



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: 12-065, Version: 1

A RESOLUTION REQUESTING THE U.S. CONGRESS TO DECLARE THE CLAREMORE INDIAN HOSPITAL AND SURROUNDING PARCEL OF LAND AS INDIAN COUNTRY UNDER 18 U.S.C. § 1151

(B)

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Cherokee Nation is a member of the Claremore Service Unit and Indian Hospital Board of Directors, comprised of tribal leaders designated by the federally recognized Nations within the 12 counties served by the Claremore Indian Health Service (IHS) Service Unit;

WHEREAS, the Claremore Indian Hospital is considered a "federal enclave" and is therefore under exclusive federal criminal jurisdiction and as such, under the protection of the Federal Bureau of Investigation and the United States Marshal Service;

WHEREAS, on November 9, 2007, the Claremore Service Unit and Indian Hospital Board of Directors approved a resolution supporting the declaration of the Claremore Indian Hospital and surrounding parcel of land as Indian Country under 18 U.S.C. § 1151(b), in order to allow both the federal government and the Cherokee Nation to serve and protect the Claremore Indian Hospital patients, staff, and property;

WHEREAS, on December 27, 2007, the Cherokee Nation Tribal Council and Principal Chief approved a resolution supporting the declaration of the Claremore Indian Hospital and surrounding parcel of land as Indian Country under 18 U.S.C. § 1151(b), in order to allow both the federal government and the Cherokee Nation to serve and protect the Claremore Indian Hospital patients, staff, and property;

WHEREAS, upon being declared Indian Country, the Claremore Indian Hospital and surrounding parcel of land shall be subject to criminal jurisdiction as proscribed under the Major Crimes Act (18 U.S.C. § 1153), the General Crimes Act (18 U.S.C. § 1152), and the Indian Civil Rights Act (25 U.S.C. § 1302(7));

WHEREAS, because the Claremore Indian Hospital is located wholly within the jurisdictional boundaries of the Cherokee Nation, upon declaring the Claremore Indian Hospital and surrounding parcel of land as Indian Country under 18 U.S.C. § 1151(b), certain criminal acts and investigative authority would fall under the jurisdiction of the Cherokee Nation.

BE IT RESOLVED BY THE CHEROKEE NATION, in respect to "Declaring the Claremore Indian Hospital and Surrounding Parcel of Land as Indian Country under 18 U.S.C. § 1151(b)", the Cherokee Nation reaffirms the request to Congress to declare the Claremore Indian Hospital and surrounding parcel of land as Indian Country under 18 U.S.C. § 1151(b) for the purpose of expanding law enforcement protection at the facility to better serve and protect the Claremore Indian Hospital patients, staff, and property; and

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION, that the Cherokee Nation has adequate resources and capacity to coordinate law enforcement coverage at the facility.