

# Nancy Johnson



Fifth District, Connecticut

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## Johnson Introduces Bill to Repeal Schaghticoke Recognition

*“Erroneous and Unlawful Decision Cannot Be Allowed to Stand”*

KENT, CT – Congresswoman Nancy Johnson today announced the introduction of a bill to repeal the “erroneous and unlawful” decision to federally recognize the Schaghticoke Tribal Nation at a news conference with community leaders in Kent.

**“The BIA’s decision was erroneous and unlawful, and it simply cannot be allowed to stand,”** Johnson said. **“This decision was made by ignoring evidence, manipulating federal regulations and overturning precedent. The consequences of this decision, including a casino in Western Connecticut, would be deep and irreversible. Local taxpayers would face increased financial burdens, our infrastructure would be overwhelmed by the round-the-clock traffic, and huge areas would be subject to land claims.”**

**“This bill makes sure that the people of Western Connecticut are not made to pay for the erroneous and unlawful decision by the BIA,”** Johnson added.

*The Schaghticoke Acknowledgment Repeal Act of 2005* overturns the erroneous and unlawful decision by the Bureau of Indian Affairs (BIA) to grant federal recognition to the Schaghticoke Tribal Nation (STN).

“I appreciate this effort by Representative Johnson and join her in seeking a real resolution on the question of federal recognition for the Schaghticoke,” **Governor M. Jodi Rell said.** “It’s become painfully clear that the Bureau of Indian Affairs is so mired in its own inefficiencies that it could take years for any decision – and the inevitable series of appeals – to be completed.”

The U.S. Constitution gives Congress the ultimate authority on Indian affairs, and federal regulations permit federal recognition only if “neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.”

The Bureau of Indian Affairs (BIA) is permitted to recognize a tribe only if it satisfies each of the “seven mandatory criteria” laid out in federal regulations, including the key criterion that the tribe demonstrates it has exercised continuous political authority and influence throughout its history.

**The evidence in the records demonstrates that the STN did not satisfy the seven mandatory criteria**, yet the BIA granted recognition anyway in January 2004. The evidence also shows that the BIA manipulated both the evidence and established acknowledgment standards, **without which the STN could not have been recognized**. More particularly, the BIA:

- **Ignored agency admissions** that “insufficient direct evidence” or “little or no direct evidence” exists to satisfy the political authority criterion for a period of 118 years;
- **Overtured longstanding judicial precedent** when it erroneously interpreted the relationship between the State of Connecticut and the Schaghticoke people;
- **Used unprecedented and inaccurate accounting methods** to calculate tribal marriage rates, without which the STN would not have satisfied the criteria for political authority for a 74 year period from 1801 to 1875.

The BIA’s erroneous and unlawful decision cannot be allowed to stand, Johnson said. A sovereign, federally recognized tribe would have significant and irreversible effects on the Western Connecticut. Federally recognized tribes are:

- **Exempted from a broad range of state laws and regulations**, including taxation.
- **Allowed to build Las Vegas-style casinos**, placing unbearable burdens on municipalities, on local tax bases and taxpayers, and on an aging infrastructure that could not tolerate the volume of traffic such a facility would create.
- **Allowed to pursue land claims in court**, which can threaten local property rights, cloud title in widespread areas, and prevent property sales.

“The Schaghticoke did not meet the criteria for tribal recognition by the Bureau of Indian Affairs,” **said U.S. Rep. Christopher Shays (R-CT)**, who along with U.S. Rep. Rob Simmons has cosponsored the bill. “This legislation is important to repeal a bad decision that was made through a manipulated process. If the recognition is allowed to stand, it gives the tribe the ability to build a casino, which will have irreversible negative effects on our state.”

“Congresswoman Nancy Johnson is demonstrating strong leadership with her bold move by sponsoring” this bill, **said Danbury Mayor Mark Boughton**. “The Bureau of Indian Affairs is a dysfunctional government agency with far too much power in the tribal recognition process. This legislation will reverse a poor government decision.”

“As Kent First Selectman, I appreciate the initiative take by Congresswoman Johnson in introducing the Schaghticoke Acknowledgment Repeal Act,” **said Kent First Selectman Dolores Schiesel**. “She has taken a dramatic step to assure that only groups truly deserving federal acknowledgment receive it. Each step taken by the federal government that assures the correct application of the seven criteria is a step for meritorious groups all over the country.”

“We oppose the recognition of persons and groups whose claims are without merit because they do not meet the high standard for recognition established by the U.S. Supreme Court and the Bureau of Indian Affairs’ own guidelines,” **said Ken Cooper**, President of Town Action to Save Kent, a community group opposed to the BIA decision. “Thankfully, Rep. Johnson is willing to stand up against the BIA and fight for good government.”

Johnson commended federal, state, and local leaders who have shown great commitment and teamwork to protect Western Connecticut from the BIA's incorrect decision. These leaders include her colleagues in the Connecticut congressional delegation; state leaders like Governor M. Jodi Rell, Attorney General Richard Blumenthal, state Sens. Andrew Roraback and David Cappiello, and state Rep. Mary-Ann Carson; and local leaders like Danbury Mayor Mark Boughton and Kent First Selectman Dolores Schiesel.

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