



# CONNECTICUT COLLEGE

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Office of Regulatory Affairs and Collaborative Action  
U.S. Department of the Interior  
1849 C Street, N.W., MS- 4141-MIB  
Washington, D.C. 20240

Dear Ms. Appel:

I write to you to offer my support for the proposed changes to the regulations to the Federal Acknowledgement process of Indian Tribes 25 CFR 83 from the United States Department of the Interior. For over a decade, I have taught college courses on Native American reservations in New York State and Connecticut with both federally recognized and state recognized tribes. Currently, I am part of a teaching and learning collaborative project with the Eastern Pequot, a tribal nation that was once granted federal recognition based on the current criteria only to have that decision appealed by the Attorney General of the State of Connecticut and overturned by the IBIA. The fact that the State relied heavily on its own recognition of the nation as evidence against the original positive ruling offers clear evidence that the current system is flawed. Over the years, the process has become increasingly burdensome requiring a massive effort on the part of a petitioning tribal nation that includes incorporating evidence from a number of professionals including archeologists, anthropologists, historians and genealogists, as well as a team of attorneys to carry the case forward. The official guidelines for acknowledgement currently on the Office of Federal Acknowledgement website span 83 pages. As a result, it can take years, at an exceptionally high cost, to prepare a petition that can be tens of thousands of pages in length.

The result has been an inordinately and irresponsibly lengthy process that few tribal nations can afford; a process that has become increasingly politicized, and has created hostile relations between states, communities and tribes. With the exorbitant cost has come the involvement of “financial partners” that has fed the perception that a petitioning tribal nation will convert federal acknowledgement into a casino and devastating economic and social consequences for local communities. A review of the letters from elected officials presents a familiar theme for rejecting the revisions to the regulations, namely that they will allow nefarious groups claiming to be Indians to unfairly receive federal recognition that will lead to more casinos, land use claims, threats to private property, environmental destruction and access to the powers associated with sovereignty. Unfortunately, most of these concerns do not speak to the process of acknowledgement; they speak to loss of the integrity of the process due to the inefficiency and ineffectiveness of the current procedures and to potential outcomes. It is worth noting that

federal recognition does not guarantee a financial boom for any tribe nor does it ensure economic, social and political disaster for local communities. The experience of the Narragansett in Rhode Island is a case in point. Sovereignty is a slippery concept that does not give recognized tribal nations unlimited political or economic power.

What is lost in this politicized debate, however, is that federal recognition offers the chance for an increase in the well being of tribal communities by providing needed resources for schooling, health care, housing and opportunities for economic development outside of gaming that can benefit both the tribal nation and the state. It also increases the opportunities for grants that can enhance services for the tribe. The revisions are an improvement over the current regulations because they: streamline the process and cut costs by reducing the amount of paperwork and the number of review processes; promote transparency by curbing those who can participate in the process; enhance clarity by offering clearer procedures and better defined concepts; and, add fairness by acknowledging the unique historical context of each tribal nation. Although the proposal for change will clean up the process, the revisions are not a dramatic departure from the current regulations. Moving the starting point from 1900 to 1934, a much more historically relevant date will not be the linchpin that shifts a negative decision to a positive one. There continues to remain a number of key terms such as “historical” that can be defined in any number of ways, which can certainly affect the outcome of the review. And, while the process has been streamlined, it is still a dense, burdensome and costly endeavor, which will preclude some eligible nations from engaging the process.

Sadly, the release of the discussion draft has already resulted in tension and anger directed at nations such as the Eastern Pequot. It is unfortunate that those who are being accused of being frauds and opportunists are upstanding members of their communities who serve as police officers, firefighters, physicians, teachers, state troopers and decorated veterans who have served our country with courage, dignity and honor. I have spent many hours with members of a number of tribal nations; they are wonderful neighbors and good friends – and, they are also proud fellow Americans. But, during my time on reservations, I have seen poverty, unemployment, mental illness and family instability that plague the members of tribal nations both federally recognized and unrecognized. Thus, while many tend to first think of towering casinos when considering these revisions, it is worth remembering that the overwhelming majority of native people on reservations live under the worse possible economic and social conditions. While recognition can make a positive difference in the lives of many native people, it is not a panacea. It does, however, offer the opportunity for healing, which is why the revisions are a step in the right direction.

I thank you for the opportunity to share my thoughts on this most important decision.

Sincerely yours,

Ronald J.O. Flores  
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