

## A Connecticut Tribe Fights for Recognition, and a Piece of the Casino Industry

Written by Administrator  
Monday, 27 June 2016 15:00 -

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The Schaghticokes applied for federal recognition — a prerequisite to being allowed to pursue gambling — beginning in the early 1980s, but the Bureau of Indian Affairs sought more documentation. The Mashantucket Pequot Tribal Nation and the Mohegan Tribe leapfrogged ahead, securing recognition and the freedom to develop [Foxwoods Resort and Casino](#), which opened in 1986, and [Mohegan Sun](#), which opened 10 years later.

By the time the Schaghticoke Tribal Nation finally won federal recognition in 2004, Connecticut officials had decided that two casinos were enough. The state appealed the federal recognition, with M. Jodi Rell, the governor at the time, and Richard Blumenthal, then the state attorney general, urging the Bureau of Indian Affairs to reconsider. They argued that the Schaghticokes' application did not show high enough intra-tribal marriage rates in the 1800s to prove social and political continuity.

On Capitol Hill, congressional hearings were convened. Finally, on Columbus Day in 2005 — a bitter coincidence for Mr. Velky — the Bureau of Indian Affairs rescinded the tribe's recognition.

Nevertheless, the next year, Aurene Martin, the former acting assistant secretary of Indian Affairs, vouched for the Schaghticoke application under oath.

The tribe's recognition petition was "among the best and most thoroughly researched petitions ever reviewed by the Bureau of Indian Affairs," she said, in a declaration that the Schaghticokes used in a lawsuit challenging the revocation.

Photo



Over 50,000 documents were used in the tribe's petition for federal recognition in 2004. The tribe won preliminary recognition, but it was rescinded in 2005.

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Christopher Capozziello for The New York Times

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One of the state officials who was intent on thwarting the Schaghticokes was Joseph I. Lieberman, the former Democratic and Independent senator. Today his law firm is representing the tribe in its continuing quest for recognition and an entryway into the gambling business.

In an interview, Mr. Lieberman explained that in the mid-2000s there was growing resistance to casino gambling and that officials thought a third casino could cannibalize the existing two.

“There was a popular response also that Connecticut was changing as a result of the two casinos and the brakes should be put on before other tribes were recognized and new casinos established,” he said.

The town of Kent, where the tribe has its 400 acres, was particularly anxious, given that the tribal lands overlapped with the Kent School, an exclusive private boarding school; Connecticut Light & Power; and the Preston Mountain Club.

Federal recognition would allow the Schaghticokes to bring land claims against the private property owners. In recent years, the tribe has tried to reclaim its land in court, but to no avail.

Now that the climate for casinos has changed, Mr. Lieberman believes that continued opposition to the Schaghticokes is unfair.

Photo



The Foxwoods Casino and Resort, seen from the Mashantucket Pequot Museum and Research Center's viewing platform. Credit Christopher Capozziello for The New York Times

“We are at a very different time,” he said. “Today, Connecticut is not worried about more casinos in the state. The concern is about competition for the two existing casinos from the new

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casino” in western Massachusetts.

Mr. Lieberman and Mr. Velky are especially angry about a special act passed by the General Assembly, designating the Mashantucket Pequots and the Mohegans as the sole authorized parties to pursue a third casino. The tribe has filed a lawsuit challenging the legislation, arguing that since a third casino would be strictly commercial in nature — since it would be off tribal land — then any commercial entity should be granted the right to bid.

Mr. Lieberman called the favoritism shown to the Mohegans and Pequots “unfair and unjust in general, but particularly to the Schaghticoke Tribal Nation, as a Native American tribe recognized by the State of Connecticut for centuries.”

Before it filed its lawsuit, the tribe tried an end run around the special act by [quietly applying](#) to the Connecticut Department of State to form a limited liability corporation for the purpose of developing a casino. The agency initially accepted the application, but then, after officials in Kent and elsewhere protested, it did an about-face.

Denise Merrill, the Connecticut secretary of state, said the application had been accepted in error. In an interview with a local television station, she said “99.99 percent of the time, our only job is to say, yes, you have a name, address and an agent for process, you’re a business.”

But, in an analogy that made the tribe bristle, Ms. Merrill added: “We do not record anything about the purpose of that business. To give you an example, if someone said we’re in the business of robbing banks, we wouldn’t have even recorded that.”

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