Muscogee (CREEK) Nation

Executive Office

September 3, 2026

The President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Re: Condemning the Reduction of Bears Ears National Monument and Calling on the President to Rescind His Decision and to Fully Respect Tribal Sovereignty

Dear Mr. President,

On behalf of the Muscogee (Creek) Nation (MCN), a sovereign, self-governed, Native American Tribal Nation with more than 100,000 citizens, we write to condemn the decision on July 13, 2026, to reduce the size of Bears Ears National Monument by more than 90 percent and to terminate the Bears Ears Commission of Tribal Nation leaders that served to guide the stewardship efforts at the monument. The Muscogee (Creek) Nation strongly urges the Administration to fully respect Tribal sovereignty as well as the protection of tribal culture, history, and sacred sites, and to fully reverse this misguided decision.

The decision to reduce the size of Bears Ears National Monument should be reversed because it directly conflicts with the United States' trust and treaty obligations and stated goals of promoting tribal sovereignty and tribal self-determination.

Tribal nations are inherently sovereign governments that share political, government-to-government relationships with the United States. From the beginning, the United States and its predecessor governments demonstrated their recognition of tribal tations as sovereigns by interacting with us as such.[1] Today, federal recognition of a tribal nation remains a "formal

[1] *United States v. Forty-Three Gallons of Whiskey*, 93 U.S. 188, 196 (1876) ("From the commencement of its existence, the United States has negotiated with the Indians in their tribal

political act" that solidifies the "government-to-government relationship" between a particular tribal nation and the United States.[2] This relationship is unique and, as a part of it, the United States has willingly taken on trust and treaty obligations to tribal nations and Native people. Full adherence to these trust and treaty obligations requires recognizing that tribal nations are the ultimate authorities on their ancestral traditions and sacred geography, and dictates that the President work with tribal nations on how to manage such lands.

This is particularly necessary when the lands in question include archaeological sites, cultural and historical sites, and sacred sites. For tribal nations, spiritual practices and sacred landscapes are not distinct from governance—they form the core of tribal identity, legal tradition, and social cohesion. When a government cannot safeguard its most sacred sites or uphold the freedom of its citizens to observe their foundational beliefs, the government's practical capacity to exercise meaningful self-determination is fundamentally compromised. What a specific tribal nation government considers most meaningful with respect to its culture, history, lands, and people will vary, which is why the termination of the Bears Ears Commission—consisting of tribal leaders charged with guiding management of these irreplaceable lands—is a grave mistake. If the United States is at all serious about supporting tribal sovereignty, then it must allow tribal nations to voice their concerns and preferences on the lands that are central to our identities, histories, cultures, and religions. What is important to any given tribal Nntion may differ from another tribal nation or from the United States, but, as sovereigns, it is our right as tribal nations to make those determinations for ourselves and to work with other sovereigns to protect our shared resources.

While the Muscogee (Creek) Nation would not attempt to speak to the significance Bears Ears has to other tribal nations, we do recognize that sacred sites are inseparable from who we are as tribal nations and as Native people. By way of example, the Muscogee Creek people are synonymous with places like Ocmulgee ("the place we first sat down"), Tuckabatchee (one of the founding towns of the Muscogee Confederacy), and Tohopeka—where our warriors fought and died to defend our sovereignty and the sacred lands that still exist today. Separating the Muscogee people

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condition as nations . . . capable of making treaties . . . following the practice of Great Britain before the Revolution."); Matthew L.M. Fletcher, *The Original Understanding of the Political Status of Indian Tribes*, 82 St. John's L. Rev. 153, 180 (2008) (describing how the early historical record "provides remarkably unambiguous support" for the idea that the United States approached "Indian affairs. . . in the context of tribal political relationships with the federal government").

[2] H.R. Rep. No. 103–781 (1994) (accompanying the Federally Recognized Indian Tribe List Act of 1994 and explaining federal recognition "permanently establishes a government-to-government relationship between the United States and recognized tribe"); *see also* 25 C.F.R. § 83.2(a) (acknowledging the "government-to-government relationship" between Tribal Nations and the United States); 140 Cong. Rec. 11,234 (May 19, 1994) (statement of Sen. McCain) ("The recognition of an Indian tribe by the Federal Government is just that—the recognition that there is a sovereign entity with governmental authority which predates the U.S. Constitution and with which the Federal Government has established formal relations.").

from these sacred sites is not possible because these are the places that make us who we are. It is why we—and many other tribal nations—continue to fight for our lands, for our cultural beliefs and practices, and for access to our sacred places, as well as for the ability of our future generations to do the same.

This interwovenness between our sacred sites and our personhood is why, for example, the Muscogee (Creek) Nation has never given up trying to protect *Oce Vpofv* or Hickory Ground (located in Wetumpka, Alabama), despite being forcibly removed from the land in 1832. Hickory Ground remains a sacred and historic site that was the last capital for the Muscogee (Creek) Nation before we were forcibly removed to Oklahoma. More than that, it is where many of our ancestors are buried. Where they are buried and how they are buried is a part of our cultural and religious beliefs and it is sacrosanct for us that they not be disturbed. Hickory Ground is intertwined with who we are and what makes us Muscogee (Creek). It is why we continue to fight (in the courts and elsewhere) for its protection and restoration. And it is merely one of countless examples as to why the sovereign Muscogee (Creek) Nation fully supports the tribal nations in and around Bears Ears National Monument to be allowed to define and determine their own future and to protect their own cultures, lands, sacred sites, and future generations.

Because the United States owes trust and treaty obligations to tribal nations and seeks to strengthen tribal sovereignty and tribal self-determination, the Muscogee (Creek) Nation calls on the President to reverse course and restore Bears Ears National Monument to its previous size and protected status.

The decision to reduce the size of Bears Ears National Monument should be reversed because it is an extralegal action and neither one of the President's enumerated nor delegated powers.

In addition to being an affront to tribal sovereignty and bad public policy, the action taken on July 16, 2026, is also a profound overreach of executive authority. The plain text of the Antiquities Act of 1906 delegates power to the president *solely* to *create* national monuments, and includes *no explicit language* or mechanism for a president to shrink or abolish them. Respecting the United States Constitution means respecting *all* of the Constitution, including Article IV, Section 3, Clause 2, which states that it is Congress, and not the President that "shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States..." To be sure, Congress was using this power when it passed the Antiquities Act, but it was using it very consciously and very carefully to provide a one-way delegation of authority to the executive branch to *protect lands* by proclamation, not open them up to potential destruction.

Because the President does *not* have the authority to act in this instance and, by acting, is actually opening up protected lands to potential devastation, the Muscogee (Creek) Nation urges the

President to reverse course and restore Bears Ears National Monument to its previous size and protected status.

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The Muscogee (Creek) Nation respectfully submits the above comments and recommendations and also calls on the United States to engage in meaningful, good-faith government-to-government tribal consultation on this matter and all matters that directly impact tribal nation lands and sacred sites.

Sincerely,

David W. Hill

David W. Hill
Principal Chief