

Recognition reunites E. Pequot factions - BIA Sets Precedent

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By Ray Hackett and Brian Scheid, Katie Melone - Norwich Bulletin

In an unprecedented move Monday, the federal Bureau of Indian Affairs recognized the Eastern Pequot and Paucatuck Eastern Pequots as historically a single Connecticut Indian tribe.

That recognition gives the combined tribe access to \$4 billion in federal Indian education, health and social programs and could lead to the tribe starting its own gaming empire, similar to the neighboring Mohegan and Mashantucket Pequot tribes.

The decision, which gives the single recognition designation to two separate, petitioning tribes, was praised Monday by leaders of both the Eastern Pequots, who began their recognition process in 1978, and the Paucatucks, who began in 1989.

The tribes share a 225-acre reservation in North Stonington and have been critical of each other's claims to legitimacy for decades. The separation was evident Monday when both tribes held separate press conferences on the BIA's decision.

"Twenty-five years ago we began the process of seeking federal recognition, asking for acknowledgement of what we have known all along: that we are the social and political descendents of the historic Pequot tribe," Eastern Pequot Chairwoman Marcia Jones Flowers said at the news conference at her tribe's North Stonington office. "We've lost so many of those who began the process for us, who worked so hard for our people and waited so long for this result. We know they're rejoicing with us today."

Paucatuck Chief James A. Cunha Jr. shared Flowers' elation at the news conference in the parking lot of his tribe's Groton offices.

"We are very, very happy that we have been able to substantiate our claims, hold on and get where we are today," Cunha said.

Cunha said he was pleased with the way in which the BIA resolved the dispute between the two tribes and said he felt confident the two groups could resolve their differences and proceed as one federally recognized tribe. He said representatives from both groups would meet soon to discuss how to proceed from here.

"We are just under two different leaderships," he said, "and the BIA recognized that the time we have been apart was insignificant in terms of the tribe's longstanding existence."

Officials object

The BIA's decision was met with staunch objection from congressional, state and local officials, who said the federal recognition process is flawed by politics and a loose interpretation of what constitutes an Indian tribe.

"Our initial impression is that an appeal is likely given the inconsistencies and the irregularities in the application," Connecticut Attorney General Richard Blumenthal said at a late afternoon news conference in Hartford.

Blumenthal said a final decision on an appeal would not be made, however, until after the federal recognition documents -- which become available today -- are thoroughly reviewed and municipal officials and other interested parties are consulted.

He did say, however, the fact that the BIA opted to combine the two tribes in granting the federal recognition raises a concern that neither tribe was able to establish itself as a "continuing tribal entirely" independently of the other.

Flawed system

U.S. Rep. Rob Simmons, R-2nd District, joined Blumenthal at the news conference in criticizing the BIA decision to join the two tribes and grant federal recognition to them as one entity. He said it was another example of a system in dire need of repair.

Acting Deputy Assistant Secretary of Indian Affairs Aurene Martin said the state's recognition of an Eastern Pequot tribe weighed in the group's favor. The state has held land in trust for the tribe and exempted it from taxes.

Blumenthal and Simmons said the decision sets a dangerous precedent that could lead to federal recognition of other tribes in the state. Specifically, they said, the decision had been based heavily on the fact that both Pequot tribes had been recognized by the state -- a distinction also shared by both the Golden Hill Paugussetts and Schaghticoke tribes.

The state will have 90 days to appeal the BIA decision to the Internal Board of Indian Appeals within the U.S. Department of Interior once the decision is published in the Federal Registry this week. That appeal automatically will stop the federal recognition process pending the outcome of the appeal. The administrative process must be exhausted before lawsuits can be filed.

"This process is far from over," Blumenthal said.

Gov. John G. Rowland issued a statement Monday, calling the BIA's decision "an important milestone" in the process and saying he will "continue to monitor the process to ensure an outcome that is fair to the people of the region, to the state and to the tribe."

The leaders of Ledyard, North Stonington and Preston harshly criticized the BIA's ruling Monday and said they have shown through extensive research that neither the Eastern Pequots nor the Paucatucks are a legitimate tribe.

In February, the towns' leaders released a 110-page report, which took historians four years to complete, that discounted both tribes' claims for recognition.

"Our extensive research demonstrated the reasons why these petitioning groups should not be acknowledged, so our summary reaction is that the BIA only got it half right," North Stonington First Selectman Nicholas H. Mullane II said. "At this time, we are reviewing the BIA decisions with counsel. Once we fully understand the decision, and consult with citizens of our towns, we will make a decision how to proceed."

Ledyard Mayor Wesley Johnson said the towns were ready to begin their appeals process.

Much of the criticism of the BIA's decision stems from the Indian Gaming Act of 1988, which allows federally recognized tribes to open and operate casinos.

But, Eastern Pequot and Paucatuck leaders said the motives behind seeking federal recognition were not driven by gaming.

Flowers said the designation would give the combined tribe access to federal programs to help tribal members, preserve tribal culture and pass on Indian values to children.

"These are and always have been our goals," she said.

Flowers has said the tribe is interested in building a casino, but would not comment on the tribe's immediate plans for one.

"Right now, our focus is on giving thanks for the struggles for this acknowledgement and we will have to look at those issues in the future," she said.

Cunha, whose tribe has been backed by gaming mogul Donald Trump, said a casino definitely is in the tribe's plans but probably not the first option the tribe would pursue. Cunha said other options are manufacturing opportunities, "everything from aerospace to chewing gum." He declined to speculate on a timetable for any proposal.

Spokesmen for the Mohegans, who own Mohegan Sun, and the Mashantucket Pequots, who own Foxwoods Resort Casino, said they were pleased by Monday's announcement, adding they supported the recognition of the two tribes as one.

"The Mashantucket Pequot Tribal Nation has always maintained that the Eastern Pequot/ Paucatuck tribe deserves federal recognition as one entity," Mashantucket spokesman Cedric Woods said. "That's been our consistent opinion for years now."

Long-sought respect

Members of the Paucatuck and Eastern Pequots seemed less concerned with the prospect of a casino and said they were most pleased with the respect they said they have finally received.

Cunha said tribal members were holding a "joyous and solemn" celebration, paying tribute to those who worked so hard for the last 30 years, and especially those who began the process but are no longer here to enjoy the success.

"This means a lot," said Eastern Pequot Tribal Councilor Thomas Perry of Lisbon. "It's a long time coming for our people."

Eastern Pequot Chief Roy Sebastian opened his tribe's news conference with a prayer of thanksgiving, praising "the Great Spirit" for its gift to the tribe.

"We celebrate our new journey and build upon our history and our culture. We will carry the spiritual flame of the Eastern Pequot people for generations and generations."

Perry's brother, Eastern Pequot Councilor Joseph Perry of Uncasville, said while recognition will be monumental for the children and grandchildren of tribal members, it would not change his life drastically in the near future.

"Tomorrow's another day," he said. "But, my grass will still need to be cut and I will still have to go to work in the morning. There's a change, but it doesn't change everything."

The state is expected to appeal the decision.

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