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U.S. Department of the Interior
1849 C Street NW, MS 4141
Washington, DC 20240
Reverence – Docket ID: BIA 2013-0007, RIN 1076-AF18

Dear Ms. Appel:

Thank you for this opportunity to provide input and hopefully make this process better for everyone legitimately involved. I would like to start by pointing out that §83.1 defines the term “Informed party” as “any person or organization who submits comments or evidence or requests to be kept informed of general actions regarding a specific petitioner.” Based on this definition, the only criteria to be an “Informed” party is to be a person who submits information, regardless of education level, level of expertise, political or social agenda, or malice toward a petitioner. I would like to requests that consideration be given to the establishment of a vetting process and the establishment of criteria that better defines who can be an “Informed” party vs. simply a third party. According the a State Department news release, President Obama announced that the United States and this administration supports United Nations Declaration (Declaration) on the Rights of Indigenous Peoples¹ and that in the eyes of the administration, the declaration has both moral and political force. “U.S. support for the Declaration goes hand in hand with the U.S. commitment to address the consequences of a history in which, as President Obama recognized, —few have been more marginalized and ignored by Washington for as long as Native Americans—our First Americans”². I would like to point out that “Informed” third parties should first demonstrate that they are in fact, informed on the history of the applying

¹ <http://www.state.gov/s/tribalconsultation/declaration/>

² Ibid

entity (Not just what they believe about the applying entity), its regional history, and the laws and circumstances of marginalization surrounding the entity to be an actual “Informed Party”. Because of the marginalization referred to above by the president, there are many people out there who hold incorrect beliefs about American’s indigenous people, and are thus prejudiced by ignorance, against further recognition of Tribes “In their back yard”. Parties who have in the past demonstrated a propensity to be racist, discriminate, or hostile should be excluded from participation as a third party or “Informed” party. This is a particular concern for Indians in the Southeast whose history is so very different from not only all Americans who live elsewhere, but those of the Indian Tribes who do not live here or once lived here but removed in the 1800’s. This would also allow the future process to conform with the administrations professed willingness to support the U.N. Declaration as they violate the reaffirmation “that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind”³, which (I hope) includes discrimination by other Tribes or by criteria that is not applied without discrimination based on a date of recognition or recognition status. Article 2 of the Declaration is specifically dedicated to the protection against discrimination by stating “Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”⁴ It would be naïve to assume that one tribe of indigenous peoples would not discriminate against another tribe of indigenous people to protect their perceived self-interest simply based on ancestry.

Section §83.4(b)(1)(i) states that “Any third parties” that participated as a party in an administrative reconsideration or Federal Court appeal concerning the petitioner has consented in

³ United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007

⁴ Ibid (P.2)

writing to the re-petitioning” as a condition for re-petitioning for recognition. Based on the previous process requirements for participation, as well as the definition in this document that “any person or organization who submits comments or evidence or requests to be kept informed of general actions regarding a specific petitioner”, anyone who sent in anything at all can be considered a third party. The only criteria is to be a person who submits information, regardless of education level, level of expertise, political or social agenda, or malice toward a petitioner. As written, a single individual with malice toward the tribe, the religious conviction that Indians are heathens, people who fear gambling and are ignorant of current law, and so many other reasons can prevent reconsideration by simply withholding written consent. This will allow one person previously involved to hold hostage the citizens of an entire tribe without recourse. This stipulation should be struck from the final document. I would like to recommend that any third party found to have submitted false information against a petitioner or during the petition process at any point, be permanently banned from the process for this and any future petitioners, as well as being excluded from this provision should it not be stricken. Additionally, any individual or organization that has espoused the eradication of, discrimination against groups in the process of or intend to apply for recognition through this current or previous recognition process be designated as hostile toward the petitioner and excluded from participation in the process for any petitioner that can present evidence of such hostility. A petitioner has recourse against non-governmental third parties where slander and defamation of character is presented officially and found to be false. The petitioner does not have the same recourse should a Federally Recognized Tribe or other governmental agency provide false information, so this punitive measure should act as a deterrent. Additionally, Federally Recognized Tribes are Sovereign Nations, separate from that of the United States Government, with no authority over petitioners who are not

citizens of that specific Tribe, and should not be included in actions that should be between the Government of the United States and citizens requesting services from their legitimate sovereign government.