



**Testimony of Mark D. Boughton  
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**Before the Government Reform Committee  
Hearing on status of the American Indian tribal recognition process  
Administered by the Department of the Interior, Bureau of Indian Affairs.**

**May 5, 2004**

Mr. Chairman, members of the committee, I would like to thank you for the opportunity to address a critical issue that is facing our Nation, the great state of Connecticut, and the City of Danbury.

In the past I have testified to the House Committee on Resources regarding the issue of tribal recognition and the process that is laid out by the Bureau of Indian Affairs. I will tell you today, as I have said in the past, that the process is broken. Let me be even clearer, *the process does not work.*

This process is not about recognizing a wrong that was perpetrated on a group of people who have suffered at the hands of a nation bent on repression and in some cases genocide. The tribal recognition process regarding the Schaghticoke Tribal Nation and the Eastern Pequot's is and always has been, about Casino gambling and the high powered investors who drive the recognition process. The key to recognition is that we must divorce the recognition process from gambling and the special interests who seek to corrupt the process.

Why do I say this? Let's take a look at the Schaghticoke Tribal Nation recognition. In this case, the *preliminary* finding of the BIA stated that the Schaghticoques *were not a tribe* and did not meet the criteria for recognition. Specifically, the BIA cited the lack of political authority for the tribe during several key times throughout our history and the failure to

exist as an intact social community from colonial times to the present without any significant gap in time. This is a critical component of the process and in the past has been fatal to an acknowledgment petition. I believe that the BIA was correct in making its finding. The BIA set its rules and then applied those rules to the Schaghticoke application to see if it met the criteria. The system appeared to work. As a mayor of a city that had been identified as a potential location for a casino we were thrilled by the BIA's ruling.

Then the shoe dropped. The recognition process allows a tribe to address the deficiencies that have been identified in an application before the final decision is made. As a former teacher, this would be analogous to giving a test to a student, giving back the test with a failing grade, give the student the answers, and then rescore the test. If the student still did not pass, I would then go to my colleagues and say "read this essay, tell me how I can give a passing grade to this student" sounds absurd right? This is exactly what happened in the case of the Schaghticoke Tribal Nation. How do we know this? Because of the internal memo that was drafted at the request of The Office of Federal Acknowledgement (OFA). In that memo, OFA admits that it "can't get there from here". In other words, the Schaghticoke application ***does not meet several critical parts of the steps necessary for recognition.***

What prompted the sudden change of heart by the BIA? Why would an organization ignore the very rules that it has promulgated to arrive at a conclusion in its final determination that is different than the one that was articulated in its preliminary determination? What is the point of having rules if the BIA itself does not follow them? One can only speculate at the forces that were at work at the BIA to change the proposed finding to one of recognition for the Schaghticoke Tribal Nation.

The result of the process is that the rules are a constant moving target. As a municipality involved with the recognition process, we have no idea what to address in an application because the BIA keeps changing the rules. This leads to a process that is suspect at best and deeply flawed at its worst. Without strict guidelines, the decision maker in the

recognition process is free to interpret the rules as he or she sees fit, or at worst, ignore the regulations all together.

The impact of recognition of a tribe on Connecticut is profound. Recognition in Connecticut is different than that of recognition of the tribes in the southwest and the far west. The tribes of the west are descendents of a noble people who experienced suffering and exploitation at the hands of the Americans who were settling on lands that had been lived on for thousands of years. In Connecticut, groups seeking recognition are backed by people like Fred Deluca owner of Subway Sandwich Shops, Donald Trump of recent “The Apprentice” fame, and Thomas Wilmot a New York mall developer. These gentleman are not bankrolling these groups because they are concerned about the plight of Native Americans in Connecticut, they are interested in only one thing. Opening a Casino in Connecticut. These gentlemen have an unlimited amount of resources they bankroll the applications and wait for their payday. As a mayor of a municipality that is still recovering from the fallout of 9/11 and an economy that is still mending, opposing a prospective recognition is one more costly problem. When the BIA continues to reinvent the rules of recognition, it is even more difficult. In my small state we currently have four tribes that are recognized and more applications are on the way. Because of our location between the metropolitan centers of Boston and New York, we are an attractive place for casino development and the investors know it.

The political influence of these entities is far and wide in our state. Soon, because of the high stakes that are involved, it is my fear that Connecticut will be carved up into 4 or 5 sovereign nations with gambling as the exclusive industry. This scenario is a real possibility unless action is taken by Congress. Because of the immense wealth available to the tribes with casinos, these tribes will dominate every aspect of our lives. Our politics, our culture, our social fabric will be changed forever.

My city, located just seventy miles from New York City and home to a diverse economic base ranging from pharmaceuticals to light manufacturing and corporate development. A city that has one of the lowest unemployment rates in the country, recently recognized as

one of the safest cities in the United States of America, will become a host to a casino that would service tens of thousands of visitors twenty four hours a day, three hundred and sixty five days a year.

Already, I have been notified by several of my CEO's of our major corporations that they will move if a casino is located in Danbury. This would be catastrophic to our economic base and our identity as a community. The Schaghticoke Tribal Nation as already placed land claims on thousands of acres in Connecticut. This entity will reign over every aspect of life in western Connecticut.

The recognition process is the only vehicle we have as a municipality to participate in the casino issue in Connecticut. I ask that you consider the transparency of this process. I ask that you level the field so that we can understand what the rules are and how best to address them. I ask that you consider legislation to gain control of the process and put in law the seven criteria necessary for recognition. Thank you for your time and I would be happy to answer any questions.