

STATEMENT  
OF  
SENATOR DANIEL K. INOUE  
BEFORE THE  
MAY 11, 2005 HEARING  
ON  
FEDERAL RECOGNITION  
OF  
INDIAN TRIBES

Mr. Chairman, clearly we have before us today a distinguished panel of our colleagues and others who are interested in the subject of this hearing.

I will make my remarks brief so that there will be sufficient time to hear from all of the witnesses.

I have reviewed the statements that had been submitted to the Committee before we closed up business last evening, and it is clear that while this hearing is on the Federal recognition process, a number of witnesses are actually more concerned about tribal gaming.

Accordingly, I think it is important that we note for the record a few facts.

The Director of the Office of Acknowledgment will present testimony this morning and I would guess that he can more thoroughly document the facts that were discussed at our last hearing on this matter, and one of those facts that I recall is that the larger number of petitions for acknowledgment that are now pending in that Office were filed long before the advent of the Indian Gaming Regulatory Act or the U.S. Supreme Court's ruling in Cabazon.

I think this is important because there are some who have suggested that tribal groups have petitioned for Federal acknowledgment for the sole purpose of conducting gaming.

However, if this were so, we would have to attribute to many of the petitioning tribal groups a clairvoyance – that they knew that one day in the distant future, there was going to be a Supreme Court decision, and thereafter, the Congress was going to enact a law authorizing and regulating the conduct of gaming, and so they decided that they would file a letter of intent to begin the process of seeking Federal recognition.

The facts suggest a different reality.

Those that advocate the reform of the Federal acknowledgment process come from at least two camps.

Those that do not want to have any more tribal governments secure Federal recognition and the attributes of tribal sovereignty that are part and parcel of Federally-recognized status –

And those that believe the process is too slow, too expensive, and too cumbersome – in that latter group I would suggest are many if not most of the tribal petitioning groups.

Should the fact that a State has recognized a tribe for over two hundred years be a factor for consideration in the Federal acknowledgment process?

I would say definitely yes.

How could it be otherwise?

Don't most, if not all of our states, want the Federal government to recognize the official actions of the state governments?

Wouldn't most of our states want the Federal government to defer to the sovereign decisions and actions of those states over the course of their history?

I think the answer to that question would be decidedly in the affirmative.

Let us be clear about one thing.

The Federal acknowledgment process is all about the recognition of the sovereignty of Native nations that were here long before immigrants came to America's shores.

It is not about gaming.

The fact that pursuant to a law enacted hundreds of years later – in 1988 to be precise – affords to tribal governments the option of conducting gaming as one tool in developing their economies, does not mean that every Native government will in fact exercise that option.

In fact, most Native governments have elected NOT to pursue gaming.

Let us not lose sight of the realities in a rush to judgment on the viability of a process that is clearly distinct from issues of gaming.