

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

M. JODI RELL
GOVERNOR

February 25, 2005

The Honorable John McCain
Chairman
Committee on Indian Affairs
United States Senate
836 Hart Office Building
Washington, DC 20510

Dear Chairman McCain:

It has come to my attention that you have begun an investigation into various alleged improprieties relative to Indian tribes being taken advantage of. I am hopeful that your investigation will continue to draw attention to the serious problems associated with the lack of transparency at the Bureau of Indian Affairs (BIA).

I believe that it is important for your inquiry to expand beyond its present scope to include a more general examination of the significant problems with the entire federal tribal recognition process and the overdue need for legislative reform. As I told U.S. Secretary of the Interior Gale Norton in a recent phone call, the tribal recognition process is seriously flawed. The Bureau of Indian Affairs' own Inspector General has described the BIA tribal recognition process as "permissive" and "flexible" - clearly not the system that Congress had in mind when BIA was established. As a result of a lack of transparency into the BIA recognition process and the lack of clear guidelines that legitimate tribes must address to achieve recognition, some illegitimate tribes have been able to manipulate the review process.

The recognition of tribes has far-reaching consequences for our local communities and state and local government agencies. However, the decision is made solely in Washington at the BIA. This reality, combined with the allegations of corruption at the BIA, leaves states and communities most affected by the decisions of the BIA, unable to rely upon the agency's adherence to its own rules. As states and communities, we are effectively without a voice.

As I am certain the Connecticut Congressional Delegation has made you aware, Connecticut has been directly impacted by recent BIA recognition decisions that cast the entire recognition process into question. In the case of the Schaghticoke Tribal Nation (STN) a positive determination was issued on January 29, 2004, essentially overruling the December 2002 decision by the BIA against recognition. This decision was reached even though BIA itself found that the STN group had failed to provide mandatory evidence

under the acknowledgement criteria. In addition, in the case of the Historic Eastern Pequots (HEP), the BIA recognized two tribes, who denied the others legitimacy, as one tribe and gave preliminary recognition to this "historic" tribe even though it could not meet the requirements of the recognition criteria.

The BIA's STN and HEP decisions mark the culmination of a continuous practice of lowering the standards for tribal acknowledgement in the context of Connecticut petitioner groups. Lacking legal authority to acknowledge tribes in the first instance, the BIA has continued to make up rules as it goes along, changing acknowledgement practices, precedents and standards to meet its pre-determined goal of recognizing new tribes in Connecticut.

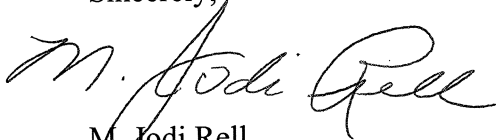
I believe a first step to reforming the process for granting a tribe federal status must be writing the seven criteria for recognition into law. In light of the unique and significant entitlements, and the serious impact on states that tribal recognition has, the recognition process cannot and must not be "flexible." The tribal recognition process must be rigid and strict, thereby ensuring that only those groups who can legitimately and conclusively prove Native American ancestry can avail themselves of the benefits that federal law provides to Native American tribes.

As you may know, the members of the Connecticut Congressional delegation, including Congresswoman Johnson, Congressmen Simmons and Shays, as well as Senators Lieberman and Dodd have pushed various forms of legislation over the years in an effort to accomplish reform that BIA refuses to undertake itself. I am hopeful they will continue to press for legislation during the 109th Congress and I have pledged my full support.

In light of the above, I would respectfully request that you expand the scope of your present investigation to include an examination of the significant problems with the entire BIA tribal recognition process. There is no doubt your Committee's investigation will uncover many instances where the lack of adherence to guidelines for federal tribal recognition has allowed illegitimate tribes to manipulate the system to gain recognition. I would also ask that Congress direct the BIA to freeze current and future tribal recognition reviews until your Committee's investigation is complete and until such time as a transparent, straightforward process is in place with statutorily mandated criteria for tribal recognition.

My staff and I look forward to working with you in the months ahead on this and other issues and I hope you will let us know any time we can be of assistance to you.

Sincerely,

A handwritten signature in black ink that reads "M. Jodi Rell". The signature is written in a cursive, flowing style.

M. Jodi Rell
Governor