

HOUSE BILL REPORT

HJM 4024

*As Reported By House Committee on:
State Government*

Brief Description: Requesting Congress recognize smaller tribes.

Sponsor(s): Representatives O'Brien, Locke, Anderson, Belcher, Sheldon, Brekke, Spanel, Rasmussen, Prentice, Franklin, Leonard, Paris and Dellwo.

Brief History:

Reported by House Committee on:
State Government, February 5, 1992, DPS.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 6 members: Representatives Anderson, Chair; Pruitt, Vice Chair; R. Fisher; Grant; O'Brien; and Sheldon.

Minority Report: *Do not pass.* Signed by 4 members: Representatives McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; and Moyer.

Staff: Linda May (786-7135).

Background: There are 26 federally-acknowledged Indian tribes in the state of Washington. Federal recognition or acknowledgement establishes a government-to-government relationship between the federal government and the tribe, as well as conferring certain rights, protections, and access to services. In 1978, the Bureau of Indian Affairs established an administrative process for tribes to follow in seeking federal acknowledgement.

There are several tribes in Washington which are not federally acknowledged. Some of these tribes are petitioning the Bureau of Indian Affairs to secure federal acknowledgement.

Summary of Substitute Bill: The Legislature asks the U.S. Congress to enact legislation that will assure that the unacknowledged tribes located in Washington have the opportunity to petition the Department of the Interior for

federal acknowledgement in a manner which is clear, unbiased, and timely in administrative process.

Substitute Bill Compared to Original Bill: The original bill also asks Congress to confer federal recognition on seven Indian tribes in Washington. The substitute bill does not contain that request.

Fiscal Note: Not requested.

Testimony For: Lack of federal acknowledgement is a denial of one of the most basic human rights. It seems only right for these tribes to be recognized. No help is coming to them from the Bureau of Indian Affairs (BIA), so help has to come from the state. These people are suffering in terms of human services and education. These tribes are legitimate heirs of the tribal legacy of their ancestors. The bureau's process for acknowledgement is complicated, arbitrary, inconsistent, and unpredictable. The process is unfair, especially for tribes with limited resources. The pace of change at BIA is frustrating, from a taxpayer's perspective as well. Other tribes in the past have been given federal recognition with much less evidence than some of these tribes have. These tribes have been recognized in various historical documents. The BIA has had two and a half years to get its act together, and it hasn't done it. A large backlog of petitions remain. There is also no fair appeals process now if a tribe does not receive federal acknowledgement at the end of the process. All the tribes want is a fair process.

Testimony Against: The groups that are the subject of the memorial are not authentic sovereign Indian tribes. They are voluntary associations of Indian descendants organized for other purposes. They have no attributes of sovereignty over their members or any territory or other attributes of sovereign tribes. These groups have not met the conditions for recognition. Recognition is not a trivial thing; it should not be given lightly. The existing process is fair, but firm. Any problems in the process can be worked out. There's only a small backlog of petitions. The process should not be weakened or politicized. Judge Boldt's ruling found that five of the groups in the memorial did not meet criteria to be considered tribes. The Court of Appeals agreed with Boldt's ruling. These petitioners have been found either not to meet the requirements or to have deficiencies in their petitions. There is a process in place to take care of those who wish to petition. A number of impacts could occur to state and local government if these tribes are recognized or the process for federal acknowledgement is weakened. Tribes could apply for fishing, shellfish, hunting, and gambling rights. A myriad

of jurisdictional disputes could also arise. The existing acknowledgement process does not appear to be unfair or biased.

Witnesses: Representative John O'Brien; Marvin Carlson and Linda Dombrowski, Small Tribes Organization of Western Washington; Charles Mechals, Chinook Tribe; Cecile Maxwell, Duwamish Tribe; Roy Wilson, Cowlitz Tribe (all in favor); Stanley G. Jones, Sr. and Douglas Bell, Tulalip Tribes (opposed); Oliver Mason, Quinault Indian Nation (in favor if amended); and J. Lawrence Coniff, Office of Attorney General.