

# Schaghticoke Indians Want \$600 Million For Lost Land

Five things to know about the Schaghticoke Tribal Nation as they attempt to win hundreds of millions of dollars from the state as restitution for the land that was taken by the state from them.



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Property Line

The Schaghticoke Tribal Nation is seeking hundreds of millions of dollars in damages from the state for land that it says was taken from the tribe's northwestern Connecticut reservation, beginning more than two centuries ago.

In a lawsuit filed in Hartford on Thursday, the Kent tribe alleges the state took the land it was managing for the Schaghticoke — eventually amounting to 2,000 acres — without compensating the tribe. The lawsuit contends the tribe is owed at least \$613 million, but the tribe says it expects that number to rise because it has not been able to determine the value of all the tracts.

"This is not a case where we are seeking the return of any private citizens' land," said Austin Tighe, a lawyer for the tribe. "We're simply asking the state to do what it promised to do and what it is constitutionally required to do: pay the tribe for the land it took."

The taking or poor government stewardship of land belonging to Native Americans has been an issue for decades both nationally and in individual states. Just three weeks ago, the federal government agreed to pay nearly \$500 million to 17 American tribes for mismanaging tribal assets.

"There are parallels here," Tighe said. "The resolution of those cases was based on the trust relationship between the federal government and those tribes. So yes, there are similarities that would join those cases and this case." A spokeswoman for Connecticut Attorney General George Jepsen declined comment Thursday.

"We are reviewing this complaint and will respond at the appropriate time in court," said Jaclyn Falkowski, a spokeswoman for Jepsen.

The Schaghticokes have assembled a high-powered legal team to pursue the case. Tighe is counsel to the Texas law firm of Nix, Patterson & Roach, which last year resolved claims by the Choctaw and Chickasaw tribes in Oklahoma alleging that U.S. government failed to protect tribal interests in the sale of timber lands from 1908 to 1940.

Also last year, the firm also won \$3 billion from oil giant BP for the state of Florida following a devastating spill in the Gulf of Mexico.

The Schaghticoke also have enlisted Joe Lieberman, former U.S. senator from Connecticut, to work on the case. Lieberman is now senior counsel at the New York law firm of Kasowitz Benson Torres & Friedman, which has counted presidential candidate Donald Trump among its clients.

The Schaghticoke have long sought federal recognition, which would open the door for the operation of an Indian casino. After failing to win final recognition, which grants the right of self-government to a tribal group, the Schaghticoke Tribal Nation is now prohibited from applying again. A rival faction, the Schaghticoke Indian Tribe, is still pursuing federal recognition.

When Lieberman was a U.S. senator from Connecticut he vigorously fought the Schaghticoke efforts for federal recognition, joining a coalition of federal and state leaders to oppose the tribal group. But earlier this year, Lieberman represented the tribe in a lawsuit opposing the legislation allowing the Mashantucket Pequot and Mohegan tribes to search for a location for a third casino in the state. The lawsuit has since been withdrawn.

The law firms in the lawsuit filed Thursday would be paid out of any compensation won in the lawsuit.

In the 32-page lawsuit, the Schaghticoques — granted a 2,400-acre reservation in Kent in 1736 by Connecticut, then a colony — accused the state of a long history of breaching its responsibilities to the tribe, including in recent decades opposing its bid for federal recognition. The tribe argues this lawsuit is about compensation for what was rightly theirs. The tribe also maintains the lawsuit — and the massive payout that could result — is not connected with any ambitions to open a casino. "Native Americans can pursue relief for the historical wrong," said Tom Rodgers, an activist and advocate for Native American rights based in Washington , D.C., who is consulting on the Schaghticoke lawsuit. "We are not just about gambling. This was land that was taken from us, in effect, stolen from us."

In the past, the tribe has tried to recover the land, touching off a furor in the northwest corner of the state. Much of the land is now part of the Kent School, a prestigious, private school that is a neighbor to the Schaghticoke reservation in Kent.

The lawsuit comes at time of dire financial strain for the state's budget. But Tighe said the state would not be in this situation had it paid the tribe for land when it was taken, between 1801 and 1918. According to the lawsuit, the land was first taken to satisfy a "debt" by the state-appointed manager of the land. But Tighe said it is not clear why it continued, shrinking the reservation to its present 400 acres.

"The fact that 200 years later [the state is] in difficult financial straits is not a legal defense and should not affect what the tribe is entitled to," Tighe said.

In the 1980s, the tribe split in two, forming the Schaghticoke Tribal Nation, which is filing the lawsuit and has about 300 members, and the 130-member Schaghticoke Indian Tribe.

Tighe said the Schaghticoke Tribal Nation has "the legal standing, and it is the proper party to bring this lawsuit" even though some members of the Schaghticoke Indian Tribe live on the small Kent reservation.

"We see that there has been an unjust hit here," said Richard Velky, chief of the Schaghticoke Tribal Nation, "and we are looking for a fair financial settlement with the state of Connecticut."

The standing was disputed late Thursday by a spokesman for the Schaghticoke Indian Tribe.

William Buchanan, a consultant for the Schaghticoke Indian Tribe, said the courts have already reserved decision on whether land claims can be pursued until there is a final decision on federal recognition.

Buchanan said the Schaghticoke Tribal Nation's attorney "misstated the facts about Velky's legitimacy to bring forth a lawsuit on land claims."