

## Buena Vista Rancheria Letterhead

Testimony before the United States Committee on Indian Affairs  
September 26, 2002

Mr. Chairman, Mr. Vice Chairman, thank you for the opportunity to appear before this Committee on a matter of great importance to the future of my Tribe and my family. I have a number of documents I would like to submit for the record, but would like to take my allotted time here to tell you our story.

Like most California reservations, Buena Vista was created in the 1920s as a refuge for homeless Indians who were the survivors of the genocide brought upon us by first the Spanish and then the gold miners. While the origins of the Mi-Wuk Indian People of the Buena Vista Rancheria go back to the late 1800's, in the interest of time I will start with more recent events.

In 1994, with the assistance of the Sacramento Office of the Bureau of Indian Affairs, my late aunt, Lucille Lucero, completed and adopted a Tribal Constitution. This Constitution named myself and my children as Historical Members of the Tribe. We have with us today photographs of the signing ceremony at the BIA office. My Elder and I worked over 10 years with no funds to assist us to reach this point.

In the early 1980s, my Elders had deeded the majority of the Buena Vista land ownership to my name as the one chosen to carry on the Tribe's heritage. By early 1996, I had bought the remaining rights to the last small part of our 67 acres on the Rancheria with my own funds, earned by working in the local fields. To ensure this would remain a home for my people, I decided to donate that land to the Tribe. Before doing so, I asked the BIA for confirmation of our Constitution and my family's membership in the Tribe. As you can see from his response, Superintendent Harold Bradford clearly states that I am a member of the Tribe. In addition, he declares the Constitution enacted by my aunt to be valid.

This is only one example of confirmation from the BIA. I have over 30 examples over the years of similar evidence of a government-to-government relationship between the Rancheria and the federal government, including participation in Self-Governance and other federal programs available only to recognized Tribes. To this day, I continue to receive weekly documents from the BIA showing our ongoing recognition and participation in programs.

Relying on that 1996 letter, I deeded all of my land to the Tribe, hired tribal employees, and began exploring opportunities for economic development and other projects to benefit not only our Tribe, but all Indian People in the areas. I consider this to be a right created from my property under Federal Indian Law.

As you can understand, I was shocked and terrified in December of last year to receive a letter from that same BIA office informing me that the federal government no longer considered me and my family members of the Rancheria. They also now say that the Constitution they assisted

with and approved and then affirmed is no longer valid. As you will see in the materials I have submitted, this decision contradicts the legislation and federal court ruling that established and reinstated this Tribe. It also arbitrarily reverses nearly a decade of a government-to-government relationship.

Simply put:

The government told us we were a Tribe. The government assisted in preparation and approved our Constitution. The government recognized us as historic members as we were designated by our Elders. The government recognized me as the Tribe's selected leader. The government, over and over again, told us our Constitution was valid and provided Tribal Self-Governance funds.

Then, in a secretive, closed-door process, that same agency of the government told us none of that had ever existed. There was no hearing. No opportunity to confront any accuser or decisionmaker. No opportunity to challenge documents that were fraudulently used against me.

This is nothing less than termination. The federal government once again terminated my Tribe. And, in doing so, they took my land and my family's heritage.

This proclamation was made despite the fact that each of these historical members were recognized in the Tribe's Constitution, a Constitution prepared and executed in 1994 with the Superintendent and other BIA personnel in the BIA's Sacramento offices, and despite the fact that the BIA has affirmed its recognition of the Tribe's Constitution, the Tribe's Members, and/or the Tribe's Chairperson over thirty times over the past eight years.

We have appealed this decision to the Interior Board of Indian Appeals (the "IBIA"), but we understand that it may take years for IBIA to rule on this case and that the IBIA often merely remands cases to the regional officials who made the original decision. Also, while Assistant Secretary Neal McCaleb has declined take this appeal in his office, it is clear from the regulations that he will eventually have to rule on my appeal, as the IBIA is precluded from making any membership decisions. In the meantime, my land and the Tribe's property rights have been taken without due process, the Tribe is being destroyed and years of work "by the book" to achieve economic development will be gone forever.

I have come to this hearing to plead with you for help. As I worry daily about the possible extinction of my Tribe and my Elders' legacy, I use this opportunity for strength and resolve.

I am encouraged by the interest you have taken to discuss our Tribe's history and my family. Without this venue, our fate would be entirely in the hands of people who do not know or care about the history of this Tribe and my family, and do not understand the importance of our vows to our Elders. The fact that you have taken this time out of your busy schedules to listen, gives me the resolve to continue in this struggle. We will forever remember this and pass the story of this event down to our children.

It is devastating and frightening to us that the Federal Government could take our land, take our Tribe's history and its future and strip us of our status as Indian People – and then make us wait years for the IBIA's version of justice, while the BIA uses economic starvation as a weapon to further weaken us. How can they have that power over a sovereign nation? Is our sovereignty and very existence so fragile that it can be taken away in an instant at the whim of a local agent? It is also amazing that the Federal Government could recognize a Tribal Government dozens of time and then, without a formal process, wipe it out. Is the era of termination back?

Since this action was taken, my Tribe has suffered in ways I thought were a thing of the past. The local BIA office has cut off our Self Governance funds and has refused to reinstate them, even though their own regulations require them to continue such obligations while an appeal such as this is pending. As Chairperson of the Tribe, I have no income and have had to lay off all the Tribal employees. All utilities for the Tribal government office – power and telephone – have been shut off. The Tribal government cars and even the small trailer we used for our home are being repossessed. Without assistance from our friends, we would be helpless.

As recently as last Fall, this was a thriving Indian community with the opportunity for a great future ahead of us. We had worked for decades doing everything “by the book,” following all the government's regulations, to finally be ready to reach economic stability. We had established a good working relationship with the community and business vendors. Now, everything is gone.

And why? Because I, the leader of a Sovereign Nation, dared to explore financial opportunities available under Federal law that might create competition or jealousy? It is just my small Tribe against many others. Without this opportunity to tell our story, we would be overwhelmed.

I would like to briefly address two issues I have seen raised in the news media. The first is the debate over Tribes, especially in California, that some judge to be “too small.” Yes, many California Tribes can be considered small when compared with those in other parts of the country. That is a result of waves of European invasion, first the Spanish and then others looking for gold. The newcomers killed my ancestors, moved them around and broke them up. In the 1920's the California Rancherias were created by Congress for the benefit of the remaining Indians living without land. The situation we live in today is not our doing. It is the doing of the Federal Government.

Secondly, I am sure many in this room see this dispute as just being about gaming. I must point out that the Secretary of the Interior herself, in an interview with Indian Country today earlier this month, has stated that gaming should not be considered when looking at Tribal governance issues. I quote: “The decision making process on recognition is one that ought to be objective and not depend on what the motivation is for the people that are seeking approval.” Secretary Norton is talking about new recognition of Tribes. I am talking about the termination of mine.

Senator Campbell has often said that Indians are the only people in this country that need a card proving their heritage. Although humiliating, I got such a “card” from the Sacramento BIA many decades ago. The Federal Government has now taken that away, along with my land, my status as a Tribal Leader and our chance to better the lives of many Indians in the Sacramento

area. I now live in fear that all we have believed in and worked for, and all that we promised our Elders, will be lost forever. I know that you know all of this, but feel I should say it here for the benefit of other members of Congress.

I am convinced that this hearing will prove we are the proper Mi-Wuk Indian People of the Buena Vista Rancheria, as many know us to be. I have been here, on this land, all my life, and cannot imagine that this type of arbitrary forced extinction can still occur. Centuries ago, our people were able to travel the whole valley in search of game and resources. Today, I am merely trying to protect the last 67 acres our Tribe has left. This hearing, today, is our only hope.

Thank you, once again, for the opportunity to tell our story. Our Elders would want the story of our history told to this Committee and would want me to fight to the end. This is our last chance to save what is left of our history, and our future.