

Introduced by:

Hon. Alden H. Wolfe, Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Connie L. Coker, Co-Sponsor
Hon. Jay Hood, Jr., Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Jacques O. D'I Michel, Co-Sponsor
Hon. Patrick J. Moroney, Co-Sponsor
Hon. William L. Darden, Co-Sponsor

Referral No. 7954
September 1, 2009

**RESOLUTION NO. 471 OF 2009
URGING THE NEW YORK STATE LEGISLATURE TO GRANT STATE
RECOGNITION TO THE RAMAPOUGH LENAPE INDIAN NATION AND URGING
THE GOVERNOR TO APPOINT A LIAISON TO FACILITATE COMMUNICATION
AND INTERACTION BETWEEN THE NEW YORK STATE GOVERNMENT AND THE
RAMAPOUGH LENAPE INDIAN NATION**

**WOLFE/COKER, DARDEN, JACKSON, JOBSON, SCHOENBERGER, SOSKIN:
UNAN.**

WHEREAS, the Ramapough Lenape Indian Nation (hereinafter "Nation" or "Tribe") are descendants of Munsee-speaking groups who have occupied the Highlands region of Northern New Jersey and Southeastern New York for long periods of time prior to European settlement; and

WHEREAS, the Nation today has approximately 7,000 members living in the New York counties of Rockland, Orange and Richmond and the New Jersey counties of Bergen and Passaic, with a tribal office and resource center located in Mahwah, NJ and utilized by members of both the NY and NJ population; and

WHEREAS, the Nation is governed by a tribal council, six area representatives, and a Principal Chief, Dwaine Perry, who lives in Hillburn, NY; and

WHEREAS, the Nation was formally recognized by the Legislature of the State of New Jersey in 1980, and the New York State Legislature, by Legislative Resolution Assembly Number 96 of 1982, publicly and formally supported them in their struggle for federal recognition; and

WHEREAS, the Nation sought and was refused federal recognition by the Bureau of Indian Affairs, partially due to the opposition of those concerned that the Nation would open a casino that would both compete with existing casinos and be associated with organized crime; and

WHEREAS, the shooting and subsequent death of tribal member Emil Mann by a state park ranger in a NJ state park brought the struggles of the Nation to the attention of state officials and the wider public, and gave the State of NJ the impetus to study, understand and address long-standing issues of the Nation such as burial sites, affordability of housing, educational issues and interaction with law enforcement; and

WHEREAS, in August of 2006, NJ Governor John Corzine formed the New Jersey Committee on Native American Community Affairs whose task was to investigate issues of civil rights, education, employment, fair housing, environmental protection, health care, infrastructure and equal opportunity confronting NJ's three recognized indigenous Native American tribes, including the Ramapough Lenape Indian Nation; and

WHEREAS, in December of 2007, after visiting sites, listening to tribal members, holding numerous meetings as well as two public hearings, and extensive conversations with elected officials, members of law enforcements, state and federal agency heads or staff members, and casino executives, the Committee delivered their report, which reflected "lingering discrimination, ignorance of State history and culture, and cynicism"; and

WHEREAS, the Committee's report found that, even with its recognition of several Native American tribes, New Jersey lagged behind at least fifteen (15) other states that recognize, respect and celebrate their tribal people through legislative, executive or agency action; and

WHEREAS, based on the Committee's findings, Governor Corzine issued Executive Order #122 on October 1, 2008, ordered the implementation of the 28 recommendations set forth in the 2007 Report as appropriate. Included in the recommendations were that the State should: a) protect Native American open air worship sites and tribal burial grounds; b) expand state government's awareness of and outreach to the Native American community; c) increase educational opportunities for Native Americans by creating a revised, culturally accurate, elementary school curriculum and a scholarship assistance program, and by eliminating school-based discrimination; d) provide additional employment and housing opportunities; e) upgrade access to health care services; and f) broaden inter-state, state, county and municipal relations with Native American communities; and

WHEREAS, the State of New York should follow the example of the State of New Jersey, as NY lacks even a state agency or commission to investigate, evaluate and respond to issues unique to the Native American population; and

WHEREAS, New York State should grant formal recognition to the Ramapough Lenape Indian nation because State recognition triggers access to valuable Federal funding opportunities to State-only recognized tribes, such as:

- 1) the American Indian Title VII Education Funding, Programming and Initiatives (20 U.S.C. 7401, *et seq.*), which works toward the goal of ensuring that programs that serve Indian children are of the highest quality and provides for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of tribal children so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet;
- 2) the Workforce Investment Act of 1998 (section 166) and the Empowerment Zone and Enterprise Community Program (also known as the Taxpayer Relief Act of 1997);
- 3) the Small Business Association 8(a) Business Development Program (13 C.F.R. 124.506), which allows the Tribe to establish American Indian Tribally Owned Companies (AITOC) which qualify for special government contracting set asides and incentives;
- 4) the Indian Self Determination and Education Assistance Act (15 U.S.C. 450 B);
- 5) the Indian Child Welfare Act (25 U.S.C. 21), which qualifies the Tribe to protect tribal children by providing a partnership between tribal and state government on the issue of foster care;
- 6) the Indian Community Development Block Grant Program (42 U.S.C 5301 *et seq.*), which provides assistance to Indian tribes in the development of viable Indian communities. Indian tribes may use block grants to improve the housing stock, provide community facilities, make infrastructure improvements, and expand job opportunities by supporting the economic development of their communities; and
- 7) programs which help fund access to energy subsidies for poor American Indians;

and

WHEREAS, state recognition is important to the members of the Nation because it would also:

- 1) support the validity of the Nation in addressing issues of its own history and identification, as it is extraordinarily demeaning and humiliating for the

government, by refusing to recognize the Nation, to effectively tell the Nation that they are not "real" Native Americans;

- 2) permit inclusion of Tribes /demographics in the United States Census through a State designated American Indian Statistical Area (SDAISA), which is a statistical entity for state recognized American Indian tribes that do not have a state recognized reservation;
- 3) allow participation in the National Congress of American Indians, the American Indian Chambers of Commerce, and "Native Only" Pow Wows and cultural events which only allow state and federally recognized tribes or tribal members to join, have voting privileges, and/or participate in activities not open to the general public;
- 4) allow access to formal working relationships with federal wildlife and environmental preservation efforts,
- 5) permit tribes to advertise their crafts as "Native American Made" or "American Indian Made" which greatly increases the value of artwork and crafts by certifying their authenticity. The American Indian Federal Indian Arts and Crafts Act of 1990 specifies how crafts made by federally and state recognized tribes may be identified as the genuine works of American Indians, and violation of the Act carries civil and criminal penalties for unauthorized identification by the artist;
- 6) provide for the legitimacy of marriages solemnized through tribal ceremonies by those who may not have clergy "credentials" in the non-Native American sense;
- 7) qualifies tribal members for certain educational grants and scholarships restricted to Native Americans, and qualifies them to apply to tribal colleges and training programs as Native American;
- 8) qualifies tribal members for certain health services from Indian Health Service Clinics and other tribal health services available only to those who are members of a federally or state recognized tribe;

and

WHEREAS, state recognition of the Nation is important to the State of New York because:

- 1) the Nation could access programming funding for its members that the state could not provide because of the restricted nature of the subsidies, and thereby relieve the state of the obligation of providing those services;

- 2) it would similarly allow for federal funding and programming targeting American Indians to stay within the state, benefiting New York;
- 3) it would stimulate the state's economic development, especially in rural tribal areas, because the job market expands for both tribal and non-tribal citizens as tribal economic development expands;
- 4) it would ensure that New York is not left out when the National Congress of American Indians presses the federal government regarding tribal issues;
- 5) it bolsters environmental protection, as the Nation can bring "set aside" resources to bear on state environmental and preservation concerns; and
- 6) it will help the state overcome its legacy of mistreatment of the native indigenous communities, by making the state government a confirmed ally in uplifting and assisting Native American Communities;

and

WHEREAS, state recognition has no effect on federal recognition and would not confer gaming rights, as the Indian Gaming Regulatory Act preempts the field and only the federal government may regulate the gaming activities of federally recognized tribes that occur on federally recognized land; and

WHEREAS, the Multi Services Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby urges the New York State Legislature to grant state recognition to the Ramapough Lenape Indian Nation, and urges the governor to appoint a liaison to facilitate communication and interaction between the New York State government and the Ramapough Lenape Indian Nation; and be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a certified copy of this resolution to the Governor of the State of New York; Hon. Thomas P. Morahan, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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