

**STATEMENT OF ARTURO SENCLAIR, GOVERNOR, YSLETA DEL SUR
PUEBLO, BEFORE THE COMMITTEE ON NATURAL RESOURCES,
HEARING ON H.R. 1696 TO AMMEND THE YSLETA PUEBLO AND
ALABAMA AND COUSHATA INDIAN TRIBES OF TEXAS RESTORATION
ACT**

JULY 11, 2007

Good morning Mr. Chairman, members of the committee. My name is Arturo Senclair and I am the Governor for the Ysleta del Sur Pueblo located in El Paso, Texas. I am also honored to have been elected by my fellow tribal leaders to serve as Chairman for the Tribal Budget Advisory Council and to have worked directly with the Bureau of Indian Affairs on budget formulations for the 562 federally recognized tribes across the nation.

I am here before you respectfully requesting that the Ysleta del Sur Pueblo be allowed the one thing that tribes across the nation have been fighting very hard to preserve -- our sovereign right of self-government, self-determination, and our right to regulate our own affairs. Even though every tribe is within its right to be unique, I believe we all want to be treated fairly and equally in the sense that if opportunity is available to one it should be available to all at their own discretion.

The Ysleta del Sur Pueblo has faced many hardships throughout the centuries but we continue to survive as strong and proud people.

We are a Pueblo tribe. As a result of the Pueblo revolt of 1680 we were relocated from New Mexico to our current location. Since that time we have maintained our tradition and culture, even while residing within the boundaries of a bustling and growing metropolitan city of 750,000 residents of the City of El Paso and being approximately ½ a mile north of the Mexican border city of Ciudad Juarez and its 1.2 million residents.

I will look back a couple of hundred years in order to frame our request to be treated fairly and equally as the rest of the tribes and states. I re-emphasize, equally and fairly.

In the 1840's, the United States Government treated our pueblo in the same manner and status as the rest of the New Mexico pueblos. That is until the establishment of the boundary of Texas in 1850 which placed the Pueblo approximately 30 miles from the Territory of New Mexico border.

During the 1860's and 70's, circumstances beyond our control, and the absence of federal protection, led to the alienation of our lands. In 1861, Texas seceded from the Union. In 1864, President Lincoln presented canes of authority and issued land patents to the New Mexico pueblos to their Spanish land grants. The Ysleta del Sur Pueblo was also the recipient of the original Spanish land grants but due to the fact that the tribe was now located in the rebel state of Texas and not under the control of the Union, the Pueblo tribe did not receive the "Lincoln canes" and eventually lost much of its lands.

Was that fair and equal? The loss of land would eventually threaten the survival of the Pueblo.

In 1967, the Texas legislature recognized the Ysleta del Sur Pueblo as a Texas Indian tribe and agreed to accept a transfer of trust responsibility from the federal government. In 1968, Congress recognized Ysleta del Sur Pueblo as an Indian Tribe: “[T]he Indians now living in El Paso County, Texas, who are descendants of the Tiwa Indians of the Ysleta (Isleta) del Sur Pueblo settling in Texas at Ysleta in 1682, shall, from and after the ratification of this Act, be known and designated as Tiwa Indians of Ysleta, Texas [.]” The Congress transferred its responsibility, if any, for the Tiwa Indians of Ysleta del Sur to the State of Texas.”

The purpose of the Act was “to overcome the lack of authorization in the State constitution to treat Indians differently than other citizens.” Congressman Richard White, sponsor of the legislation, identified the circumstances created by Texas which made the legislation necessary:

The city of El Paso has grown up around them and is threatening to swamp their holdings. . . .

[T]he Tiwa Indians have suffered extreme conditions of poverty and hardships. Many of the Tiwa Indian children are uneducated and in most instances lack the normal bare necessities of life such as shoes and clothing. . . .

The average annual income of these people is \$400 per year. . . . They are now faced with the problem of paying between \$80 and \$100 per year city taxes on their small adobe shacks. It is impossible for them to pay these high taxes and as a result every Tiwa home is in tax foreclosure.

Was that fair and equal that the Pueblo was forced to look to Texas instead of the United States for protection?

Despite its acceptance of the transfer of trust responsibilities, Texas undertook actions in the early 1980's which threatened the continued existence of the Pueblo as well as that of the Alabama and Coushatta Indian Tribes of Texas. The State premised its actions on the 1983 opinion of Attorney General Jim Mattox that the acceptance of the trust responsibilities was unconstitutional and the trust was dry. The State dramatically reduced funding to the two tribes. In fact, what funding the state transmitted to the Alabama Coushatta was from severance taxes which the State now imposed on the tribe's oil and gas royalty payments. Plans were made to impose property taxes on tribal lands. The Pueblo's survival was once again threatened by the actions of its trustee. Was this fair and equal?

In 1985, the two tribes beseeched Congress to protect them from the actions of the State. On August 18, 1987, the United States Congress restored the Federal trust relationship

between the United States and the Pueblo. In the Restoration Act, Congress imposed a requisite blood quantum on members of the Pueblo – an action which Congress had not taken against any Indian tribe since 1946, an action which it has not since repeated.

(See memorandum attachment for specific Tribes and dates)

In our research we have found only one other Tribe that has had its blood quantum mandated by Congress and not allowed to determine its own membership. That occurred in 1946 during the termination era which stretched from 1943 to 1972.

We have found several tribes who had their blood quantum initially set by Congress but then had the ability to determine their own membership.

We have found newly recognized Indian tribes and those who had their trust relationship with the federal government restored where blood quantum was never mentioned as a prerequisite for membership.

I will again state that in 1987 Congress restored its federal trust relationship with the Ysleta del Sur Pueblo and imposed an absolute requisite blood quantum on tribal membership. Approximately one year after imposing an absolute requisite blood quantum for membership in Ysleta del Sur Pueblo, the standard procedure is again employed by initially setting a blood quantum restriction on membership but then allowing the tribe to make its own requirements. And in 1989. And again in 1994.

Is it fair and equal?

I am a veteran of the U.S. Navy, a retired Texas peace officer retiring from the City of El Paso Police Department after 20 years of service, and now serving as Governor for the Tribe. It is my duty and responsibility to do what is right. Sometimes it is just a matter of bringing it up and making a correction. I hope this is one of those issues.

On the current website of the Department of Interior, page titled “Indian Ancestry-Enrollment in a Federally Recognized Tribe” there are four questions along with their responses. One of those questions is “What is the purpose of tribal enrollment?” The response given is “Tribal enrollment requirements preserve the unique character and traditions of each tribe. The tribes establish membership criteria based on shared customs, traditions, language and tribal blood.”

I ask you to please see this through our eyes. I ask for the deletion of the blood quantum requirement through the passage of H.R. 1696.

Thank you and I will be glad to answer questions at this time.