

**TESTIMONY OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
ON H.R. 2684,
“ALABAMA-COUSHATTA TRIBE OF TEXAS EQUAL AND FAIR OPPORTUNITY
SETTLEMENT ACT”**

JULY 15, 2015

Chairman Young, Ranking Member Ruiz, and Members of the Subcommittee, my name is Michael Smith, Deputy Director, Bureau of Indian Affairs, at the Department of the Interior (Department). Thank you for the opportunity to testify on H.R. 2684, the Alabama-Coushatta Tribe of Texas Equal and Fair Opportunity Settlement Act, a bill that would repeal 25 U.S.C. Section 737 of the Alabama-Coushatta Restoration Act, for the purpose of restoring economic development opportunities on terms that are equal and fair.

The Department supports H.R. 2684.

Historical Background

The Alabama-Coushatta Tribe of Texas (Tribe) is a federally-recognized Indian Tribe. Approximately 500 of the Tribe’s 1,000 members reside on the Tribe’s 4,200-acre Federal Reservation in Polk County, about 60 miles northeast of Houston, Texas. The Tribe’s membership is comprised of descendants of two closely-related Southeastern Woodland Indian Tribes (Alabama and Coushatta) who continue to speak Algonquin dialects closely related to the Creek language. Both Tribes originally came from portions of Mississippi and Alabama and were members of the Creek Confederacy. At the end of the French and Indian War in 1763, they, like the Creeks, fled their homes in Mississippi and Alabama. The Alabamas and Coushattas migrated through Louisiana, settling in East Texas about the time of the American Revolution.

In the 1840s, white settlement still was very minimal in the area of East Texas, but because non-timbered areas with a good water supply were scarce in the area where the Tribe migrated, also known as the Big Thicket, the region’s few white settlers forced the Tribe to vacate several prime village sites and hunting camps. By 1854, tribal complaints about non-Indian encroachment on their village sites had resulted in the Texas Legislature creating a small reservation of about 1100 acres in Polk County, which remains a part of the Tribe’s Reservation to this day. In the 1860s and 70s, many families from both Tribes settled on this tract. Nonetheless, the Tribe continued to hunt and trade throughout its territory until, by the first decade of the 20th Century, the rapid expansion of white settlement and the loss of forest land had made their traditional lifestyle impossible to pursue.

In the 1870s, the 1880s, and the 1890s, numerous appeals were made to Congress and the Department of the Interior detailing the Tribe's deteriorating condition and advocating the Government's purchase of additional land for the Tribe, but the Government took no action. In 1910 and again in 1917, Bureau of Indian Affairs Agents investigated the Tribe's circumstances and, in reports submitted to Congress, recommended additional land be acquired for the Tribe.

In the late 19th Century, animal game became more and more scarce as increasing amounts of Reservation-area forests were clearcut. To survive, many Alabama-Coushattas turned to work in the timber industry. But by the 1920s, the forests in the region had largely vanished, and tribal members could no longer work in the woods without moving far away from the Reservation. By this time, the Tribe was destitute and starving. The steady stream of appeals for federal assistance and additional lands continued to be ignored by Congress and the Interior Department. Finally, in 1928, Congress authorized limited agricultural, industrial, educational, and health assistance to the Tribe, as well as the purchase of additional land for the Tribe, and in 1929 the United States purchased an additional 3,071 acres adjacent to the 1854 Reservation for \$29,000. These two tracts comprise the Tribe's present-day Reservation.

However, in 1931, the Commissioner of Indian Affairs acknowledged that the Tribe was "severely lacking in the basic living requirements," but nonetheless recommended that any assistance to the Tribe should come from the State of Texas rather than the Federal Government. In 1944, the BIA recommended that all responsibility for the Tribe be transferred to Texas. In 1954, Congress terminated the federal trust relationship with the Tribe by transferring it to the State of Texas. In 1987, Congress restored the trust relationship between the Tribe and the United States.

The Alabama-Coushatta Tribe's 1987 Restoration Act restored the Federal trust relationship with both the Alabama-Coushatta Tribe and the Ysleta del Sur Pueblo. The Restoration Act, which was enacted approximately 14-months before the Indian Gaming Regulatory Act, includes language that addresses gaming on the restored tribes' lands. Specifically, gaming on the Alabama-Coushatta Tribe's lands is addressed at Title 25 of the U.S. Code, Section 737. Section 737 *does not* give the State of Texas any criminal or civil regulatory jurisdiction over gaming on the Alabama-Coushatta Tribe's lands. Instead, it authorizes the State to seek injunctive relief in Federal court to enjoin any gaming activities on the Tribe's lands that is prohibited under State law.

H.R. 2684

The primary features of H.R. 2684 are to:

- repeal 25 U.S.C. Section 737;

- mandate the United States Government and the Tribe to execute and file in each applicable court a motion for dismissal of any pending claim arising out of, or relating to, the aboriginal lands, or an interest in the aboriginal lands, of the Tribe;
- extinguish any claims based on any interest in, or right involving, any land or natural resources by the Tribe against the United States, the State of Texas, or any landowner;

H.R. 2684 would repeal section 207 of the Restoration Act, and would clarify that gaming on the Alabama-Coushatta Tribe's lands is governed by the Indian Gaming Regulatory Act.

The Department supports this clarification, which merely ensures that the Alabama-Coushatta Tribe is treated in the same manner as almost every other Indian tribe in the United States. Congress enacted the IGRA to, among other things, facilitate economic development in Indian country. By clarifying that the Alabama-Coushatta Tribe has authority to game in accordance with the IGRA, this Congress would be furthering that goal. Therefore the Department supports H.R. 2684.

Thank you for the opportunity to present the Department's views on H.R. 2684. I will be happy to answer any questions the subcommittee may have.