

Connecticut, Tribes Collide on Federal Rule

Indians Continue to Seek Federal Recognition

By JOSEPH DE AVILA

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The Mashantucket Pequots, operators of Foxwoods Resort Casino, and the Mohegans, owners of the Mohegan Sun casino, are by far the highest-profile Indian tribes in Connecticut.

But a looming fight with the state over federal Indian policy has shifted attention to three other tribes, less well-known groups whose collective membership totals about 1,500. One of the tribes is split between two reservations, one of which sits on a quarter acre of land.

The Eastern Pequot Tribal Nation, the Schaghticoke Tribal Nation and the Golden Hill Paugussett Tribe are all eyeing proposed changes to regulations that could allow them to win federal recognition. If they succeed, they could make land claims, be exempt from most state laws and taxation and open casinos. Gov. Dannel Malloy has written federal officials that "mega casinos" could be built.



Natalie Keyssar for The Wall Street Journal

Chief Richard Velky of the Schaghticoke tribe outside his Woodbury home

The Mashantucket Pequots and Mohegans are the only tribes in the state that now enjoy the benefits of federal recognition.

"We are no different from the other two tribes," said Golden Hill tribe's Chief Quiet Hawk.

Under one proposal being considered by the federal Bureau of Indian Affairs, a tribe could bypass other requirements of the complex federal-recognition process if it has held a state-recognized reservation since 1934. The current rules are tougher: Tribes need to document they have been a distinct community with political authority since first contact with European settlers. The change could ease

federal recognition for the three Connecticut tribes, which have struggled to document a continuous history. Two of the three tribes have won federal recognition in the past, but lost it after the state appealed.

"The unjustified reversal of those acknowledgment decisions would be devastating for Connecticut, likely reviving land claims that could cloud title to property held by a large number of Connecticut residents," wrote Mr. Malloy in a recent letter to the U.S. Department of Interior, which oversees the Bureau of Indian Affairs. "Such land claims could then be used as leverage to compel the approval of additional mega-casinos in our state."

While the tribes are all state-recognized, the rules changes could reopen disputes over federal recognition between the tribes and the state that took place less than decade ago. Along with Mr. Malloy, the state's entire Congressional and Senate delegation have vowed to fight the plan.

Connecticut officials say the state is only one where the rule change could result in previously denied tribes gaining federal recognition. The BIA didn't answer an email requesting confirmation of that assertion.

Tribal members say the changes are long overdue.

"The hurdles are overwhelming for any race of people to prove," said Richard Velky, chief of the Schaghticoke tribe, which has 325 members. It has submitted over 45,000 pages of documents to make its case.

The Schaghticoke tribe originally filed its letter of intent for federal recognition in 1981. The tribe initially gained federal recognition in 2004 in a decision that was appealed by the state. The tribe was ultimately denied recognition in 2005.

The U.S. has more than 500 federally recognized tribes. The Bureau of Indian Affairs proposed revising its rules this summer. The BIA plans to finalize those changes after reviewing the public comments on proposals, which is expected to take several months.

Connecticut officials said changing the rules for federal acknowledgment would "seriously weaken and undermine the core substantive criteria for acknowledgment" and "would be contrary to the principles that have long governed federal tribal acknowledgment," wrote Connecticut Attorney General George Jepsen in comments submitted to the BIA.

Nicholas Mullane, the first selectman of North Stonington—where the Eastern Pequots have their reservations—says the implications of the changes go beyond casinos. Under federal rules, the tribes would be able to purchase or claim land that would be taken off the tax rolls for towns. "We lose all the tax value but still have to provide all the services" such as schools, Mr. Mullane said.

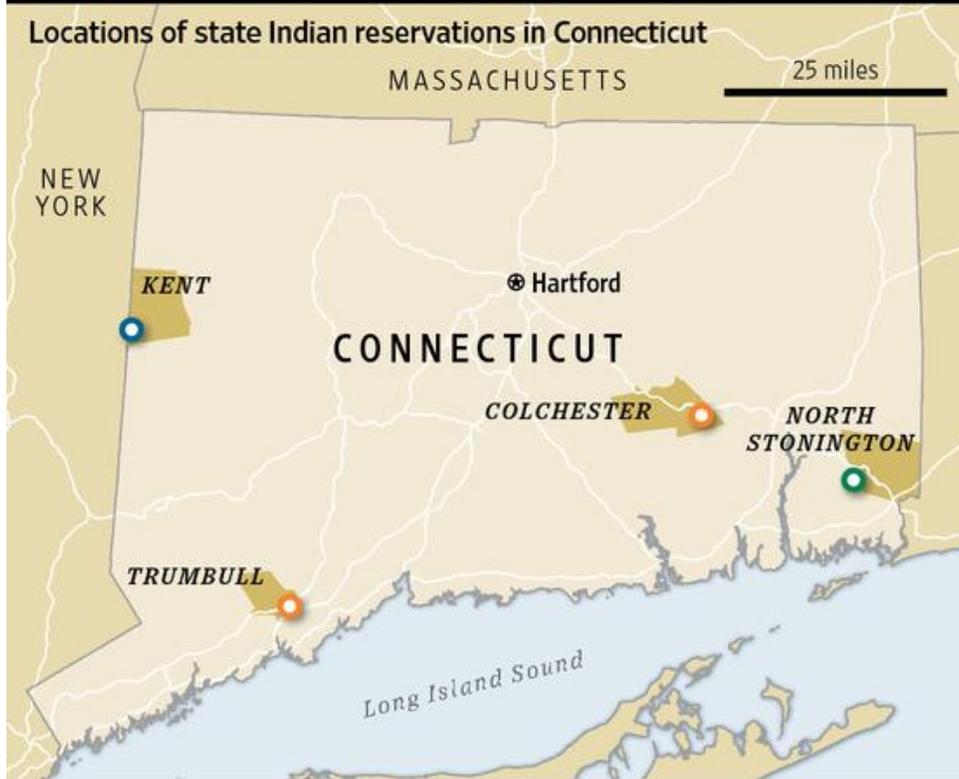
The Golden Hill tribe, with about 100 members, originally filed for federal recognition in 1982 and was denied in 2005. The Eastern Pequots went through a bitter battle with the state over federal recognition. The tribe, which has about 1,100 members, was granted federal recognition in 2002, but the state also fought that determination. The tribe's federal recognition was revoked in 2005.

Dennis Jenkins, acting tribal chairman of the Eastern Pequots, said the concern about new casinos was overblown. "We are looking for housing, education and health care for our members," Mr. Jenkins said.

He also said the economy in the state couldn't now support new casinos. "I'd be a fool to open a casino right now in Connecticut," said Mr. Jenkins, who added that the tribe hadn't ruled out the option if it gained federal recognition.

Indian Country

Locations of state Indian reservations in Connecticut



Golden Hill Paugussett

About 100 members. Has a 1/4-acre state reservation in Trumbull and a 106-acre state reservation in Colchester. Denied federal recognition in 2005.

Schaghticoke Tribal Nation

325 members. 400-acre state reservation in Kent. Has had a reservation in the state since 1736. Gained federal recognition in 2004, but stripped of it in 2005.

Eastern Pequot Tribal Nation

1,100 members. Has had a 230-acre state reservation in North Stonington since 1683. Granted federal recognition in 2002, but decision was reversed in 2005.

Source: the tribes

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