



Muscogee (CREEK) Nation

Executive Office

TESTIMONY OF
JAMES R. FLOYD, PRINCIPAL CHIEF, MUSCOGEE (CREEK) NATION

THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS
November 14, 2018

Mr. Chairman, members of the Committee:

I am James Floyd, Principal Chief of The Muscogee (Creek) Nation. I am pleased to appear before you today to provide testimony on H.R. 2606, the Stigler Act Amendments of 2018. The Act of August 4, 1947 (61 Stat. 731), commonly referred to as the “1947 Act” or the “Stigler Act,” is a federal law related only to restricted lands of the Five Civilized Tribes of Oklahoma, which include the Cherokee, Choctaw, Chickasaw, Creek and Seminole.

The 1947 Act created a detrimental disparity between these Five Tribes and all other Indian tribes regarding the restricted property allotments of their tribal members. The 1947 Act established a one-half minimum blood quantum requirement to maintain the restricted status of former allotment lands based on a tribal member’s Certificate of Degree of Indian Blood. This one-half degree blood requirement imposed only on the Five Tribes is arbitrary and unjust. All other tribes, including the 33 other tribes in Oklahoma, are excluded from this requirement.

As one of the affected Five Tribes, The Muscogee (Creek) Nation seeks to protect the rights of our tribal members by supporting the amendments to the Stigler Act. The tribal members in Eastern Oklahoma should have the same rights regarding our Indian land as the other 6.7 million Native Americans in the United States. We strongly support H.R. 2606 in order for our tribes to preserve our lands, the same as the other 573 tribes in the United States who own land.

Tribal members and land are the basis for our jurisdiction, and jurisdiction is the basis for our sovereignty. Without amendment, the Stigler Act will continue to systematically destroy the land base of the Five Tribes by converting restricted Indian land into state land, without the consent of tribal members of the Five Tribes.

I want to clarify some possible misconceptions of H.R. 2606:

- It will not be retroactive.
- Only land that is currently held in restricted status will be eligible to maintain its Indian land status.

- Title to many of these allotted lands can be brought up to date to current ownership with the passage of these amendments.
- Members will be able to probate the estate of their ancestors without the fear of losing the restricted status of their family lands because of blood quantum.
- Leasing, right-of-way and other economic development will be easier with clear title and ownership of the lands.
- There will be no loss of state or county income from property taxes. That portion of the Stigler Act, in particular Sec. 6 (a), is not being amended which sets out the taxable status of restricted land for Five Tribes.

The land base of the Five Tribes is an integral part of the culture and the heritage of all tribal members in Eastern Oklahoma. It contains our homesteads, our family cemeteries, our traditional century-old churches, and our ceremonial grounds. It is our hope for providing for our citizens now and in the future.

It has been almost 117 years since The Muscogee (Creek) Nation allotted its tribally-owned land base to individual members, pursuant to Congressional Order. Restrictions were enacted at that time with the purpose of keeping allotted lands in the hands of tribal citizens. The Stigler Act defied that intent. Today, no original allottees are living and only 133,399 acres of the 2.993 millions of acres of land originally allotted to Muscogee (Creek) citizens remain, a tiny fraction of what was once our protected individual land base. If not resolved quickly, we could lose everything: our land, our history, our stability, and our sovereignty.

I am grateful to those on this committee who are working to rectify this egregious injustice; to help our tribes have equal status with all other tribes. Though we can't get back what we lost, you can help us preserve what remains.

In closing, I ask your permission to submit for this hearing record, the statement of the Inter-Tribal Council of the Five Civilized Tribes, of which The Muscogee (Creek) Nation is a member. The statement elaborates on the points I have raised today and is consistent with my remarks. Thank you for allowing me to appear before you today and I am prepared to respond to any questions you may have.