

Stand Up For California!

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Cheryl Schmit, Director
P. O. Box 355, Penryn
California, CA. 95663

DATE: June 20, 2002
RE: **VOTE NO** -The Serious Consequences of “State” Tribal Recognition SJR 47
TO: An Open Letter To the Governor and California Legislature
FROM: STAND UP FOR CALIFORNIA, Cheryl Schmit-Director 916-663-3207

California is vitally affected by 108 perpetual government-to-government relationships with federally recognized tribal governments. California has 54 additional petitioning tribal groups seeking federal recognition through the Bureau of Acknowledgement and Research (BAR). BAR is responsible for reviewing and assessing tribal acknowledgment decisions. BAR is responsible for ensuring strict compliance to the seven mandatory criteria outlined in the federal regulations. This is crucial as they create a new sovereign entity, with a series of tribal rights and immunities having substantial impact on the states and communities in which they exist. It is a standard to which tribes throughout the nation comply.

California now has one tribal group seeking State Recognition, in order to circumvent the federal regulatory requirements and another the **Gabrelino/Tongva** seeking support of a Congressional Act for federal recognition. There is no process for local governments in an Act of Congress – unlike the BIA/BAR process, which actually involves local government.

Tribal recognition is a matter of great social and economic concern to local governments, state governments, non-Indian businesses and the general public. The emerging problems that are accompanying the development of tribal gaming in California make it clear that recognition of new tribal governments are far from being decisions which affect only the petitioning tribal groups.

The California legislature in 1994, with AJR 96, carried by Diane Martinez, recognized the Gabrelino/Tongva, which accompanied the tribe in their initial application. Since that time the tribe has not provided the BIA/Bar with any additional documents regarding their genealogical or anthropological background. Instead, politically, they seek a State Resolution, which circumvents the process –never requiring ANY documentation. In addition, this tribal group is splintered and seeks second tribal group recognition in Congressional Act H.R. 2619.

It is a fundamental necessity that there is adherence to the federal acknowledgment process. Federal recognition establishes a perpetual government-to-government relationship between a tribe and the United States. It has considerable social, political, and economic implications for the petitioning group, its neighbors, and federal, state, and local governments. BAR supports a uniform process, which all tribal governments must adhere. Tribes that are recognized through an Act of Congress are clear exceptions under section 20 of the Indian Gaming Regulatory Act. This exception allows for the purchase of land for gaming after the 1988 cut off date and circumvents the Governors Veto authority.

We ask you to **OPPOSE SJR 47**, not because tribal governments shouldn't be recognized, they should; however a process has been established which should apply to all tribes. If they can meet the standards they should have all the rights and privileges of sovereignty.

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