

Testimony of Congressman Christopher Shays Before the Senate Committee on Indian Affairs

May 11, 2004

Mr. Chairman and members of the Committee, thank you for allowing me to come before you and testify on the Bureau of Indian Affairs recognition process. The subject is of great importance to the Fourth District and our state because several tribes in Connecticut are seeking to open Class III gaming facilities on off-reservation lands.

The Schaghticoke Tribal Nation of Kent is seeking to build a casino in Danbury, Waterbury or Bridgeport. The Golden Hill Paugussett tribe of Colchester, although ultimately rejected by the BIA, has been seeking to build a casino in Bridgeport and is still pressing land claims. Both the Historic Eastern Pequot tribe of North Stonington and the two Nipmuc groups in Massachusetts are seeking to build casinos in Eastern Connecticut.

Given the extraordinary consequences of Federal recognition in the era of Indian gaming, it is particularly important for the process to be fair, objective and transparent. The granting of federal recognition to state tribes is analogous to giving them a license to print money.

I believe we need full and accurate knowledge of the extent to which financial interests influence the federal recognition process. Recent hearings of the House Government Reform Committee, of which I am the Vice-Chairman, have revealed the substantial casino interests financing acknowledgment petitions in Connecticut. I believe big money gaming interests have corrupted the federal recognition process. The case of the Schaghticoke Tribal Nation is a case in point.

On January 29, 2004, the Bureau of Indian Affairs announced its decision to recognize the Schaghticoques as a federal tribe, even though it seemed clear they did not meet the Bureau's seven criteria for proving continuity from pre-colonial times.

On March 12, 2004, the *Hartford Courant* made public a memo circulated within the Department of Interior that indicated that the Schaghticoques were granted recognition without having met the criteria the BIA has established to evaluate petitions for tribal recognition. The memo demonstrated the

agency knew the tribe lacked political continuity, one of the seven criteria that must be met to gain recognition, for a period of 64 years in the 19th and 20th centuries. The memo also brought into question several people whose names were on the petition, but who were never members of the tribe. Even more disturbing, the memo provided directions for recognizing the tribe in spite of the fact that it did not meet some of the established criteria.

The private investors who stand to make an absolute fortune from recognition decisions, and the casino developers, who encourage groups to seek recognition, even when those groups might not have united to do so because they do not meet the recognition criteria, need to be rooted out from the recognition process. The influence exerted by the huge, undisclosed sums being poured into the process has distorted the tribal recognition process to the point where it bears no resemblance to its governing statutes and regulations.

It seems to me wealthy investors should not be able to manipulate the federal recognition process by investing huge sums of undisclosed money in order to bolster petitioners' claims. Furthermore, legitimate tribal interests are finding themselves in a process where they cannot hope to gain recognition without being able to spend lavish sums of money on lobbying -- making a mockery of the original intent of the federal recognition process. Simultaneously, a shadow has unfairly been cast over all of the tribes that have met the criteria and achieved due recognition.

Our nation has a responsibility to uphold certain unbreakable obligations to the continent's native peoples, but I believe big money gaming interests, which have literally started assembling tribes with the hopes that they can eventually reap huge profits from Indian casinos, have corrupted the process.

The bottom line is, until the special interests of wealthy casino developers and investors are held accountable, tribes such as the Schaghticoke will continue to get federal recognition when it's clear they do not meet the criteria.

We need legislation like Congressman Simmons' bill, H.R. 1354, of which I am a cosponsor. His bill would codify the seven criteria used by the BIA to evaluate petitions for federal recognition and close the revolving door at the BIA to prevent those who have advocated on behalf of tribal petitioners

from taking positions at the BIA that determine the validity of those petitions.

Indian gaming is a \$23 billion industry and its expansion hinges upon the federal recognition process. It is absolutely essential this process is conducted in a fair, objective and transparent manner.

Thank you for considering my testimony.