

US overhauls process for recognizing Indian tribes



The Associated Press

In this Wednesday, Aug. 7, 2013 photo, Alan Russell, chairman of the Schaghticoke tribe stands on the reservation land in Kent, Conn. A rule change proposed by the Bureau of Indian Affairs could make dozens of American Indian tribes across the country newly eligible for federal recognition by requiring that they demonstrate continuity since only 1934, and not since "first contact." (AP Photo/Jessica Hill)

By MICHAEL MELIA / Associated Press / August 25, 2013

KENT, Conn. (AP) — His tribe once controlled huge swaths of what is now New York and Connecticut, but the shrunken reservation presided over by Alan Russell today hosts little more than four mostly dilapidated homes and a pair of rattlesnake dens.

The Schaghticoke Indian Tribe leader believes its fortunes may soon be improving. As the U.S. Interior Department overhauls its rules for recognizing American Indian tribes, a nod from the federal government appears within reach, potentially bolstering its claims to surrounding land and opening the door to a tribal-owned casino.

"It's the future generations we're fighting for," Russell said.

The rules floated by the Bureau of Indian Affairs, intended to streamline the approval process, are seen by some as lowering the bar through changes such as one requiring that tribes demonstrate political continuity since 1934 and not "first contact" with European settlers. Across the country, the push is setting up battles with host communities and already recognized tribes who fear upheaval.

In Kent, a small Berkshires Mountains town with one of New England's oldest covered bridges, residents have been calling the selectman's office with their concerns. The tribe claims land including property held by the Kent School, a boarding school, and many residents put up their own money a decade ago to fight a recognition bid by another faction of the Schaghticoke.

Members of the state's congressional delegation also have been in touch with the first selectman, Bruce Adams, who said he fears court battles over land claims and the possibility the tribe would open its own businesses as a sovereign nation within town boundaries.

"Everybody is on board that we have to do what we can to prevent this from happening," he said.

The new rules were proposed in June by the Bureau of Indian Affairs, which invited public comment at hearings over the summer in Oregon, California, Michigan, Maine and Louisiana. President Barack Obama's administration intends to improve a recognition process that has been criticized as slow, inconsistent and overly susceptible to political influence.

Federal recognition, which has been granted to 566 American tribes, is coveted because it brings increased health and education benefits to tribal members in addition to land protections and opportunities for commercial development.

Tribes have been pushing for years for Congress or the Interior Department to revise the process.

“I am glad that the Department is proposing to keep its promise to fix a system that has been broken for years, leaving behind generations of abuse, waste, and broken dreams,” wrote Cedric Cromwell, chairman of the Mashpee Wampanoag Tribe in Massachusetts, which was recognized in 2007.

The new rules will create tensions for host communities and some recognized tribes, according to Richard Monette, a law professor and expert on American Indian tribes at the University of Wisconsin. Tribes along the Columbia River in Washington state, for instance, will be wary of a new tribe at the river’s mouth gaining recognition and cutting into their take of salmon. Tribes elsewhere fear encroachment on casino gaming markets.

“This is a big issue throughout the whole country,” Monette said.

The salmon-harvesting Muckleshoot Indian Tribe in Washington state argues the new rules seem to lower the threshold for recognition. Tribal chair Virginia Cross wrote to the Interior Department that the changes, if approved, would lead to acknowledgment of groups of descendants who “have neither a history of self-government, nor a clear sense of identity.”

In Connecticut, recognition has meant an entry into lucrative gaming markets. Russell, 67, said his 100-member tribe wants its own casino but not on its 400-acre reservation ringed by the Appalachian Trail. A business consultant for the tribe, Bill Buchanan, said it has spoken with potential investors and, assuming it wins recognition, would like to swap some land, team up with one of Connecticut’s bigger cities and perhaps build a casino along a highway.

A rival faction of the tribe, the Schaghticoke Tribal Nation, is hoping the new rules breathe life into its own parallel bid for recognition. The larger STN had the backing of Subway founder Fred DeLuca, who was interested in building a casino in Bridgeport, and it won recognition in 2004. But that decision was reversed after state officials argued the tribe had gaps in evidence related to its historical continuity. [Continued...](#)