

**Lance A. Gumbs
Tribal Trustee
Shinnecock Indian Nation**

Testimony before the
U.S. House of Representatives
Committee on Resources

Wednesday, March 31, 2004
Testimony of Shinnecock Tribal Trustee Lance A. Gumbs
Before The House Resources Committee, March 31, 2004.

Mr. Chairman, Ranking Member Rahall and Members of the Resources Committee, thank you for holding this oversight hearing on Tribal Recognition and for inviting me to testify on behalf of the Shinnecock Indian Nation on this critical issue.

The committee will hear testimony today from other tribes who have struggled for many years with the bureaucratic morass known as the federal recognition process. Many of these tribes have waited decades while their application has languished at what is now the Office of Federal Acknowledgment or, (OFA).

Today is the first time that a member of the Shinnecock Indian Nation has testified before Congress since 1900. In 1978, we were one of the first four tribes to file an application for federal recognition - the completion of which was delayed for many years due to the cost involved. Twenty five years later, we were finally placed on the "Ready for Active Consideration" list by letter from the BIA dated September 9, 2003.

Then in an October 2003 letter, we were informed that the Shinnecock Petition is now 12th on the current list and according to BIA, "without additional resources, it may take the OFA up to 15 years to decide all completed applications." Amazingly, it may take another 15 to 20 years before a final determination is made! Thus, without a change to the current OFA process, the Shinnecock will have languished in an un-recognized status for more than half a century – a time in which several generations have passed on - and it appears that the present and future generations will also have to wait before we, the original inhabitants of Eastern Long Island, receive acknowledgment from the federal government.

My nation, the Shinnecock Indian Nation, is one of the oldest, continuously self-governing tribes in the country and was one of the first to have contact with the European settlers when eight men, one woman and a child newly arrived from Lynn, Massachusetts sailed into Peconic Bay in 1640. From there my Shinnecock ancestors led the group southward to what became the town of Southampton.

In 1640, early settlers deceived the inhabitants of the area and illegally began systematically taking our land, which we repeatedly tried in vain to prevent.

We continued our practice of self-governance until February 24, 1792, when the State of New York enacted a law titled "An act for the benefit of the Shinnecock Tribe of Indians, residing in Suffolk County." This act took away our form of self-governance and established a trusteeship form of government in which the minutes of our tribe and the elections of our trustees have been

recorded each April by the Town of Southampton Clerk from 1792 to the present. During this time, the State of New York has attempted to illegally regulate our sovereignty by enacting numerous constitutional amendments, statutes, rules and regulations.

Thus, it is well documented that we, the Shinnecock Indian Nation, have had a formal relationship with colonists dating to the 1600s and subsequently with the State of New York, which predates contact Western Tribes have had with the federal government by over 200 years. This history was reaffirmed in 1974 when the State Legislature of New York unanimously adopted a resolution calling on Congress to grant our tribe federal recognition. In addition, a 1987 letter from the Associate Counsel of the Secretary of State of New York to trustees on a zoning issue stated that "the Shinnecock Tribe is one of the historic tribes of Long Island which still has tribal existence and occupies fee simple land generally within its aboriginal territory... (and)...it is clear that the federal government deals with the Shinnecoeks as an Indian Tribe."

Therefore, records show that we have had a continuous existence and relationship with colonial settlers and later governments for more than 400 years and formal relations with the State of New York for more than 200 years. Yet, because of a lack of resources and commitment by the government agency responsible for tribal recognition, our application will likely collect dust for at least two more decades before we are granted the recognition by the federal government that we rightly deserve.

You should also know that legal experts in the federal recognition process from the Native American Rights Fund, which have supported petitions for numerous tribes, have stated that our application is one of the strongest documented petitions ever submitted to the OFA.

As you know, the GAO issued a report in November 2001 stating that the "basis for the BIA's...recognition decisions (are) not always clear ...as to what level of evidence is sufficient to demonstrate a tribe's continuous existence over time;" that the "regulatory process is not equipped to respond in a timely manner;" nor does the process "impose effective timelines that create a sense of urgency." The GAO also recognized that it takes on average 15 years to resolve petitions in a system that was originally designed to take 2 years!

In response to the GAO report, then Assistant Secretary of Indian Affairs Neal A. McCaleb testified before the House Government and Reform Oversight Committee in February 2002 that then-BAR staff research positions remain unfilled. From our perspective, this is unacceptable.

I am certain that you will hear testimony later today that OFA and BIA are taking steps internally to address the GAO's and Congress's concerns. While these efforts are laudable, it seems a lot of noise and a flurry of activity occurs each time Congress looks into this matter and ultimately, little is done and nothing changes. I hope this time will be different. No matter what, it would appear that tribes currently "in the pipeline" will continue to wait - without recourse - for their federal status for years to come.

I would ask what mechanism exists or can be put in place to provide for additional funding and personnel resources in order to establish a reasonable timeline for application decisions? For example, I am aware that there is presently an expedited procedure to disapprove a petition. Why not develop a similar process to provide for expedited approval of a petition if certain criterion, such as being continuously recognized by the state - as is the case with my tribe and the State of New York - are met?

In addition, we oppose H.R. 3838, legislation introduced by Members from Connecticut to provide federal grants of up to \$500,000 to offset costs to local governments facing acknowledgment, land trust or land claim issues. I am appalled that the federal government would contemplate using taxpayer dollars to potentially oppose tribal recognition or related issues. In fact, our recognition effort was stalled in part for the past twenty-five years because we could not afford the costs associated with completing our application. No federal funds have been made available to assist us, or any other tribe, with this costly and burdensome process, yet some in Congress want to fund local governments to oppose us? It would seem to me that there is a basic underlying issue of fairness here.

In conclusion, please remember that we are among the "First People" of what now is New York State. Our roots have been traced back thousands of years and even though the survival of that original colony can be credited to my people, we have endured countless indignities since that time. Our lands have been illegally taken and we have been forced to walk in two worlds as we fight assimilation and struggle to maintain our ancestral heritage. At present, we number 1,320 tribal members, of which 650 or so reside on about 800 acres of our original lands.

In many ways, the indignities that we and our fellow indigenous people have endured for centuries continue today under this broken federal recognition process. I am here today as the descendant of a proud and ancient people and also as an elected tribal leader who has a sacred responsibility to my people and the unborn "seventh generation".

I would respectfully request that you do all that is in your power to help the first people of this land and our Nation by fixing the federal recognition process, not only to correct past injustices but to provide for our future, both tomorrow and for all time.

Thank you.