

Testimony of Randy King, Chairman
Shinnecock Indian Nation Board of Trustees

Before the Committee on Resources
United States House of Representatives
Concerning H.R. 4893

April 5, 2006

Chairman Pombo, Ranking Member Rahall and Members of the House Resources Committee, my name is Randy King, and I am the Chairman of the Tribal Trustees of the Shinnecock Indian Nation—one of the oldest continually self-governing tribes in the country. I would like to personally thank you for allowing me the opportunity to address this Committee.

The heritage of the Shinnecock people dates back thousands of years. We live now on a remnant of the lands where we lived long before the first European settlers arrived in North America. Although we once occupied a vast region of land on Long Island, spanning from Montauk Point to Manhattan, our property has dwindled over the years to less than 1,000 acres, all in the Town of Southampton, New York. Beginning with the illegal seizure of our land by the first settlers, the Shinnecock people have endured a continual encroachment on our property rights for over 360 years.

The State of New York and its predecessors have formally recognized the Shinnecock Indian Nation for more than 340 years, and almost half of our enrolled members currently live on a reservation set aside under state law. Despite this fact, the Federal bureaucracy has yet to formally recognize our Nation, even though our existence and our needs have been known to the federal government.

In 1978, we asked the federal government for assistance in filing a lawsuit to obtain justice for the theft of our lands. The Bureau of Indian Affairs decided we first should be federally recognized and treated our litigation request as our petition for federal acknowledgement. We then created the “Shinnecock Federal Recognition Committee” to manage our petition for federal recognition with the Department of Interior. That was 28 years ago—and we are still waiting for a decision.

Despite nearly three decades of delay, the Shinnecock people are optimistic. On November 7, 2005, a federal court, in a case in which our tribal status was at issue, and after receiving our petition to the Department of the Interior and thousands of pages of legal briefs and documents, issued a decision holding that the Shinnecock Indian Nation is what we have always known ourselves to be, a sovereign Indian tribe as a matter of federal law. We have had a dialogue about this court decision with the Department of Interior, and we remain hopeful that the Department may add us to the list of federally recognized tribes. In the meantime, we continue to seek to vindicate our rights without waiting for help from the executive branch of the federal government, as we press forward to have the courts further confirm our sovereignty and provide us with justice for the wrongs that have been done to us.

While we have remained stuck in the federal recognition process for some 28 years, forced to defend our rights without the federal assistance enjoyed by other tribes, the Shinnecock people have watched many other tribes achieve federal recognition, construct casinos, and exploit federal law to attempt to build even more casinos.

Against the backdrop of bureaucratic delay and opportunistic actions by others, the Shinnecock Nation is encouraged by the Chairman's and the Committee's willingness to “shake up” the status quo. As you can imagine, we are *particularly* pleased that you have taken up the cause of examining the federal recognition process. We also deeply appreciate the thought and care taken in developing H.R. 4893. This bill can do much to level the playing field and stop outlandish proposals that threaten a backlash against legitimate tribes such as the Shinnecock. It is from this perspective that I respectfully ask the Committee to consider some minor refinements to the bill to protect those tribal nations which, like the Shinnecock, have played by the rules and been met with years of bureaucratic inaction.

First, let us remember that H.R. 4893 is aimed to restrict the practice of “reservation shopping”, a goal all should share. Section 20(a) of the Indian Gaming Regulatory Act (“IGRA”) is intended to allow an Indian Nation to game on its own lands. Yet some would interpret Section 20 as limiting tribes to lands that were part of a federal reservation. The Shinnecock Indian Nation, however, occupies land in the heart of its aboriginal territory, land that was ours before the first European settlers arrived on our shores – and land that remains within our aboriginal territory today. Our land is our home, and always has been. Its status as Indian land does not stem from action of the federal government, but precedes the existence of the federal government. We should not be denied the ability to have economic activity on our own tribal lands, held for hundreds of years. Consequently, we propose that H.R. 4893 add affirmative language that clarifies that Indian land actually occupied continuously for all of recorded history be given the same treatment as federal reservations created much more recently. The Shinnecock people have occupied our lands for centuries, and we do not believe that we should be penalized for the Department of Interior's prolonged inaction in response to our application to acknowledge our

unquestionable status as an Indian tribe.

Despite the fact that IGRA intends to allow tribes to game on land that has been theirs through the centuries, we do recognize political realities. One reality is that in some communities, powerful local groups and people may marshal political power to attempt to deny a tribe its rights. Given this reality, we believe that H.R. 4893 should preserve the ability, in closely circumscribed circumstances, for a tribe to agree upon alternate locations for economic activity. We believe that land claim settlements, when limited to the state in which the tribe is located, would allow tribes facing serious or insurmountable opposition to achieve economic stability, while still preventing inappropriate manipulations of the system.

At the same time, we recognize that there are legitimate concerns about tribes claiming reservations through arguments that are tenuous at best. We believe that the amendments we seek can fulfill the intent of IGRA without opening the door to such spurious claims. We appreciate the effort in H.R. 4893 to tighten the rules against such claims, and would encourage the Committee to further strengthen proposed provisions against interstate moves by limiting gaming to the state in which a majority of a tribe's members reside.

In conclusion, I would like once again to thank the Chairman and the Committee for allowing me to testify and for your courage in tackling these difficult issues when so many others stand silent. My people have lived on our land for centuries, and I am but one person in a long line of individuals fighting for justice for our Nation. It has been a long and difficult journey to get where we are today. I simply ask that the Committee keep the Shinnecock Indian Nation in mind, and take our suggestions as what they are—comments from a tribe that is only trying to avoid being penalized for the actions of others. Thank you.