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TIME CRITICAL AGENDA MATERIAL

From: Councilmember Sophie Hahn

Meeting Date: December 13, 2022

Item Description: Letter in support of seating Cherokee Nation Delegate to the US House of Representative

RECOMMENDATION

Send a letter to Speaker of the House Nancy Pelosi, Minority Leader Kevin McCarthy, and Rep. Barbara Lee, urging the US House of Representatives to honor the Treaty of New Echota and seat the official delegate nominated by the Cherokee Nation.

TIME CRITICAL

On November 17, 2022 Speaker Nancy Pelosi announced she will be stepping down from House Leadership. This announcement was made the day after the House held a first-ever hearing on the possibility of recognizing a delegate from the Cherokee Nation. At the same time, Speaker Pelosi issued a statement committing the House Democratic Caucus to continuing to explore a path towards “welcoming a Delegate from the Cherokee Nation into the People’s House.” Combined, these late coming developments have caused Indigenous advocates and allies to believe Speaker Pelosi may move for an unexpected and historic floor vote during a lame duck session.

This item is time critical as the outcome of the Federal election, Pelosi’s stepping down as Speaker could not have been predicted prior to the filing deadline, and the unprecedented opportunity for the House to act to honor the Treaty of New Echota only came to the attention of Council after the standard deadline. The December 13th meeting represents Council’s only opportunity to vote on this important matter prior to its recess, which does not end until after the vote is likely to occur in Congress.

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next

meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Council Member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

*The author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.***

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar



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CONSENT CALENDAR
December 13, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: Letter in support of seating Cherokee Nation Delegate to the US House of Representatives

RECOMMENDATION

Send a letter to Speaker of the House Nancy Pelosi, Minority Leader Kevin McCarthy, and Rep. Barbara Lee, urging the US House of Representatives to honor the Treaty of New Echota and seat the official delegate nominated by the Cherokee Nation.

BACKGROUND

In 1835, over one-quarter of the Cherokee Nation perished on the “The Trail of Tears,” when the Cherokee people were forcibly removed from their homelands. It remains one of the darkest chapters in American history.

The same document the federal government used to remove the Cherokee and take their land — the [Treaty of New Echota](#) — also guaranteed the tribe a voice in Congress. Ratified by a vote of the Senate and signed by President Andrew Jackson in 1836, the treaty declared that the Cherokee Nation would be entitled to representation in Congress:

“ARTICLE 7. The Cherokee nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, **it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United states whenever Congress shall make provision for the same.**”¹

¹ <https://americanindian.si.edu/static/nationtonation/pdf/Treaty-of-New-Echota-1835.pdf>

Nearly two hundred years later, the promise remains unfulfilled. It's time for the United States to honor its obligation and seat the Cherokee Nation's Delegate-Designee, Kim Teehee, in the U.S. House of Representatives.

SUMMARY/CURRENT SITUATION AND ITS EFFECTS:

In August 2019, Kim Teehee, a longtime tribal leader and former Obama Administration Official, was named to the post of Cherokee Nation Delegate-Designee to the US House of Representatives by Chuck Hoskin Jr., the principal Chief of the Cherokee Nation. Her designation was confirmed unanimously by the Cherokee Nation Tribal Council. Her confirmation now must be acted on by Congress to become official, per the terms of the treaty.

As Chuck Hoskin Jr., principal Chief of the Cherokee Nation, wrote in his recent op-ed in the *San Francisco Chronicle* on the importance of Congress honoring the treaty:

“This carefully constructed promise was, in fact, critical to securing agreement from the Cherokee people. The treaty was ratified by the U.S. Senate and then signed into law by President Andrew Jackson. It remains a living, valid treaty. To abrogate a treaty, Congress must do so in clear, unmistakable terms. This has not happened, and the delegate provision remains in force today. The Cherokee Nation has adhered to its obligations under the treaty. We are asking the United States to do the same.”²

If the House votes to appoint Ms. Teehee to the seat specified in the treaty, she would status similar status to the half-dozen delegates who are non-voting members of the house, including those from the District of Columbia, the Virgin Islands, and Guam, as well as the Resident Commissioner from Puerto Rico. This position would allow her to have a vote in Committee, but not on final legislation. Importantly, the Delegate would have the power to introduce legislation, offer amendments, and give speeches on behalf of the Cherokee Nation from the House Floor.³

On November 17, 2022 Speaker Nancy Pelosi announced she will be stepping down from House Leadership, though continuing to serve in Congress.⁴ This announcement was made the day after the House held a first-ever hearing on the possibility of recognizing a

² <https://www.sfchronicle.com/opinion/openforum/article/nancy-pelosi-speaker-house-17624030.php>

³ <https://www.axios.com/2022/11/17/pelosi-chokeoee-nation-house-delegate-congress>

⁴ <https://www.npr.org/2022/11/17/1133397685/house-speaker-pelosi-step-down>

delegate from the Cherokee Nation.⁵ At the same time, Speaker Pelosi issued a statement, copied below, committing the House Democratic Caucus to continuing to explore a path towards “welcoming a Delegate from the Cherokee Nation into the People’s House.”

“Since 1835, the Treaty of New Echota has entitled the Cherokee people to representation in the U.S. House of Representatives. Chairman Jim McGovern and the House Rules Committee have taken a key first step toward identifying what actions must be taken to honor this long-standing promise. The House Democratic Caucus will continue to explore a path toward welcoming a Delegate from the Cherokee Nation into the People’s House.

Our Caucus has drawn great strength from the leadership of our Native American colleagues and the Congressional Native American Caucus. As we celebrate National Native American Heritage Month, the Democratic House remains committed to correcting the profound injustices of the past, living up to the federal government’s treaty obligations, fully embracing our trust responsibility and building a brighter, fairer future for the Cherokee Nation and all indigenous peoples.”⁶

This unexpected announcement by Speaker Pelosi has given rise to a hope among the Indigenous Community and their allies that she may intend to bring the appointment and confirmation of the Cherokee Nation Delegate up for a vote during the lame duck session. Such a vote could happen any day now, making it critical for our Representatives to hear from the City in a timely manner.

CLIMATE & ENVIRONMENTAL IMPACTS:

None

FISCAL IMPACTS:

None

Attachments:

Letter to Speaker Pelosi, Minority Leader Kevin McCarthy, and Rep. Barbara Lee

⁵ <https://www.nytimes.com/2022/11/16/us/politics/house-delegate-chokeoee-nation.html>

⁶ <https://www.speaker.gov/newsroom/111622>



Berkeley City Council

December 13, 2022

Hon. Nancy Pelosi, Speaker
United States House of Representatives
U.S. Capitol Building, Room H-232
Washington, DC 20515

Hon. Kevin McCarthy, Minority Leader
United States House of Representatives
U.S. Capitol Building, Room H-204
Washington, DC 20515

Hon. Barbara Lee, Congresswoman
United States House of Representatives
U.S. Capitol Building, Room H-204
Washington, DC 20515

Honorable Speaker Pelosi, Minority Leader McCarthy, and 13th Congressional District Representative Lee,

The City of Berkeley, CA, wishes to express its strongest support for the US House of Representatives to immediately seat Cherokee Nation Delegate-Designate, Kim Teehee.

The Cherokee Nation is the largest federally recognized tribe in the United States, with more than 430,000 members. In 1835, the Cherokee Nation was guaranteed a voice in Congress in the Treaty of New Echota.

The Treaty was ratified by the Senate and then signed into law by President Andrew Jackson. However, for the last two centuries, Congress has never taken action to honor the Treaty by seating a Cherokee Nation delegate.

Congress has a legal and moral responsibility to uphold treaties between the U.S. and the Cherokee Nation. Article 7 of the Treaty of New Echota states clearly that the Cherokee Nation "...shall be entitled to a delegate in the House of Representatives of the United States."

In 2019, as one of his first major acts as the duly elected leader of the Cherokee Nation, Principal Chief Chuck Hoskin Jr. nominated Teehee to serve as the first delegate, and her designation was confirmed by the Cherokee Nation Tribal Council. Since that time, the Cherokee Nation has worked diligently with members of Congress to move forward with her seating.

It's time for the U.S. House of Representatives to make good on its obligation. Congress can deliver on the commitment by seating Kim Teehee, the Cherokee Nation's Delegate-Designate, this year, thereby according to the Cherokee Nation its long-overdue representation in the U.S. House of Representatives.

On behalf of the residents of the City of Berkeley, we urge you to take immediate action to seat Delegate-Designate Teehee before the end of the current session.