

STATEMENT OF KATHLEEN TOM, TRIBAL COUNCIL SECRETARY,
CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON

United States Senate Committee on Indian Affairs
Oversight Field Hearing on Economic and Social Issues Affecting the Northwest Tribes
Chief Leschi High School, Puyallup Washington
August 12, 2010

Chairman Dorgan, Members of the Committee on Indian Affairs:

My name is Kathleen Tom. I am the Tribal Council Secretary of the Confederated Tribes of the Grand Ronde Community of Oregon. I am proud to be here today representing over 5,000 Tribal members.

My testimony today is shaped in part by a life of service to my Tribe. Four generations of my family have served on Tribal Council. My father served on Tribal Council for eight years. Before being elected to Tribal Council, I was a Tribal employee for thirteen years. I am now in my second three-year term on Tribal Council.

The peoples of the Confederated Tribes of Grand Ronde have lived in western Oregon for thousands of years. During the treaty-making era, our Tribes entered into seven ratified treaties with the federal government. Those treaties were the 1855 Treaty with the Kalapuya, two treaties signed in 1853 and 1854 with the Rogue River, an 1854 treaty with the Umpqua and Kalapuya, an 1853 treaty with the Umpqua-Cow Creek Band, an 1854 treaty with the Chasta, and an 1855 treaty with the Molalla. Vast territory of western Oregon was ceded through the treaty-making process with our people being driven to the Coast Reservation and the Grand Ronde Reservation. Our reservation lands were desirable to settlers and, consequently, our lands were significantly diminished through various land acts. In 1954, the Western Oregon Termination Act took all of our land, without compensation, and severed our ties with the federal government. For almost thirty years we were landless, invisible Indian people in our territory, but we rejoice today because this great injustice was overturned through the Grand Ronde Restoration Act of 1983.

The Confederated Tribes of Grand Ronde was pleased to see Congressional action to specifically direct money to Indian Country in the American Recovery and Reinvestment Act of 2009. I must, however, add that the recession the nation is now experiencing has long been the norm for Indian Country – in fact, Indian Country suffers from much higher rates of unemployment and poverty than the rest of the nation. Economic development is critical for Indian Country and

tribal governments know this better than anyone. But economic development requires good roads, good schools, good phone systems, and good health care among other things. Termination for Grand Ronde resulted in a thirty-year gap in our history and suspension in community and infrastructure development. Starting from ground zero, the effort to build and sustain our community has been a monumental challenge, significantly more complex than one faced by a mature, established municipality with a continuous history of development. However, we continue to advance our mission to improve the quality of life for our Tribal members.

Since restoration, the Tribe has worked diligently to develop the foundation necessary to sustain a viable community. We have invested in excess of one hundred million dollars to date toward this effort. However, to accomplish our ultimate objective requires an additional investment of hundreds of millions of dollars in areas such as land acquisition, physical infrastructure, government institutional systems, support services, and other resources which promote a sustainable community and provide a reasonable opportunity for our people to realize social and economic stability and progress.

I request the Committee help Congress fulfill the treaty obligations of this nation by appropriating more economic development funds for Indian Country in the 2011 budget and any future stimulus package.

With a land base today of just 12,335 acres, and without adequate federal funds, Grand Ronde has relied on its on-reservation gaming facility to support critically needed government programs and provide jobs for its members. We oppose efforts of some tribes to locate new casinos off their reservation lands and outside their traditional homelands. Unfortunately, the desire for off-reservation casinos has led some tribes to claim territorial rights outside their traditional homelands so they can build casinos in more marketable locations. This is wrong. Such moves outside ancestral lands to build casinos can compromise the sovereignty and culture of other tribes which have a genuine connection to the land in question.

In a memo dated June 18, 2010, Secretary Salazar stated:

“I understand the Department currently has nine “two-part” applications under review. For these, I recommend that you undertake a thorough study of these issues and review current guidance and regulatory standards to guide the Department’s decision-making in this important area. During this review, your office should engage in government-to-government consultations consistent with the policy of this administration to obtain input from Indian tribes. I realize that engaging in this exercise in connection with the application of the two-part test may cause some delay, but given the Department’s discretion in this area, it is appropriate that we take the necessary time to identify and adopt principled and transparent criteria regarding such gaming determinations. Moreover, deliberate government-to-government consultations will lead us to the implementation of a sound policy in this area.”

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We ask the Committee to help ensure that this “deliberate government-to-government consultation” occur before the Bureau makes determinations on off-reservation proposals, such as the Warm Springs’ proposed off-reservation casino in the Columbia River Gorge.

Finally, the IRS has taken the position with our Tribe that Tribal members serving on boards and advisory committees are employees for tax purposes. Our members are not performing services in the capacity of employees; instead, they are serving their Tribe on matters of community interest and concern. Consistent with our culture, such members receive reimbursement for out-of-pocket costs and a small stipend to compensate for their time and travel away from their homes and families. We request the Committee, in setting its agenda for 2011, hold a hearing on the IRS’s relationship to Indian Country and attempts to impose additional taxes on Tribes and Tribal members.

I want to thank the Committee for holding this oversight hearing and inviting the Confederated Tribes of Grand Ronde to testify. Senator Dorgan – on behalf of the Confederated Tribes of Grand Ronde and Indian Country, I would like to thank you for your leadership as the Chairman of the Committee. We appreciate your commitment and tireless attention to the needs of Indian Country. You will be missed.