

Committee on Resources

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Testimony
Before the Committee on Resources
United States House of Representatives

Oversight Hearing on Gaming on
Off-Reservation, Restored and Newly Acquired Lands
July 13, 2004

Chairman Pombo and Members of the Resources Committee. Thank you for inviting me to testify here this morning. It is a great honor and privilege.

My name is Leaford Bearskin. I am the elected Chief of the Wyandotte Nation. I have been the Chief for almost twenty-one years, having been first elected in 1983.

I understand that the purpose of my testimony today is to discuss gaming on off-reservation, restored, and newly acquired lands.

My Tribe, the Wyandotte Nation, opened a Casino in Wyandotte County, on August 28, 2003, after a long and bitter legal struggle.

Although there are probably others who are more qualified than I to speak about Indian Gaming, perhaps none share the scope of magnitude, fears or frustrations that I and my people have encountered.

On April 2, 2004, 204 days after we opened our doors and created 48 full time jobs, the Attorney General of Kansas ordered 23 armed troopers to raid our facility, threaten patrons and workers alike. His men seized all of our assets and arrested our Manager, Ellis Enyart.

Phill Kline, the highest-ranking law enforcement officer in Kansas, later explained his actions as "enforcing the Laws of the State of Kansas".

How can this happen, you may ask? It turns out that the Attorney General's actions, namely that of invading our sovereign lands, were precipitated by a legal "opinion" drafted by a part time attorney working for the NIGC. This "opinion" in short stated that our reservation, located in Wyandotte County, Kansas, on land that my ancestors named, was "quote" not Indian Land because it was not land acquired "in settlement of a land claim".

I believe that the United States Government should follow the law and not let bureaucrats interpret the laws contrary to what congress has passed. The law that the Wyandotte Nation is following was passed by Congress, not an attorney at the NIGC who arbitrarily decided she had the power to harm my nation and then did so.

Over the years, the Wyandottes have signed 19 Treaties with the government, and of these, we have a perfect record, there are 19 that have been broken, and none of them by the Wyandotte Nation.

I believe there are legal and political attempts to break another agreement, not a treaty, but a law, Public Law 98-602 passed October 30, 1984. I was here when this passed, and so were many of you. It was a land claim settlement bill.

We have land in trust in Kansas City. This land was taken into trust for the Wyandotte Nation following every law, every statute, and every standard given by the United States for us to follow based on a law passed by this body, through this committee in 1984, Public Law 98-602.

But it seems that laws only apply to the Wyandottes if they can be used against us.

The legal twists and turns in this case have been so numerous, and in some cases so ridiculous that it is hard for me to try and explain them in detail, but rest assured we have followed the law to the letter.

Right now, the law is being distorted and used against the Wyandotte Nation, and this is not right, but historically, that has always been the case.

Whenever an Indian has something that someone else perceives to be of value, it is usually taken away using legal and political means. This statement is indisputable, and the horrific history of this nation in regards to the way my people, the Wyandotte people, and the rest of the Indian Nations have been treated is very real, and very well documented.

In the other chamber of this body, there is a resolution apologizing to the American Indian for the way we have been treated by the United States government.

I appreciate the gesture, but I would just as soon that this nation follow the laws that it made, and stop the harassment of my people through illegal means by some of the leaders of the State of Kansas.

We have followed the law, and are being harassed and attacked by the leaders of the State of Kansas, simply because they think they can get away with it.

We are right, and we will continue to fight this out, because we are right and because our rights are being trampled by a state attorney general who decided that without following the law, he could attack my Nation and close down our casino located on trust land.

I also hope that my testimony here today will stir this committee to action, to protect and defend those of us that are playing by the rules, and aspiring for the right of economic freedom and prosperity.

All I know is that the Congress of the United States passed Public Law 98-602 on October 30, 1984.

It was a land claim settlement bill.

I know, because I was there.

So were some of you!

We as a nation have struggled now for almost twenty years, ever since the Congress of the United States passed Public Law 98-602 in October of 1984. That law was passed by the Congress to settle a decades old land claim for lands that were taken from my ancestors illegally.

Over eight years ago, the secretary of the Interior, signed a deed of trust for lands that the Wyandotte purchased in accordance with Law 98-602 in July 1996. According to the Bureau of Indian Affairs that land could be used by the Wyandotte for economic development purposes.

As we sit here today, every conceivable effort has been made by competing interests, Politicians, and even Legal Authorities to deprive the Wyandotte of their legal rights. In short, these people have used every means to deprive my people of a chance, no, of the right, to economic prosperity that congress declared we had over twenty years ago.

I'm not here for a hand out. All I ask is that this country, the United States of America live up to their word, the word written in Public Law 98-602, and allow the Wyandotte Nation to move forward with their economic development.

Specifically, I ask this committee to reaffirm that Public Law 98-602 was a land claim settlement bill.

Enough is enough!

Thank you.