

U.S. HOUSE OF REPRESENTATIVES
Committee on Natural Resources
Subcommittee on Indian and Insular Affairs

Hearing on

“H.R. 1208 (Rep. Cole), To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian Tribes, and for other purposes”

Wednesday, June 26, 2024

Statement of Marshall Pierite, Chairman, Tunica-Biloxi Tribe of Louisiana

Chairman Hageman, Ranking Member Leger Fernandez, and distinguished members of this Subcommittee, thank you for the privilege and honor of inviting me to testify today. I am Marshall Pierite, Chairman of the Tunica-Biloxi Tribe of Louisiana.

The U.S. Supreme Court’s 2009 ruling in *Carcieri v. Salazar* has cast doubt on the sovereign control of tribal lands and slowed the federal government’s ability to place land into trust for the benefit of tribal governments. This not only harms the ability of tribes to provide for the welfare of their citizens but it also hampers the ability of tribes to bring the benefits of their economic development activities to their non-Indian neighbors. Until Congress amends the Indian Reorganization Act in such a way as to correct the problems created by the *Carcieri* decision, the successes and benefits brought on by strong tribal governments will continue to be significantly diminished.

Although the Senate failed to take up the measure, I was very pleased that the 117th Congress passed a “*Carcieri* Fix” bill authored by Rep McCollum and Rep. Cole by a vote of 302-127. I urge this Committee to move expeditiously to pass this bill and have the House of Representative send it once again to the Senate for their consideration.

While I do not want to dwell on the sad history of injustice against tribes and Native Americans, it is important to recall this history to illuminate the justice and healing that tribal land reacquisition can engender. Every tribe has stories of loss, and every federally-recognized tribe once held title to large amounts of land that has been stolen from them. Ours is merely one example.

At the time of the Louisiana Purchase Treaty in 1803, the Tunica-Biloxi Tribe held title to well over 50 square miles of land. By 1980, however, the tribe controlled less than 200 acres. These lands were stolen in hundreds of small ways, but one example stands out.

In 1841, Tunica Chief Melacon confronted a local landowner whose work crew was working to systematically move his fence posts onto Tunica land. As the Chief protested and began removing the fence posts the landowner shot Chief Melacon in the head in view of several other tribal citizens and non-Indians. The common view held at the time by non-Indians was that Native Americans were savages who did not farm their land “properly” and therefore had no right to keep it. As a result, the killer was thought to be within his rights and never stood trial.

Against this history of injustice, the Tunica-Biloxi Tribe and hundreds of other tribes across the country are utilizing their own resources to purchase land that has been stolen from them. But, we do not wish to continue the cycle of mistrust, envy and hard feelings. Instead, we have forged new positive relationships with the local non-Indian communities that have grown up around us.

Utilizing our status as a sovereign nation, the Tunica-Biloxi Tribe has created several economic development enterprises. Because we do not have a suitable tax base to supply the revenue

necessary to provide governmental services to our people, we need these businesses to generate revenue for the tribal government so that we may protect and enhance the welfare and culture of our tribal citizens. These businesses also provide major benefits for our non-Indian neighbors and revenues for state and local governments in the region. For example, our tribal enterprises purchase over \$10 million per year from local non-Indian vendors, and supply wages in excess of \$26 million dollars per year to mostly non-Indian employees, resulting in state and federal employment taxes of over \$2 million per year. In addition, we have donated over \$7 million to local charities and have paid the local Parish government over \$30 million to help cover the costs associated with the additional demands placed on the community from the increased economic activity.

When the Tribe began looking at gaming as a means for economic advancement in the early 1990s, unemployment rates in Avoyelles Parish were as high as 17 percent – almost twice the national average at the time. Local governments struggled to provide even the most basic services, and it looked as if there was nothing on the horizon that might change the dismal forecast for the area.

Today, I am proud to say that the Tunica-Biloxi Tribe employs over 1,000 people—the vast majority of them non-Indian. After our gaming facility opened in 1994, the direct and indirect jobs created by the Tribe caused the unemployment rate in Avoyelles Parish to drop to about 6 percent. Home prices increased, new roads were paved, schools improved, Parish government services expanded, and hundreds of new businesses sprung up in Central Louisiana. Of course, our tribal citizens who had previously suffered greatly from economic hardship were helped as well, but the full story is one of renewal for the entire region and all of our citizens and neighbors.

30 years ago, prior to the opening of our gaming operation, the largest private employer in our area was a textile manufacturing facility. That facility, along with hundreds of others like it, closed when U.S. manufacturers found less expensive options overseas, leaving hundreds of people in Central Louisiana without work. The community was in great distress and there were no prospects on the horizon with potential to renew the local economy. Today, I am happy to say that the Tribe is working with local economic development organizations to reopen that facility to supply American-made textiles to tribal hotels and others who have a mandate to buy American-made goods. We will re-create those lost jobs and use this facility to launch new businesses and innovations.

My tribe, and hundreds of other tribal governments across the country, are working hard to diversify our economies away from gaming and find new enterprises that can provide the revenues we need to support our communities. We hope to create new manufacturing facilities, enter the software and services industries, and build new clean energy projects. However, we must first repurchase the land that was stolen from us in order to have a place to build these new economic development projects.

Further, in order to take advantage of the benefits of our sovereignty, this land must be added back under the federal trust status from which it was originally removed. Often, purchasing the tribe's original land is not an option. In some cases, this is because the tribe was forced to move a long way from their traditional homelands. In other cases, the current owners are simply not willing to sell, or the land is no longer suitable for the intended purpose due to other development, environmental damage, or any number of other reasons. Regardless of the location of the repurchased land, the inability of tribes to swiftly have these lands placed into trust by the U.S. Department of the Interior has dramatically decreased the ability of tribal governments to create

new jobs for our own tribal citizens and our neighbors. We realize that we cannot fully recreate what was lost. We can strive, however, to create a better world and better lives for our children.

In light of the complicated and often brutal history of relationships between tribes and their neighbors, the level of acrimony we often hear from non-Indians who are opposed to tribal economic development projects is not entirely surprising. What I hope all of us will come to recognize, however, is that tribes and their neighbors are in this together. I am hopeful that the lessons we are learning today will yield a new spirit of cooperation, and that non-Indians who are fearful of tribal economic development will come to realize that what is good for our tribal communities is good for them as well.

After 30 years of operation of our gaming facility in Central Louisiana, our neighbors and state and local governmental partners have come to realize that our success is a big contributor to their success. To demonstrate this support, I would like to submit for the record letters and proclamations from the State of Louisiana, and several local area governments who recognize the benefit of our economic development activities to their own success and prosperity.

The Supreme Court decision in *Carcieri v. Salazar* was a major step backward in the process of justice and healing. The ruling confused both tribal governments and non-Indians alike, slowed economic growth and job creation, and continues to spawn legal impediments to the repatriation of Indian homelands. For the good of tribes, for the good of Indian children and generations yet to come, and for the good of our non-Indian neighbors and the nation as a whole, Congress should act to pass H.R. 1208 to amend the Indian Reorganization Act to conform to its original intended purpose.