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Editorial

An Unjust Expulsion

The Cherokee Nation's decision to revoke the tribal citizenship of about 2,800 descendants of slaves once owned by the tribe is a moral low point in modern Cherokee history and places the tribe in violation of a 140-year-old federal treaty and several court decisions. The federal government must now step in to protect the rights of the freedmen, who could lose their tribal identities as well as access to medical, housing and other tribal benefits.

This bitter dispute dates to the treaties of 1866, when the Cherokee, Seminole and Creek agreed to admit their former slaves as tribal members in return for recognition as sovereign nations. The tribes fought black membership from the start — even though many of the former slaves were products of mixed black and Indian marriages.

The federal courts repeatedly upheld the treaties. But the federal government fanned the flames when a government commission set out in the 1890s to create an authoritative roll of tribal membership. Instead of placing everyone on a single roll, it made two lists. The so-called blood list contained nonblack Cherokees, listed with their percentage of Indian ancestry. The freedmen's list included the names of any black members, even those with significant Cherokee ancestry.

The issue exploded in the 1980s when tribal authorities excluded the freedmen from voting on the grounds that they weren't Cherokee by blood. The Cherokee version of the Supreme Court ruled last year that the law was unconstitutional. The expulsion vote was a response to that ruling and to a pending federal lawsuit by the freedmen, which charges both the tribe and the federal government with violating the treaty and the Constitution.

Advocates for the expulsion say it is about self-determination. But the tribal history makes clear that it is about discrimination — and that it is illegal. The Bureau of Indian Affairs, which has been curiously silent, should bring the Cherokee government into compliance with the law and require it to restore the tribal rights of the expelled members.