

Testimony--Golden Hill Paugussett Tribe

The Mohegan and Mashantucket Pequot Tribes have enjoyed the benefits of Federal recognition for 23 and 34 years, respectively. During that time they have adroitly manipulated the laws and leadership of the State of Connecticut to construct the two most lucrative Indian gaming facilities in the nation, operations which netted them billions of dollars in profits and habituated State government to the nine-figure annual windfall from the Tribal compacts that diverted to its coffers 25% of slot machine revenues. Both tribes were noted for their largess with political campaign contributions and remarkable parsimony when it came to contributing to almost all other charitable causes.

During the decade of the 1990s, these two casinos enjoyed a virtual gaming monopoly in the New England states, and were equidistant with Atlantic City to the New York City metropolitan area. For a few golden years they seemed to have been endowed with the Midas touch, as month after month showed revenues soaring to new heights and the facilities expanded with accelerating bravado. The tribal leadership soon learned to utilize their vast new-found wealth to protect and serve their own vital interests.

Meanwhile, the state's three other tribes, which had shared equal status and recognition with the Mohegans and Mashantuckets continuously since earliest Colonial times, filed petitions to achieve their own Federal recognition. They retained the services of professional historians and researchers to comb through hundreds of thousands of documents in order to meet the rigorous criteria set by the Bureau of Indian Affairs. All three found voluminous documentation of their heritage, cohesion, and continuity from pre-Colonial times down to the present day.

These three tribes were ill-prepared for the turn of events that ensued. Out of nowhere, a campaign of innuendo was launched that blatantly suggested that these tribes somehow lacked any shred of legitimacy, and were little but hastily-concocted hoaxes that fraudulently sought to take on the guise of Native American tribal entities solely for the purpose of "jumping on the casino bandwagon." More galling, perhaps, was the unified voice of the state's political hierarchy, which condemned the efforts of these tribes to present their historic credentials without ever bothering to evaluate the content. Prejudicial insinuations were presented as quick and authoritative sound-bites to the state's citizenry, and elected officials screamed bloody murder the granting of Federal recognition to two of the three in 2004. In a move without precedent in American history, this recognition was abruptly rescinded following an acrimonious closed-door meeting in Washington with the state's congressional delegation and the Undersecretary of Indian Affairs. The monopoly of the Mashantucket Pequots and the Mohegans was safe.

In 2010, a new directive from the Obama administration proposed the first changes in the Federal acknowledgment regulations since their inception in 1978. The new criteria would recognize the importance of continuous State recognition and State reservation lands maintained for the sole usage of tribal members. From across America the proposed changes received resounding accolades from Native American advocacy groups, State elected officials, and members of the affected tribes themselves. Virtually alone among the 50 states, however, the Connecticut governor, attorney general, and entire congressional delegation spoke again with one voice in vehement opposition. Following a series of meetings with the Undersecretary for Indian Affairs, they succeeded in amending the criteria with an insidious addendum: a clause that mandated that a tribe seeking recognition

obtain the permission of any entity that had filed as an "interested third party" (akin to the Ku Klux Klan holding veto power over the Civil Rights Act!)

The "Third-Party Clause" was immediately denounced across the board by members of the Native American Rights community, who pointed out that it was patently unconstitutional. After a time Connecticut officials came to see that this particular deck was stacked against them, and they quietly issued statements requesting that the clause be removed. But when the final regulations were released, an even worse outrage came to light: the infamous "Connecticut Clause," inserted at the express insistence of our state's Congressional delegation, which stated that no tribe that had applied under the old regulations could re-apply under the new, an exemption which appeared to single out only three tribes subject to this prohibition across the length and breadth of America--the Golden Hill Paugussett, the Schaghticoke, and the Eastern Pequot. Imagine if such a clause had been tacked on to the legislation that gave women the right to vote, or legalized gay marriage!

Connecticut officials have repeatedly requested lengthy delays as the regulations wend their way through bureaucratic channels. They have relentlessly lobbied the Undersecretary for Indian Affairs and his staff, employing every conceivable underhanded ploy to forestall the inevitable day when justice prevails for Connecticut's disenfranchised tribes, and the Mashantucket/Mohegan juggernaut is exposed for the corrupting force it has exerted and the lives of brother Native Americans it has trampled.

Today it is proposed that privileges for a third casino be granted by the State of Connecticut in the supposed interest of "job retention." This venture would be designed to compete with the MGM facility currently under construction in Springfield,

Massachusetts, and would be located in the I-91 corridor in close proximity to the state line. The Mashantucket Pequot and Mohegan tribes have been designated under this proposal to be the joint developers, seemingly without entertaining any notion whatsoever of alternate possibilities. The privileges accorded these two "benighted" tribes by the State of Connecticut, as throughout the history of their interrelationship, defies all logic and any semblance of fair-play.

Since the Indian Gaming Regulatory Act, or IGRA, mandates that Indian gaming facilities be allowed ONLY on legally delineated Tribal lands, and neither of these tribal entities have any historical claim to territory anywhere remotely close to the proposed undertaking, the new venture must of necessity be a commercial casino. And specifying that only one corporation is to be granted the privilege of entering into this business within the state, to the exclusion of all other such entities, would appear to be a blatant violation of the Equal Protection clause of the Fourteenth Amendment of the United States Constitution. The State simply cannot open itself to commercial gaming and then restrict participation to one especially favored friend.

An Oxford Economics study, released in March, 2016, determined that a casino built in southwestern Connecticut would generate \$545 million more in total economic output for the state than one constructed in the currently proposed north-central Connecticut location. Building a casino along the I-95 corridor between Bridgeport and Greenwich, which is essentially the New York City market, would produce far more in terms of jobs, revenue, and opportunities for economic growth.

Many studies over the past few decades have focused on the City of Bridgeport as an ideal location for a

gaming facility. It has a waterfront location at a nexus of rail, highway, and waterborne transportation networks, a supportive population and government, and a desperate need for economic revitalization. It is obvious that the locating of a third casino here in the state's largest city would be a win-win situation for the State of Connecticut, accomplishing a multitude of positive initiatives in a place sorely in need of them.

Bridgeport is the historic home of the Golden Hill Paugussett tribe. It is the place of residence of tribal sachems from time immemorial; the site of the nation's first Indian reservation set aside for the tribe in 1639; and to this day the home of a majority of the tribe's membership. At this point in time it would behoove the State of Connecticut to end its hostility and opposition to Paugussett Federal recognition so that a casino project could be pushed forward, one not built on the quicksand of highly dubious legality or the Pandora's Box of open-ended permitting of commercial gaming. The time to rectify past mistakes is at hand.