Hearing addresses issues of land and recognition

By Ann Baldelli - More Articles
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U.S. Rep. Rob Simmons

Hartford — Townspeople, politicians and Indians had their say Friday on the divisive issues surrounding federal recognition of American Indians and the right of tribes to extend their reservation boundaries.

In the end, little was resolved at a congressional field hearing at the Legislative Office Building, except that all sides seemed to agree that no one is comfortable with the ongoing legal battles and skirmishes that have been sparked by issues of Indian sovereignty.

The tribes asserted their rights to certain privileges afforded them under the law, while critics said bureaucrats and politicians have advanced the pursuits of Indians at the expense of tribal neighbors and host communities.

Many of the more than 70 people who testified said their greatest satisfaction was the opportunity to state their positions publicly, and to hear what others had to say. There were no raucous outbursts, threats or emotional appeals.

U.S. Rep. Rob Simmons, R-2nd District, who hosted the hearing attended by about 200 people, said the point was for all parties to put their positions on the table and work together towards resolution.

"The anxiety and in some cases anger that these issues have caused is not good for our families, our communities and our state," said Simmons, who campaigned last fall on a promise to conduct a hearing on Indian-related issues.

"The size of the crowd, and the attention of the media bears witness to the importance of these issues," said U.S. Sen. Christopher J. Dodd, D-Conn., who joined Simmons at the hearing. "Connecticut is a state that has surely benefited from embracing its native peoples. ... We can't turn back the clock to a time before the European settlers ... but we can build a future together."

Dodd urged the two sides to try to reach a resolution through negotiation or mediation, not by asking Congress to rewrite laws.

But Simmons said he would seek legislative action, if necessary, to resolve the thorny issues.

The two primary topics aired were federal recognition of Indian tribes and the Mashantucket Pequot Tribe's 1983 federal recognition and land claims settlement.

Many people in Connecticut believe the Mashantucket Pequots' settlement ended all future claims to

sovereign property by the tribe, whether by land claims or petition to take the property into trust.

The tribe agreed its ability to sue for land was extinguished by the 1983 settlement act, but argued it has the right, like other federally recognized Indian nations, to ask the government to hold land in trust on its behalf. In either case, such property is exempt from taxes and land-use regulations.

State Attorney General Richard Blumenthal said the state and neighboring towns are waiting to learn whether the U.S. Supreme Court will hear an appeal of a lower court ruling upholding the Mashantucket Pequots' right to have the government take 165 acres near their reservation into trust for the tribe. If the high court declines to hear the matter, Blumenthal said the fight would continue.

"We have other arrows in our bow. We have other means, and arguments to bring to bear," he said, adding that the state would argue that the 1934 Indian Reorganization Act is not applicable to the Mashantucket Pequots.

"We have a new administration and a new secretary of Interior. Maybe they will be more sympathetic," said Blumenthal.

Thomas N. Tureen, the attorney who helped the Mashantucket Pequots win federal recognition and settle their land claims 18 years ago, said there is no question that the tribe can petition to take land into trust and that revised rules will make it more difficult in the future.

But Tureen made it clear that the tribe has no intention of giving up its right to add land in trust to its reservation.

"The tribe fought long and hard for that principle, Connecticut graciously accepted it, and it is an important part of the bargain that was struck in 1983," he said.

Dodd tried to get the two sides to agree to negotiations on the issue of future tribal land.

"My hope is that the towns, the state and the tribe sit down and work this matter out, and do it soon," he said. "I would really urge that ... and I would be involved."

Ledyard Mayor Wesley J. Johnson Sr. said local residents want finality.

"What the towns want now is quite simple — we want closure," he said. " ... We are prepared to pursue closure by virtually any means, including litigation, administrative action or Congressional action. But what we want, and will insist upon, is a definite, clearly defined limit on reservation and trust lands."

Simmons said that despite what Tureen and the tribe now say, politicians and residents had no clue in 1983 that the tribe would continue to add land to its reservation.

"Why, 17 years later, is all of southeastern Connecticut under a cloud?" he asked.

If the federal legislation settling the Mashantucket Pequots' land claims and granting them recognition allowed them to take land into trust forever, Simmons said it was a flaw in the legislation.

"Citizens here are concerned about the future of their homes, businesses and communities," said Simmons. "If the intent of the act was to take the cloud away, then this (land into trust) brings the cloud back."

Tribal Chairman Kenneth M. Reels said the Mashantucket Pequots are repatriating members and moving

them back to the reservation. He testified that the tribe would use land for housing, government buildings and a school.

Reels said the tribe is willing to work with people who have "the spirit of community."

"We're always willing, and always have been willing to talk," he said.

The tribal chairman said that some people just don't like the Mashantucket Pequots.

"I don't know why people have ill feelings toward us. The American Dream is to be successful," he said. "A lot of people think we are rich. But they don't know we have over $700 million in debt. ... No matter how much we get attacked, we will be friends with those who want to be friends with us."

Simmons asked if the tribe would set a limit on the amount of land that it will try to put into trust. Reels never answered the question.

The congressman pushed the tribe and the towns of Ledyard, North Stonington and Preston on whether there was any chance that they would agree to mediation on the land-into-trust issue. The towns are bound by votes of their residents to not negotiate on annexation, the term the towns use to describe adding land to a reservation.

Preston First Selectman Robert M. Congdon said the tribe would have to place an offer on the table, or residents would have to petition to put the matter back on a ballot again.

"We tried a mediator, and it ended in failure," said Johnson, the Ledyard mayor.

"Congress has an obligation to take the subjectivity out of land claims," said Congdon.

Kate Spilde of the National Indian Gaming Association in Washington, D.C., said the tribe's right to petition to have land put into trust is only an issue now because of the tribe's successful casino.

"Linking land into trust and gaming is not appropriate," she said. "Land into trust is not a perk of tribal sovereignty."

Spilde said it is a right and that the Mashantucket Pequots are being punished for their success.

"Who decides how much is enough?" she asked. ■

◁ Go Back