



# NATIONAL CONGRESS OF AMERICAN INDIANS

September 12, 2002

## **Re: Opposition to Amendment to Interior Appropriations to Create a Moratorium on the Right of Tribes to Petition for Federal Recognition**

Dear Senator:

On behalf of the more than 250 member Tribal Nations of the National Congress of American Indians, I write to urge you to oppose Senator Dodd's amendment to the Interior Appropriations bill. The amendment would create an indefinite moratorium on the right of tribes to petition the federal government for recognition as a federally-recognized Indian tribe. According to the Congressional Record, this is Amendment No. 4522 to Amendment No. 4472 (a second degree amendment) to the Interior bill. Our understanding is that this amendment may come up for consideration as early as this morning.

Both the federal government and the NCAI have a longstanding position that legitimate Indian tribes whose status has been historically omitted should have the right to petition for formal recognition by the federal government. The current process for federal recognition, found in 25 C.F.R. 83, is a rigorous process requiring the petitioner to satisfy seven mandatory criteria, including historical and continuous American Indian identity in a distinct community. Each of the criteria demands exceptional anthropological, historical, and genealogical research and presentation of evidence. The Department proceeds with exceeding deliberation, and decides on average only one or two petitions per year. The vast majority of petitioners do not meet these strict standards, and far more petitions have been denied than accepted.

The process is also plagued by an enormous backlog, and some petitioners have been waiting over two decades since they submitted their initial petitions. Senator Dodd's amendment would completely undermine the existing process by creating an indefinite moratorium until the Secretary of Interior certifies that a new process has been created. Because there is no incentive for the Secretary to actually create this new process, the petitioning tribes, many of whom have been waiting interminably for a decision, would be put in limbo for additional years, decades, or perhaps forever. The Amendment requires that the new process raise the burden of proof and create a new set of adversarial procedures for opponents – sharply changing a process that

### EXECUTIVE COMMITTEE

#### PRESIDENT

**Tex G. Hall**  
*Mandan, Hidatsa, Arikara Nation*

#### FIRST VICE-PRESIDENT

**Joe A. Garcia**  
*Ohkay Owingeh*  
*(Pueblo of San Juan)*

#### RECORDING SECRETARY

**Colleen F. Cawston**  
*Colville Confederated Tribes*

#### TREASURER

**Alma Ransom**  
*St. Regis Mohawk Tribe*

### AREA VICE PRESIDENTS

#### ABERDEEN

**Harold Frazier**  
*Cheyenne River Sioux*

#### ALBUQUERQUE

**John F. Gonzales**  
*San Ildefonso Pueblo*

#### ANADARKO

**James M. Potter**  
*Prairie Band Potawatomi*

#### BILLINGS

**Geri Small**  
*Northern Cheyenne Tribe*

#### JUNEAU

**Mike Williams**  
*Yupiaq*

#### MINNEAPOLIS

**Bob Chicks**  
*Stockbridge-Munsee Band of*  
*Mohican Indians*

#### MUSKOGEE

**Jefferson Keel**  
*Chickasaw Nation*

#### NORTHEAST

**Kevin Seneca**  
*Seneca Nation*

#### PHOENIX

**Evelyn B. Juan-Manuel**  
*Tohono O'Odham Nation*

#### PORTLAND

**Ernie Stensgar**  
*Coeur d'Alene Tribe*

#### SACRAMENTO

**Juana Majel**  
*Pauma-Yuima*

#### SOUTHEAST

**Eddie Tullis**  
*Poarch Band of Creek Indians*

#### EXECUTIVE DIRECTOR

**Jacqueline L. Johnson**  
*Tlingit*

### NCAI HEADQUARTERS

1301 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://www.ncai.org)

## **NCAI Opposition to Moratorium on the Right of Tribes to Petition for Federal Recognition – Page Two**

already errs on the side of denying recognition. These changes would cripple the efforts of legitimate tribes who have long been involved in the federal recognition process.

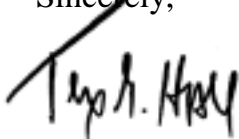
In addition, by attempting to create a moratorium on federal tribal recognition through the introduction of an amendment to the Interior Appropriations bill, this amendment attempts to circumvent the Congress' procedures for dealing with complex Indian issues like federal recognition. Such a drastic change in federal Indian policy should be referred to the authorizing committees for development of the record and an opportunity for broader participation and deliberation.

While it is true that there are problems with the process of federal recognition – delays, high costs and lack of staff, to name a few – these burdens most heavily fall on the tribes seeking recognition. NCAI is very much interested in participating in deliberate reform efforts that are intended to protect the fundamental right of tribes to petition for federal recognition. With a process that is already prohibitive of federal recognition, there is simply no emergency need to create a moratorium on recognition while the process is fixed.

Senator Dodd's amendment is intended to obstruct the Department's consideration of certain petitioners from within the State of Connecticut. Its impact, however, would fall unfairly on all of the legitimate tribes throughout the country who have yet to receive the recognition they deserve. The Tribal Nations that make up NCAI are strongly opposed to this amendment, and we urge you to join with us in our opposition.

Thank you for your thoughtful consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tex G. Hall". The signature is written in a cursive style with a prominent initial "T".

Tex G. Hall  
President