

TESTIMONY OF KEVIN GOVER
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DEPARTMENT OF THE INTERIOR
AT THE HEARING BEFORE THE
HOUSE RESOURCES COMMITTEE
ON
H.R. 946, THE GRATON RANCHERIA RESTORATION ACT

May 16, 2000

Mr. Chairman and Members of the Committee, it's a pleasure to be here today to provide the Administration's support for H.R. 946, a bill "to restore Federal recognition to the Indians of the Graton Rancheria of California" with amendments that I am including as part of my statement.

BACKGROUND

The Graton Rancheria is one of several tribes to be terminated by Congress under the Act of August 18, 1958 (Public Law 85-671, as amended; 72 Stat. 619). This Act, alone, ended the United States' trust responsibility with the Graton Rancheria and over 40 other tribes in California. The Act dissolved the government-to-government relationship between these Federally recognized tribes and the United States.

The Act was the result of the official federal policy on Indian Affairs from the late 1940s to the early 1960s, commonly referred to as the "Termination Era." In 1949, the Hoover Commission recommended the "complete integration" of Indians by assimilating them "into the mass of the population as full, tax-paying citizens." Essentially, termination changed land ownership, ended the special federal-tribal relationship, transferred almost all responsibility for Indians to the States, imposed State legislative jurisdiction and judicial authority, ended all exemptions from State taxing authority, and discontinued all special federal programs to Indian tribes and Indian individuals; in effect, it ended these Tribes' sovereignty.

In the late 1960's and early 1970's, President Nixon and his administration established a new national policy of "Self-determination," which continues to this day. In 1975, Congress established the American Indian Policy Review Commission. In its Final Report, the Commission declared that terminated tribes should be eligible for federal recognition and federal services. In the 1980's, some tribes took their cases to Court. Some tribes obtained restoration through United States Court decisions; others were restored through Congressional action. Yet, the effects of termination still linger. Not all terminated tribes have been restored in California, including the Graton Rancheria or its successor.

In 1992, Congress created the Advisory Council for California Indian Policy (ACCIP) to conduct a comprehensive review and analysis of many problems facing California Indians, including terminated tribes seeking restoration. In its September 1997 report to Congress, the ACCIP

recommended that:

The Wilton Miwok Indian Community, the Federated Indians of the Graton Rancheria, and the Mishewal Wappo Tribe of Alexander Valley should be immediately restored by Congress. In addition, the other six tribes that remain terminated should receive special consideration . . .when they are ready to seek restoration.

Prior to the report, Congress stated in its findings of the “Federally Recognized Indian Tribe List Act of 1994” that “Congress has expressly repudiated the policy of terminating recognized Indian tribes, and has actively sought to restore recognition to tribes that previously have been terminated.” We believe that H.R. 946 demonstrates your commitment to moving us toward that end.

In our review of ACCIP's recommendations, we reviewed the records of the terminated tribes within California, met with their representatives, and compiled documentation on each of the terminated tribes. The Federated Indians of the Graton Rancheria were one of the cases reviewed.

THE PROCESS FOR RESTORING TRIBAL RECOGNITION

In order for us to consider the Graton Rancheria ready for restoration, we requested current certification of documentation from the respective governing body to have available when legislation was introduced. We specifically requested and received the following information:

- 1) A copy of their present governing document, including membership criteria, separately certified by the Graton Rancheria's governing body; a copy of each available former governing document, as well as a statement describing the circumstances surrounding the preparation of the governing document(s), and, so far as possible, the circumstances surrounding the preparation of former governing documents. These copies were separately certified by the group's governing body.
- 2) A copy of the official membership list of all known current members of the group, separately certified by the group's governing body. The list includes: (a) member's full name (including maiden name), (b) date of birth, and (c) current residential address.
- 3) A copy of each available former list of members based on the group's (Graton Rancheria) own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list, and so far as possible, the circumstances surrounding the preparation of any former lists. These copies were separately certified by the Graton Rancheria's governing body.

GAMING

I would also like to point out that we are concerned with the language within Section 5 (d). Gaming

is regulated under the Indian Gaming Regulatory Act (IGRA). Section 5 (d) states that real property taken into trust shall not be exempt under Section 20 (b) of IGRA. We oppose this specific prohibition because it essentially provides that gaming cannot occur on restored land for this Rancheria unless the Tribe goes through the two-part Secretarial determination and Governor's concurrence under Section 20 (b)(1)(A) of IGRA. We see no reason to single this Tribe out for gaming restrictions. For this reason, the Administration's proposed amendments would delete section 5 (d).

CONCLUSION

I am pleased to report that after careful review of the information submitted by the Federated Indians of the Graton Rancheria (the successor name), the documentation shows that the group is significantly tied with the terminated tribe known as the Graton Rancheria. Therefore, we support their restoration of tribal status. I would like to thank the Committee for holding this hearing and repeat the Administration's support of H.R. 946 with certain amendments that are provided as a part of my statement.

This concludes my prepared statement. I will be happy to answer any questions you may have.