

Congress of the United States
Washington, DC 20515

July 5, 2012

The Honorable Kenneth L. Salazar
Secretary, Department of the Interior
1849 C St NW
Washington, DC 20240

Dear Secretary Salazar:

We wrote to you on November 1, 2011, seeking a resolution to the Gabrieleno Band of Mission Indians' request for reaffirmation to correct the administrative error of their omission from the list of Indian entities recognized and eligible to receive services from United States Bureau of Indian Affairs. It is now seven months later, and the Tribe still has not received a response to the reaffirmation request. We are disappointed and frustrated with the lack of progress and communication from the U.S. Department of Interior regarding this matter.

There have been numerous attempts to seek resolution on this matter. Just this year, both Congresswomen Chu and Napolitano have made phone calls to the Bureau of Indian Affairs (BIA) seeking an update on the Tribe's reaffirmation request. On February 2, 2012, Congresswoman Chu spoke with former Assistant Secretary Larry Echo Hawk and was told that a date for when a decision would be made could not be given at that time. The former Assistant Secretary said instead that his department was reviewing the reaffirmation request and would use best efforts to wrap up its analysis in a timely fashion. The former Assistant Secretary conveyed the same information to Congresswoman Napolitano when she spoke with him just a few days later.

On April 20, 2012, Congresswoman Chu spoke with the former Assistant Secretary again and this time around he referenced the Tejon decision, noting that it took two years for a decision to be made. The fact that he cited the length of time used to arrive at a decision was rather interesting considering that it has been nearly 10 years since the Gabrieleno Tribe first met with the BIA offices in Riverside and two years since the Tribe submitted its recent Request for Departmental Action.

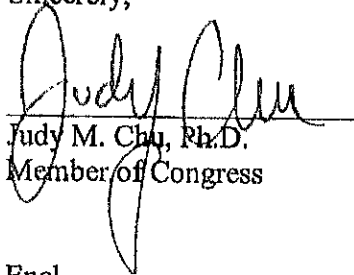
Most recently, in early May, Congresswoman Napolitano had a call with Acting Assistant Secretary Del Laverdure, who assured her that he would address the Tribe's request. However, he provided no timeline as to when a decision would be made.

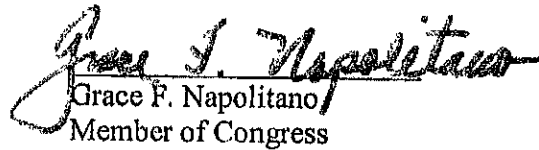
We recently received a copy of former Assistant Secretary Echo Hawk's letter to Chairman Doc Hastings, Committee on Natural Resources, regarding the reaffirmation of the Tejon Indian Tribe as a federally recognized Indian tribal entity. The letter is dated April 25, 2012, which was after Congresswoman Chu's call with the former Assistant Secretary. This information was requested by phone on behalf of the Gabrieleno as a

follow up to the Gabrieleno's Freedom of Information Act (FOIA) request. However, we neither received a copy of this letter, nor did we receive a similar response. Instead, when Congresswoman Chu requested this information from the former Assistant Secretary, she was told that he could not provide information on the Tejon decision.

We noted in our letter of November 1, 2011 that no appreciable timeline has been given for this process to be completed. As of the date of this letter, still no timeline has been given, much less a decision. The failure to issue a decision at this point is egregious given the Tribe's longstanding history with the BIA. We urge you to make a decision on the Tribe's request as soon as possible. Please advise us on when the Department will issue a decision on Gabrieleno's request.

Sincerely,


Judy M. Chu, Ph.D.
Member of Congress


Grace F. Napolitano
Member of Congress

Encl.

Congress of the United States
Washington, DC 20515

November 1, 2011

Honorable Kenneth L. Salazar
Secretary, Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Salazar:

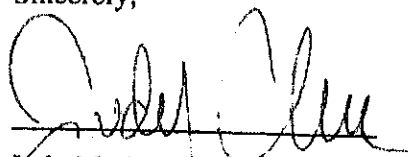
Beginning in 2002, the Gabrieleno Band of Mission Indians of San Gabriel headed by Chief Anthony Morales has waited to be reaffirmed as a federally recognized tribe based on prior recognition or through Administrative Error by the Department of Interior. We are writing you today to seek resolution of this matter.

In the attached letter from Chairman Morales dated October 12, 2011, the Tribe lays out sufficient evidence supporting why the Department of Interior should reverse its omission of leaving off the Tribe from the list of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs (BIA). This letter also details the Tribe's numerous interactions with the Department, which began in January 2010.

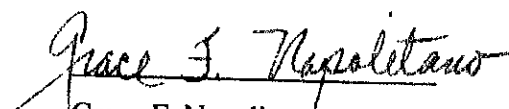
Since November 2010, the Tribe has been told on several occasions that the BIA was working on a new process that would expedite the current, difficult formal recognition process. However, there does not appear to be any appreciable timeline for this process to be completed. In June of this year, the Tribe received word that the BIA was in the "discerning process" of issuing a letter to tribes who were seeking reaffirmation through administrative error. The letter purportedly would say that the assistant secretary of the BIA has authority to correct errors outside of the official recognition process and a new process would be implemented to carry out this effort. In August of this year, the Tribe was told that this letter would be coming "soon." However, the Tribe has received no such letter.

The Tribe has been seeking reaffirmation status for nearly a decade. They have been waiting to become recognized by the federal government and are frustrated by this long and drawn out process that they have encountered especially since similarly situated tribes have been tribes have been reaffirmed. We respectfully request that you meet with the Tribe and resolve this issue by strongly considering reaffirming their federally recognized status. Please contact either Kellie Adesina at kellie.adesina@mail.house.gov or (202) 225-5464 or Jen Silva at jen.silva@mail.house.gov or (202) 225-5256 to process this meeting request.

Sincerely,



Judy M. Chu, Ph.D.
Member of Congress



Grace F. Napolitano
Member of Congress



**GABRIELENO/TONGVA
BAND OF MISSION INDIANS - SAN GABRIEL**

October 12, 2011

Hon. Kenneth L. Salazar
Secretary of the Department of Interior
Department of the Interior
1849 C Street, NW
Mail Stop 4141
Washington, DC 20240

**RE: Urgent Departmental Action Needed on THE REAFFIRMATION OF THE
Gabrieleno Band of Mission Indians - SAN GABRIEL.**

Dear Secretary Salazar:

For many years beginning in 2002, the Gabrieleno Band of Mission Indians ("Tribe") has waited to be reaffirmed as a federally recognized tribe based on prior recognition of the Department Of Interior and administrative error of the Department of Interior. The Tribe has tried, through countless meetings, phone calls, emails, and the submission of documents to bring this urgent matter to final resolution by the Department of Interior ("Department"). I am writing to you today because the Tribe can wait no longer for action by the Department of Interior.

In July 21, 2010, the Tribe submitted a Request for Departmental Action to you. The submission called on you to correct and reverse the omission by the Department of the Tribe from the list of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs (BIA). This document presented the Tribe's history of interaction with the federal government and showed why the Tribe should be restored. The Tribe provided evidence of other tribes reaffirmed based on administrative error. To date, the Department has not yet provided the Tribe a written response to that submission, despite numerous requests for a reply.

When the Tribe was mistakenly left off the list of federally recognized tribes, the federal government stopped affording the Tribe all the privileges and immunities it should have as a federally recognized Tribe. The Tribe has repeatedly called on the Department to remedy this error. The Department's continuing error in leaving the Tribe off this list compounds the Tribe's harm and unjust treatment. The Tribe is unable to receive vital services from the federal government and is denied the opportunities available to federally recognized tribes.

The length of time it has taken the Department to respond to this egregious situation has become untenable. The Tribe was most recently told that the Department

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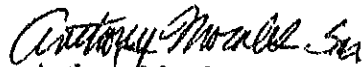
would issue an error correction process for reaffirmation. As you can see in the timeline below, the Tribe was told that a letter on this process would come out in "two weeks." This statement was made about 3 months ago. A chronology of the tribe's most recent interactions with the Department follows:

- January, 2010, the Tribe met with Deputy Assistant Secretary George Skibine regarding this matter. The Tribe was told at that time that based on an opinion by the Interior Solicitor in 1948, the Tribe had been prior recognized. This meeting was arranged through the efforts of Ms. Allison Binney who was the Chief of Staff of the Senate Indian Affairs Committee.
- July 21, 2010, the Tribe attended a meeting with then Deputy Solicitor Pilar Thomas, Deputy Assistant Secretary George Skibine, and Assistant Secretary for Indian Affairs Chief of Staff, Paul Tsosie. This meeting was also attended by a staff member from Congresswoman Judy Chu's office.
- July 28, 2010, the Tribe sent a "Request for Departmental Action" submission as a follow-up to the July 21, 2010 meeting.
- October 2010, the Tribe reiterated its request for a prompt response to Assistant Secretary Echo Hawk during a meeting with the Tribe in San Diego, California.
- November 2010, tribal representatives met with Assistant Secretary Echohawk in Albuquerque. At the request of Congresswoman Napolitano to seek Reaffirmation of the tribe.
- November 2010, Deputy Assistant Secretary George Skibine reported that the Department was releasing a response from Assistant Secretary Echo Hawk.
- February 17, 2011 in Palm Springs, California, the Tribe met again with Assistant Secretary Echo Hawk and urged him to prioritize the Tribe's request as well as for prompt action to correct the Department's administrative error.
- March 7, 2011, the Tribe spoke with Counselor Sequoyah Simermeyer about this issue and requested some form of written response to our numerous requests.
- March 14, 2011, a meeting request was sent to Deputy Solicitor Patrice Kunesh and Deputy Assistant Secretary Jodi Gillette.
- June 8, 2011, the March 14, 2011 meeting request, still pending, was again forwarded to Deputy Solicitor Patrice Kunesh.
- June 16, 2011, Congresswoman Judy Chu met with Assistant Secretary Echo Hawk regarding Gabrieleno.
- September 7, 2011, Sequoyah Simermeyer, responding to the Tribe at the request of Deputy Solicitor Patrice Kunesh, informs the Tribe that the issue is still under review and that there are no updates.

The Department has repeatedly told the Tribe that a decision would come "soon," and that we should continue to wait. The Tribe cannot wait for the Department any longer and is working with our congressional delegation to require the Department to be responsive.

The Department's utter lack of any action to remedy this situation is indefensible. The Tribe notes that the Lone Band of Miwok Indians, Wilton Rancheria and other tribes in different factual situations and procedural postures, have all filed suits or threatened action against the Department of Interior for failure to take action over long periods of time. The Tribe would prefer to resolve this matter through the reversal of the administrative error of the Department of Interior as has been promised. In the event that the Department continues to take no action, however, the Tribe will consider all avenues to assert our right to be federally recognized and correct this error.

Sincerely,



Anthony Morales, Sr.
Tribal Chief/Chairman
Gabrieleno Band of Mission Indians