trust land acquisition, particularly in the off-reservation context. It is important to recognize that land issues require case-by-case balancing of the benefits and costs unique to a particular location and community. The regulations provide an ample forum for local communities to raise opposition to a particular acquisition and they reinforce the Secretary's statutory authority to reject any acquisition.

Third, the main problem with the land into trust process is the interminable delays caused by inaction at the BIA. Too often have tribes spent scarce resources to purchase land and prepare a trust application only to have it sit for years or even decades without a response. Now, the *Carciari* decision has added another layer of delays in the process. Tribes attempting to take land into trust must prepare lengthy "*Carciari*" analyses and overburdened staff must take extra time to review these trust acquisition applications much like a forensic historical audit. As a result the entire system is delayed.

After the loss of hundreds of millions of acres of tribal homelands throughout the nineteenth century, from 1934 to 2009, DOI restored approximately just 7 million acres of tribal homelands through the IRA process. This is a mere fraction of the lands that tribes once held. In fact, as Professor Frank Pommersheim of the University of South Dakota has detailed from 2000-2012 in certain states significantly more tribal lands are going **out** of trust status than into trust status.¹

As such, the problems with the land into trust process are not that the standards are inadequate, but rather that the process is burdensome and compromised by the *Carcieri* decision to the point where tribal sovereignty is being eroded. We respectfully ask that the Committee address the significant problems that Indian tribes are facing putting land into trust.

RESPONSE TO HICKORY GROUND

Poarch Creek's focus in testifying is to express our unwavering support of Indian country's efforts to ensure that the land-into-trust process does not create undue delays and burdens on the efforts of all tribal governments to rebuild our communities and provide for the needs of our people.

As mentioned above, we are saddened that Muscogee has chosen this forum to raise an inter-tribal issue that is already the subject of pending litigation filed by Muscogee. Poarch Creek has been, and will continue to be, respectful of the Muscogee Creek Nation and to Hickory Ground -- particularly because we share a common history and culture. However, we cannot stand by and allow Hickory Ground individuals to question our inherent sovereignty, the status of our trust lands, our desire to respect our ancestors, our culture, and our integrity.

Poarch Creek has continually lived in Alabama and Florida since time immemorial. Through the turn of the century, the Poarch Creek people remained largely ignored and increasingly impoverished. In the 1940's, tribal leaders took action to improve community conditions and educational opportunities. On August 11, 1984, under President Reagan, the United States acknowledged the Poarch Band of Creek Indians as a federally recognized Indian tribe. **In so doing, the U.S. affirmed that Poarch Creek has maintained our existence as an autonomous distinct tribal community since historical times.** Poarch Creek is the only federally recognized tribe in Alabama.

Prior to our federal recognition in 1984, the Muscogee enacted on July 30, 1983, an ordinance formalizing its government-to-government relationship with Poarch Creek. *This ordinance is attached to this testimony.*

In 1980, before receiving federal recognition, the Tribe learned that approximately 34 acres of land in the City of Wetumpka (current pop. 7,000) was for sale. A big box retailer was expected to purchase and develop the land. At this time, the Tribe had no gaming operations and few resources – we had largely lived as an impoverished community for over a hundred years. However, our Tribe believed that we should make every effort to purchase the property because

¹ Frank Pommersheim, *Land into Trust: An Inquiry Into Law, Policy, and History*, 49 Idaho L. Rev. 519, p. 539 (2013); *see also* testimony of Professor Alex Skibine, University of Utah S.J. Quinney College of Law, House Natural Resources Subcommittee on Indian and Alaska Native Affairs, Sept. 19, 2013, p. 4.

it was an opportunity to regain some of our historical lands, protect our ancestors and history, and provide for our people and our community and to revitalize the area making it an epicenter of trade, government and economic development once again.

Both Poarch Creek and Muskogee have cultural ties to the land. As a result, before seeking to restore these lands to tribal ownership, Poarch Creek reached out to Muskogee to see if it would be interested in jointly acquiring the 34-acre parcel. Muskogee did not respond to the requests, and Poarch had no choice but to purchase the land without Muskogee. Because of the limited resources, an Alabama Historical Commission grant aided in the initial purchase of these lands. This grant included a 20-year preservation covenant which the Tribe fulfilled.

In 1984, Poarch Creek purchased the 34 acres property in Wetumpka, AL. Over 30 years ago, in March of 1985, under President Reagan, DOI placed these lands into trust for the benefit of Poarch Creek.

This 34-acre property was only a small portion of a purported massive Creek Indian town of more than 1000 people and upon which the City of Wetumpka now sits. Prior to our purchase of this property, the property had been flooded by the Coosa River and farmed for more than a century, and decades of commercial development surrounded the tract. This 34-acre trust parcel in Wetumpka, AL, is tightly hemmed in by the following infrastructure and development: (1) the large River Oaks housing subdivision, Winn-Dixie, and restaurants like McDonald's on the south side of our parcel; (2) Alabama State Roads 111 and 9 and restaurants like Hardee's, Taco Bell, and Dominos to the east side of our parcel; (3) Alabama State Road 111, Wetumpka and Elmore County buildings, and more restaurants and businesses to the north side of our parcel; and (4) the meandering Coosa River along the entire west side of our parcel. *An aerial shot of our parcel showing the development in the area is attached to this testimony.*

Unfortunately, the development of our Wetumpka trust lands has been the subject of a campaign of misinformation run by a handful of individuals from Hickory Ground. These individuals have threatened our tribal members, employees, customers and property. They have also attempted to intimidate, threaten and humiliate our tribal leadership at national gatherings in Indian country. *The attached letter from Poarch Creek Chairwoman Stephanie A. Bryan to the National Congress of American Indians, dated November 21, 2014, details one such incident.* We remain hopeful that the Hickory Ground individuals involved in unproductive and divisive activities will come to understand that our strength, as sovereign nations, depends on our ability to work together on solving problems and meeting the challenges that affect us all while maintaining the crucial tenets of sovereignty and self-determination.

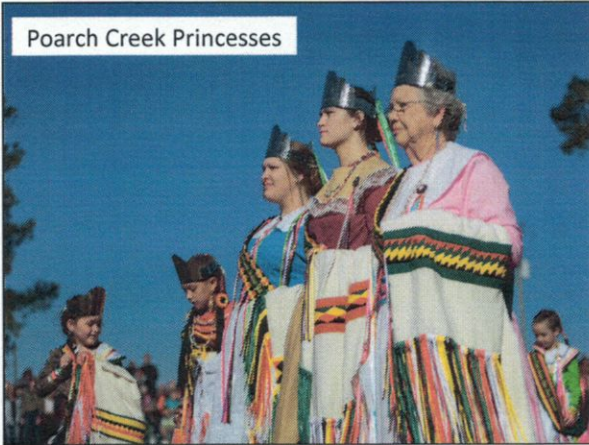
The Tribe is, and was, under no legal obligation to negotiate with any other sovereign Indian nation about the use of our sovereign trust land. Other tribes across the country that remained on their homelands possess inherent sovereignty over their lands even if they share ancestry and homelands with other tribes, and Poarch Creek is no exception. It's a dangerous road for all of us when one sovereign seeks to enforce it will on another sovereign. However, out of respect for our shared cultural and familial ties, the Tribe engaged in extensive discussions over many years with the Muskogee Nation about Poarch Creek's Wetumpka trust parcel. Even though we were not able to reach a mutual agreement, Poarch Creek leadership has taken the utmost care to

preserve our tribal history and culture while undertaking projects that assure the financial stability of our tribal government and economic security for our people.

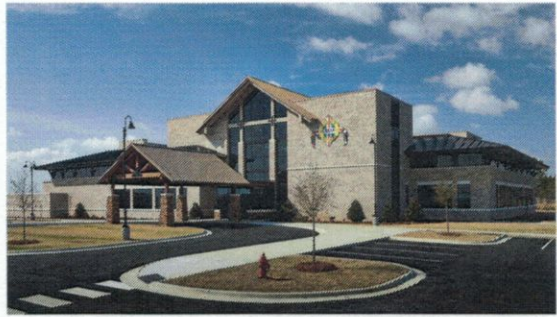
We remain committed to the integrity of our Tribe and are actively involved in protecting tribal sovereignty for all and improving the quality of life for all within the state of Alabama and Florida and across Indian country. We are proud that Chief Calvin McGhee helped craft the Declaration of Indigenous Purpose and that he had the honor of presenting this document to President Kennedy. Former Chairmen Buford L. Rolin and Eddie Tullis continue to provide leadership roles in Indian country in their work on healthcare and aging. Our Tribal Council Vice Chair Robert McGhee serves on the boards of the Native American Rights Fund, the Center for Native American Youth, the National Indian Child Welfare Association, and our entire Tribal Council continuously advocates to strengthen national tribal Indian policy on issues related to education, VAWA, health care, child welfare, taxation, trust lands protection and other areas of importance to all tribes.

Thank you again for the opportunity for Poarch Creek to provide our views on the land-into-trust process and to correct misstatements from Hickory Ground.

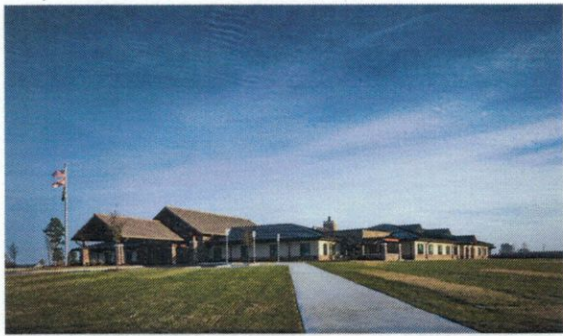
Poarch Creek Princesses



Buford L. Rolin Health Clinic
Opened 2014 - Located on Poarch Creek Trust Land



Lavan Martin Assisted Living Facility
Opened 2014 - Located on Poarch Creek Trust Land



Poarch Children from the Fred. L. McGhee
Early Learning Center
Located on Poarch Creek Powwow Grounds on Trust Land



Poarch Creek Fire Station
Located on Poarch Creek Fee Land

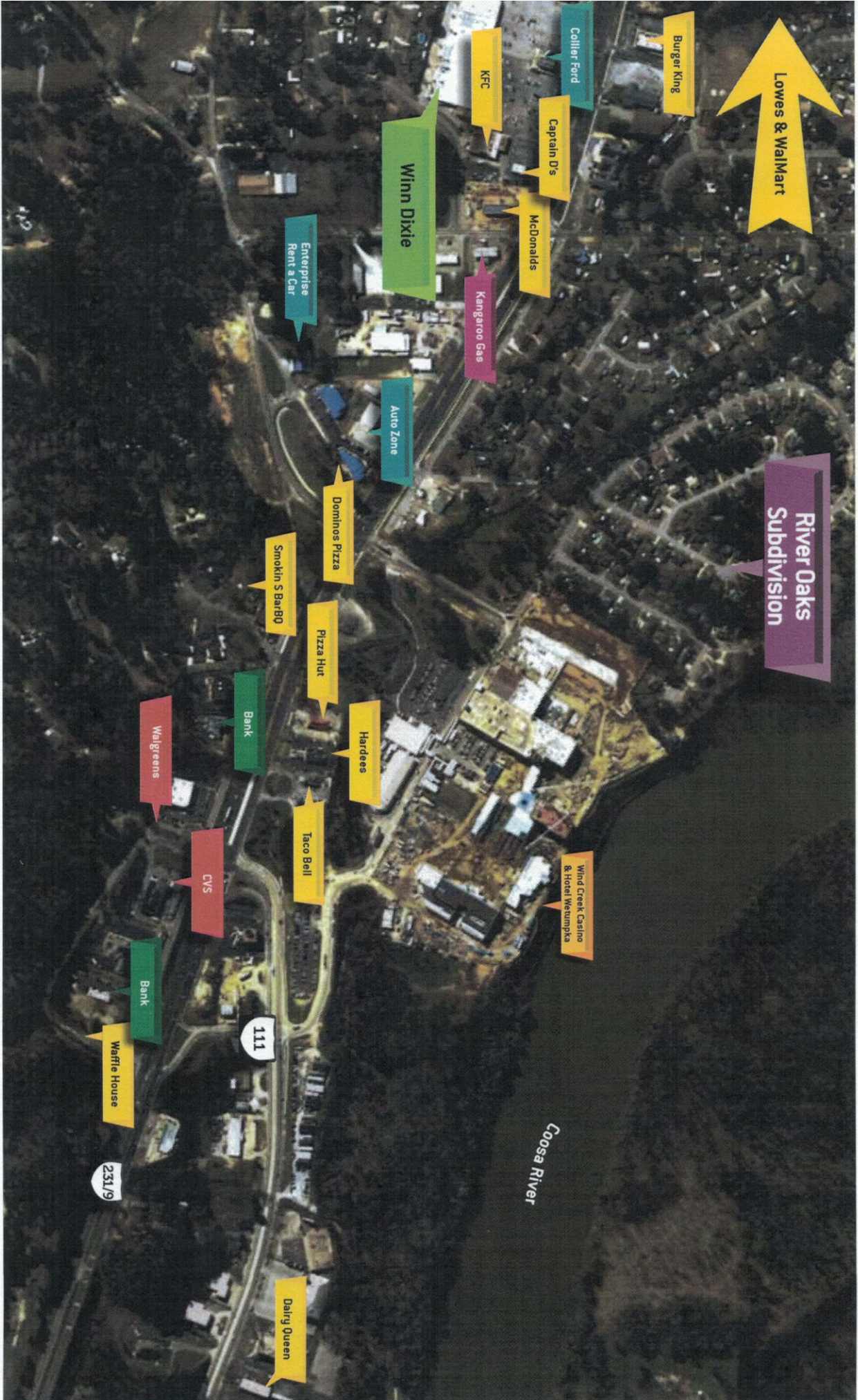


Magnolia Branch Wildlife Reserve
Located on Poarch Creek Fee Land



Kerretv Cuko (Building of Learning)
Poarch Band of Creek Indians Museum
Located on Poarch Creek Fee Land





Lowes & WalMart

River Oaks Subdivision

Burger King

Collier Ford

KFC

Captain D's

McDonalds

Winn Dixie

Kangaroo Gas

Enterprise Rent a Car

Auto Zone

Dominos Pizza

Smokin S BarBQ

Pizza Hut

Harddees

Bank

Walgreens

Taco Bell

CVS

Bank

Waffle House

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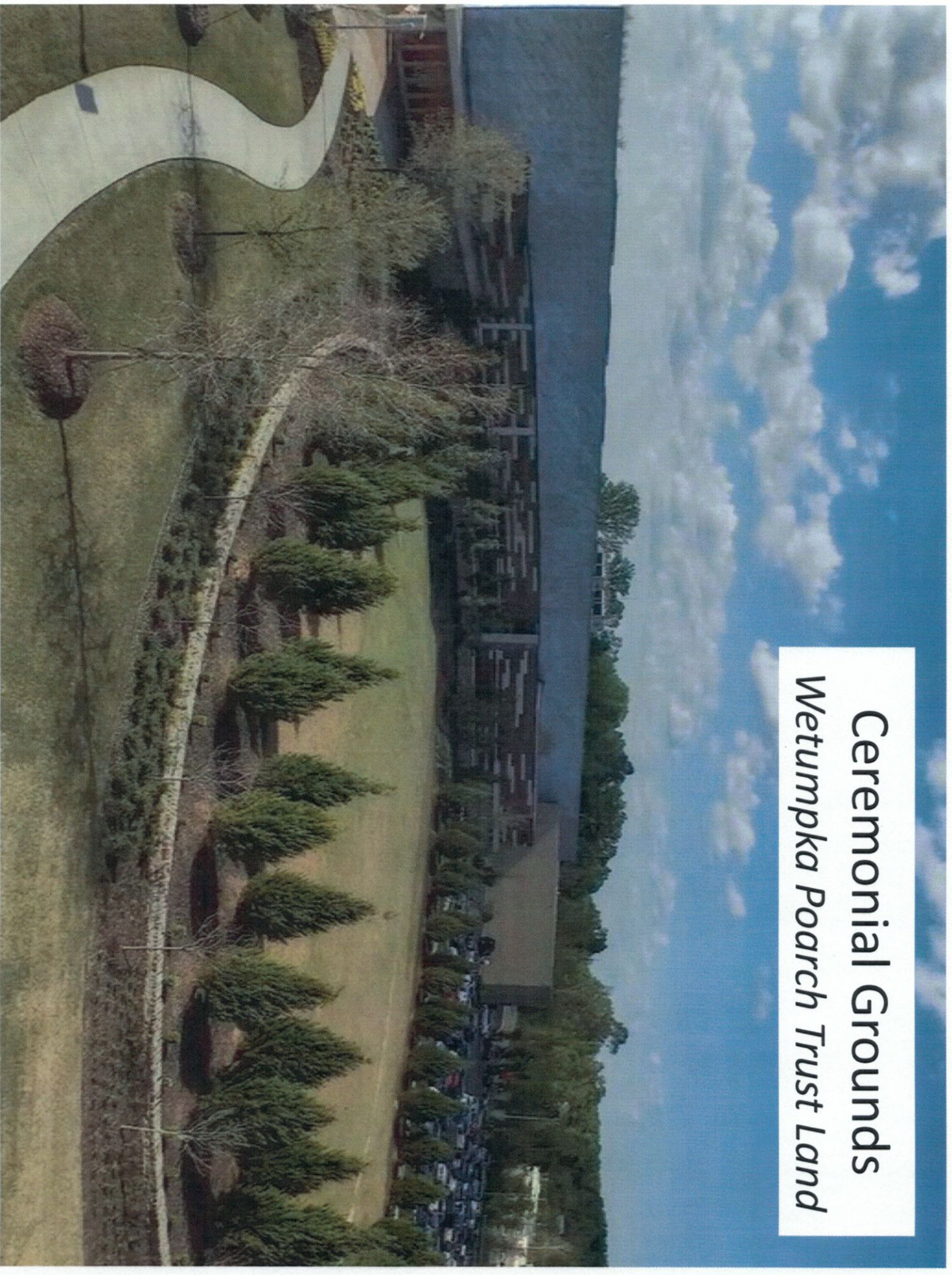
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Dairy Queen

Wind Creek Casino & Hotel Wetumpka

Coosa River

Ceremonial Grounds
Wetumpka Poarch Trust Land





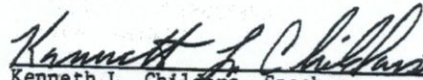
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AN ORDINANCE OF THE MUSCOGEE (CREEK) NATION ESTABLISHING A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE POARCH BAND OF CREEK INDIANS, ATMORE, ALABAMA

- Section 100. Be it enacted by the Muscogee Nation in Council Assembled:
- Section 101. The Muscogee Nation hereby recognizes the Poarch Band of Creek Indians as a distinct and separate band of Muscogee (Creek) Indians.
- Section 102. Formal relationships between the Muscogee Nation and the Poarch Band shall be established between the Principal Chief of the Muscogee Nation and the Chairman of the Poarch Band.
- Section 103. Section 102 shall not preclude informal relations or communications between officers, citizens or staff of the Muscogee Nation and the Poarch Band.
- Section 104. Joint projects between the Muscogee Nation and the Poarch Band shall require an Ordinance of the Muscogee Nation approving each project. The Muscogee Nation shall not enter into such projects without evidence of a Resolution or other act of the Poarch Band.
- Section 105. The Muscogee Nation disclaims all interest in the internal affairs of the Poarch Band, effective March 24, 1832.
- Section 106. In claims filed hereafter by the Muscogee Nation for matters arising under, pursuant to or in conflict with the Treaty of March 24, 1832, or any prior treaty of the Muscogee Nation, the Poarch Band may file a petition to be recognized as a Plaintiff-Intervenor, and said petition shall be considered upon its merits.
- Section 107. In claims filed hereafter by the Poarch Band for matters arising under, pursuant to or in conflict with the Treaty of March 24, 1832, or any prior treaty of the Muscogee Nation, the Muscogee Nation may file a petition to be recognized as a Plaintiff-Intervenor, and said petition shall be considered upon its merits.
- Section 108. The Muscogee Nation and the Poarch Band shall not intervene in claims filed by the other party concerning matters arising after the Treaty of March 24, 1832.
- Section 109. In any matters where the interests of the Muscogee Nation conflict with the interests of the Poarch Band, the Principal Chief shall report such conflicts to the National Council.
- Section 110. The Principal Chief, or his authorized representative, is empowered to negotiate with the Poarch Band of Creek Indians on any subject whatsoever, subject to ratification by the Muscogee (Creek) National Council.
- Section 111. The Poarch Band is invited to adopt a Resolution or other act similar to this Ordinance, detailing provisions concerning its relationship with the Muscogee Nation.
- Section 112. The Principal Chief is directed to provide copies of this Ordinance to the Chairman of the Poarch Band of Creek Indians.

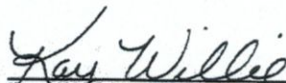
ENACTED by the Muscogee (Creek) National Council on this 30th day of July, 1983.

IN WITNESS WHEREOF, the Presiding Officer of the Muscogee (Creek) National Council has hereto attached his signature.


Kenneth L. Childers, Speaker
Muscogee (Creek) National Council

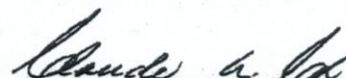
CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council, comprised of eight members with eight members attending this meeting the 30th day of July, 1983, and that the above is in conformity with the provisions therein adopted by a vote of Seven IN FAVOR, None AGAINST, No ABSTENTIONS, and that said Ordinance has not been rescinded or amended in any way and that the above is the signature of the Speaker of the Muscogee (Creek) National Council.


Kay Willie, Recording Secretary
Muscogee (Creek) National Council
Muscogee (Creek) Nation

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation hereby affix my signature this 5th day of August, 1983 to the above authorizing it to become an Ordinance under Article VI, Section VI of the Constitution of the Muscogee (Creek) Nation.


Claude A. Cox, Principal Chief
Muscogee (Creek) Nation





POARCH BAND OF CREEK INDIANS

5811 Jack Springs Road • Atmore, Alabama 36502

Tribal Offices: (251) 368-9136

www.poarchcreekindians-nsn.gov

November 21, 2014

The Honorable Brian Cladoosby, President
National Congress of American Indians
The Embassy of Tribal Nations
1516 P Street, NW
Washington, D.C. 20005
E-mail: jpata@ncai.org

Re: Ongoing Threats to Public Safety at Organization Events

Dear President Cladoosby:

I write on behalf of the Poarch Band of Creek Indians regarding a long-standing matter of public safety and questions about activities that undermine the mission, goals, and policies of the National Congress of American Indians (NCAI).

For decades, the Poarch Band of Creek Indians has been a proud member of NCAI. The organization has helped Indian Country persevere through the federal policy of Termination and has worked to establish and foster the current policy supporting Indian Self-Determination, which has strengthened tribal sovereignty. Unfortunately, a small group of individuals are using NCAI as a platform to advance their own agenda and self-interests that violate the mission and purpose of the organization, and, in the process, undermine the progress and integrity of NCAI.

While I was not able to attend the recent NCAI Annual Convention, several members of our Tribal Council and our tribal citizens reported to me that they were concerned for their personal safety in Atlanta due to the ongoing inappropriate conduct of a small group of individuals from Hickory Ground Town located in Oklahoma and others recruited by them. While some members of the group acted in a peaceful and professional manner, most of the group acted in a menacing and threatening matter at NCAI's convention expressing hate, contempt, and violence.

The issue raised by these individuals is emotionally charged and sensitive; however, using the NCAI convention as a platform to advance hate and divisiveness is not a proper forum. The matter raised by these individuals is currently pending in the legal system. This group has brought a lawsuit against the Poarch Band of Creek Indians. Separately, our Tribal Council has met on numerous occasions with leadership of the Muscogee Creek Nation.

We do not dispute that a group should be allowed to peaceably protest to voice their opinions; however, it is unacceptable that NCAI's convention space has been used as a platform over at least the past 3 years to advance divisiveness and to disrespect and physically threaten other attendees. At NCAI committee meetings and in NCAI general event space,

Seeking Prosperity and Self Determination

these individuals approached and followed Poarch Creek Tribal Council Members, invading their personal space, loudly verbalizing slurs in their face, and threatening their personal safety. Many non-Poarch Band attendees have also expressed their discomfort with these actions. These actions have taken place since the 2011 Annual Convention in Portland. However, to date, nothing has been done to address the situation – and their actions have only escalated.

Indian Country is dealing with the consequences of bullying among teenagers that went unaddressed. The acts described above constitute bullying by grown men. If they are permitted to continue unaddressed, I fear that the outcome will produce a similar tragic result.

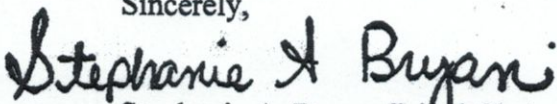
I am also concerned that the individuals described above are using NCAI as a platform that violates the organization's policies and purposes. The stated purpose of NCAI "is to serve as a forum for *unified policy development among tribal governments* ... to protect and advance tribal governance and treaty rights, ... promote economic development and health and welfare in [Native] communities, and ... educate the public toward a better understanding of ... tribes." The actions that I have outlined above directly violate the organizations stated purpose. Yet again, nothing has been done to address the situation.

NCAI By-Laws provide that "[n]o individual or organization with known subversive activities or affiliation shall be admitted to membership, nor shall their contributions be accepted." At least one of the individuals involved in the actions described above have disqualified themselves from participation in this organization. The leader of this group of individuals is Mr. Wayland Gray. Mr. Gray has been convicted of several criminal offenses following his verbal threats and disorderly conduct on our properties in Wetumpka. There is no place in this organization for Mr. Gray or anyone who wishes to express their views in a violent, unproductive manner.

To address these concerns, we ask that you consider implementing formal NCAI policy to enforce the organization's stated goals, purposes and By-Laws to ensure that individuals do not use NCAI to personally attack individuals or advance their personal agendas to the detriment of the organization.

The National Congress of American Indians has done so much good for all of Indian Country by acting as a platform to promote pride and unity. This good is sadly being undermined by the actions of a small group of individuals that are using the organization as a means to express hate, divide, and threaten the very public safety of NCAI attendees. I ask that you and NCAI take action to address this serious situation immediately. Thank you for your consideration of this important request. Please do not hesitate to contact my office at Myoung@pci-nsn.gov or 251-368-9136 ext 2405.

Sincerely,



Stephanie A. Bryan, Tribal Chair
Poarch Band of Creek Indians