

**The Hon. Charles D. Enyart
Chief
Eastern Shawnee Tribe of Oklahoma**

**Testimony
Before the U.S. Senate Committee on Indian Affairs**

Hearing on Lands Eligible for Gaming

July 27, 2005

**Oral Testimony of Chief Charles D. Enyart
Eastern Shawnee Tribe of Oklahoma**

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Good morning, Chairman McCain and members of the Committee. My name is Charles Enyart. I am the Chief of the Eastern Shawnee Tribe of Oklahoma, a federally recognized Indian Tribe whose aboriginal homeland was in what is now the state of Ohio. I appreciate the opportunity to be here today to explain the importance of our land claims in Ohio for our people. I am here for three reasons: (1) to ensure that we have the opportunity to return to our aboriginal homelands in present day Ohio; (2) to ensure that we have the same right as other Indian tribes to conduct Indian gaming on our lands under current law; and (3) to advocate for the right of tribes, states, and local communities to work together for their mutual benefit.

The Shawnee want to return to Ohio. Our historic and cultural ties to Ohio are undeniable. One hundred fifty years ago, the Tribe was driven out of its homeland in the state of Ohio. Violence against our people, destructive raids and the burning of Shawnee villages by the United States Army was methodical. The unauthorized taking of the Shawnee's lands by encroaching settlers occurred. Our people were forcibly removed from their villages and sent to reservations first in Ohio, then in Missouri, and ultimately Oklahoma. It was an ugly and shameful period in American history in which our people endured unspeakable fear, intimidation, and military violence by the United States and early Ohioans.

When we return to Ohio we wish to do so on the same legal basis as other federally recognized tribes. That is, we want the right to conduct activities on our land that would be permissible for any other recognized tribe anywhere in the United States. We do not want to return as second class citizens by only being allowed to conduct certain activities. Thus, we would strongly oppose any legislation which would bar a federally recognized tribe with legitimate claims from regaining land in its historic area and using that land for any permissible tribal activities including gaming. I'm sure you would agree that to bar a tribe such as the Shawnee from using any land it may gain in its aboriginal homeland for federally recognized purposes would create a group of second class Indians who were only allowed to do limited things on their land.

It is clear that the people of Ohio are receptive to the establishment of Indian lands and Indian gaming. They desire the introduction of gaming for the unquestioned economic benefits that it produces. There are many reasons for them to prefer Indian gaming over other alternatives. First, there are numerous controls on the scope of tribal gaming which diminish the potential for uncontrolled expansion. Only so many tribes have a historic or cultural connection to any given state. Second, tribal gaming revenues, as a matter of law, may only be expended for socially beneficial purposes approved by the Congress. Commercial gaming only benefits private interests. In stark contrast, tribal gaming lifts entire communities out of poverty, educates children who once had little hope for higher education, builds schools, roads, bridges, funds law enforcement and emergency services, preserves languages and cultures, builds clinics

and hospitals and provides dialysis and diabetes centers, and funds charitable activities of every kind.

Gaming has yielded economic benefits to our Tribe. Until very recently, our historic legacy was one of poverty and isolation. Left virtually landless for over a century and a half our people had very little realistic hope that things would ever improve. Like other tribes in similar circumstances, we had no economy and no tax base. Indian gaming has changed our bleak outlook as to our future. The revenues from our modest gaming operation, BorderTown Bingo located in West Seneca, Oklahoma provide us the means to make improvements in the lives of our people and to rekindle the hope for a better life for our children and grandchildren. However, the rural character of the land we now occupy, combined with the economic conditions in the surrounding area, severely restrict our economic potential. The lot of the Eastern Shawnee people is improved, but we have a long way to go achieve the level of prosperity that once was ours.

Our interest in returning to Ohio is to establish a mutually beneficial political and economic relationship with the state of Ohio and the communities that have reached out to us with a vision of what is possible.

We do wish to finally resolve our outstanding land claims, but not in a manner that will be detrimental to the people of Ohio. Those with whom we have established a relationship understand our intentions and have welcomed us into their communities to discuss the potential for tribal gaming. In fact, local communities in the state of Ohio have actively sought out the Tribe and asked us if they can help bring the Shawnee back to our homeland. We are committed to working through appropriate governmental channels in Ohio to ensure that we are welcomed back to our homeland.

On June 27, 2005, we filed valid land claims in Federal Court in Ohio. The Tribe brought the action to vindicate our aboriginal land rights. We further seek damages for wrongful possession and trespass on our former reservation lands in Ohio. These violations continue today. The Tribe has sought redress for these wrongs from the state of Ohio. The state of Ohio has refused to take any action to redress these wrongs or even discuss the matter with us. We had no choice but to take our valid claims to the courts for redress. The full explanation of these claims is contained in material from our attorneys which I am submitting with my written remarks for the record.

Tribes with legitimate claims should be allowed to regain portions of their homeland and should be allowed to enter into agreements including gaming agreements that promote economic development and benefit tribal, state, and local economies.

Thank you, Mr. Chairman and Committee Members for this chance to testify to the Committee.