

Recognition under the Current BIA Acknowledgment System

Examples of Executive Abuse, Political Exploitation

- [INDIANS GIVEN A PARTING BOOST CLINTON AIDES GRANT 3 GROUPS RIGHTS TO CASINOS](#): *"In the final days before leaving office, two Clinton administration officials quietly reversed the findings of Interior Department staff historians to recognize three groups as Indian tribes, thus giving them the right to open casinos, a privilege often worth hundreds of millions of dollars. Then the two officials stepped directly from their high-level administration posts into lucrative positions representing gaming tribes."*
- [DECISIONS ON STATUS OF TRIBES DRAW FIRE BUSH ADMINISTRATION REVIEWS PARTING ACTIONS BY CLINTON APPOINTEE](#): *"Michael J. Anderson, acting head of the bureau, gave final recognition to the Duwamish tribe of Washington state and preliminary recognition to the Nipmuc tribe of Massachusetts on Jan. 19, his last day in office. In doing so, Anderson rejected recommendations against recognition of those groups made by the bureau's professional staff of historians."*
 - *"The Globe reported on Sunday that Anderson made a third decision, also under review, on his last day that aided the Seminole tribe of Florida in its legal dispute with the state over use of slot machines in tribal casinos. The Seminoles, like the Indian gaming industry overall, have been generous contributors to the Democratic Party."*
 - *"The Globe has also reported that Kevin Gover, who, three weeks before the end of Clinton's term, resigned as head of the Bureau of Indian Affairs, rejected the recommendation of the professional staff in giving final recognition to the Chinook tribe of Washington state. Gover, a former Clinton campaign fund-raiser and strategist, stepped directly from his government position to a lucrative job as a lobbyist-lawyer representing Indian gaming tribes with the Washington firm Steptoe & Johnson. One of the tribes he recently solicited for business was the Chinook."*
- [TRIBE'S CASINO HOPES HINGE ON VALIDITY OF CURRENT RECOGNITION BY US](#): *"But then came Kevin Gover, a Clinton administration appointee as head of the Bureau of Indian Affairs. Gover was willing to buck the professionals in his bureaucracy, and as his last official act in office in January, he overturned the work of the bureau's historians to recognize the Chinook. In the absence of a historical record, Gover said, he relied on inference. The Chinook, he said, deserved a break. Gover's ruling came as the Chinook contemplated opening a casino. And*



while Johnson says a casino is hardly a factor in his group's long quest for recognition, others in the tribe have worked toward that goal, including Linda Amelia, a friend of Gover's who had a hand in arranging lucrative private legal work for Gover upon his return to work as an Indian gaming lawyer-lobbyist. In most parts of the country, a casino can legally operate only under the auspices of a federally recognized Indian tribe, and during Gover's tenure, the Indian gaming industry was vastly expanded. Gover's willingness to buck the historians came sharply into play in New England, where he or his top assistant found his own basis for recognizing two Connecticut-based tribes, as well as the Nipmuc Nation of central Massachusetts. All have ambitious plans to open world-class casinos."

- [ATTORNEY DENIES CHINOOK PAYBACK](#): "I frequently overruled my staff; I didn't do it lightly, but I did it fairly often when I believed it was the right thing to do," Gover said.
- [OBAMA ADMINISTRATION: LETTING CONGRESS CONTROL TRIBAL RECOGNITION WOULD WORSE BROKEN SYSTEM](#): "Bishop, who chairs the House Natural Resources Committee, said the recognition system has been a mess for decades. Any tribes that were lawfully recognized would not be affected by his proposal, he said. "My goal is to empower Native American tribes. We don't have a great record. We do a lot of lip service to it," he said, adding that he would be open to changes to his proposal as long as Congress makes the final decisions. Existing tribes with casino operations have aired similar concerns about the recent changes to the process."
 - "The ranking Democrat on the Natural Resources subcommittee that is considering the issue, Rep. Raul Ruiz of California, said the proposal would infuse "hyper-partisan" politics into the issue, allowing Bishop and the speaker of the House to control which groups are recognized, since they can decide what matters come up for a vote by lawmakers. Yet the Interior process also has been tainted by politics, according to past investigations by the agency's Office of Inspector General. That includes a 2002 investigation that found a senior Interior official issued recognition decisions contrary to staff recommendations."
- [2002 DEPARTMENT OF INTERIOR REPORT: INVOLVING IRREGULARITIES IN THE TRIBAL RECOGNITION PROCESS AND CONCERNS RELATED TO INDIAN GAMING](#): "The relationship between Gover and the BAR staff was strained from the beginning. Shortly after being appointed, Gover held a meeting with the BAR staff in which he stated: "acknowledgement decisions are political." BAR staff considered this to be an indication of how this Assistant Secretary would rule on their findings. BAR and the Solicitor who advises them were convinced that Gover did not like the



regulatory process set forth in 25 C.F.R. Part 83 and, as a result, would base his acknowledgement decisions on his personal interpretation of the regulations.”

- “BAR staff issued memoranda of non-concurrence for each of the four decisions. BAR had never before documented its disagreement with an Assistant Secretary. The relationship between BAR and Anderson was even more troubled. The BAR staff collectively described the last seventeen days of the Clinton Administration as pure hell.”
- [2012 DEPARTMENT OF INTERIOR OIG REPORT](#): “Echo Hawk, then-Assistant Secretary-Indian Affairs, and his staff did not consult with the Office of Federal Acknowledgment or with Bureau of Indian Affairs (BIA) leadership before deciding to recognize the Tejon Tribe. Because Office of Federal Acknowledgment was not consulted...According to Echo Hawk, he had the legal authority to reaffirm the Tribe, and it was not required to go through the Part 83 process...One of the two SOL/DIA attorneys told us that Thomas explained to Echo Hawk that he did not have the authority to waive the Part 83 regulations for the Tejon Tribe. Both attorneys agreed that Part 83 should not be waived, but Echo Hawk and Tsosie made it clear that they wanted to waive the regulations and reaffirm the Tribe. One of the attorneys said that Echo Hawk was “upset with Pilar for...not giving him the result that he wanted.”
- [INDIAN TRIBES SAY AID COMES ONLY TO THOSE WHO DONATE TO DEMOCRATS](#): “Last week, Attorney General Janet Reno began a 90-day inquiry of Interior Secretary Bruce Babbitt's role in denying the Chippewa's Wisconsin casino application because tribes who successfully opposed the gambling hall hired lobbyists, who met with Clinton Administration officials and later gave \$286,000 in contributions to the Democratic Party. The facts of the much-publicized case have resonated all over Indian country, where many leaders say they have concluded that political donations buy more than mere access. Now, the leaders suspect that the most sinister reasons lurk behind Government decisions that have gone against them.”
 - “For example, a Washington state tribe has accused the Interior Department of approving a casino application for a rival tribe because, they say, the development company has close ties to a Boston developer who is a friend of President Clinton. The developer, Richard Friedman, had invited Mr. Clinton to stay at his 20-acre estate on Martha's Vineyard last summer, as he had in some previous summers. While the First Family was staying at Mr. Friedman's house, Mr. Babbitt approved an application by the Kalispel Tribe to develop a casino on a site off its reservation in metropolitan Spokane, Wash.”



- *“The timing was not a coincidence, according to the leaders of the Spokane tribe, who say they believe Mr. Babbitt approved the proposal because Mr. Friedman is a partner with the casino's developer, Carnival Hotels and Casinos, in another Indian casino proposed in Massachusetts.”*

