



SCHAGHTICOKE TRIBAL NATION CONNECTICUT

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July 2, 2022

Department of the Interior
Office of the Assistant Secretary – Indian Affairs
Attn: Office of Federal Acknowledgment
1849 C Street NW
Washington, D.C. 20240

Dear Assistant Secretary Newland:

This letter submits the comments of the Schaghticoke Tribal Nation (STN) in response to Petition #401, the Schaghticoke Indian Tribe's (SIT), documented petition for federal recognition. The Department cannot properly consider SIT's petition without resolving STN's own federal recognition status. As acknowledged previously by the Department, STN is the successor-in-interest to the Historical Schaghticoke Tribe, while SIT is not a Tribe, but rather a minority faction of individuals eligible for STN membership.

In 2004, STN (as Petitioner #79) received a positive Final Determination from the Department, addressed to Chief Richard Velky, finding that STN met each of the seven mandatory criteria for federal recognition.¹ In the Final Determination, the Department noted evidence that "reflect[ed] a temporary political condition"² of leadership disputes within the Schaghticoke Tribe. The Department identified SIT as the source of most of these leadership disputes, generated by individuals of Schaghticoke ancestry who, beginning in 1996, refused to recognize the constitutional leadership of the Schaghticoke Tribe.³

¹ See Final Determination to Acknowledge the Schaghticoke Tribal Nation, 69 Fed. Reg. 5570 (Feb. 5, 2004) (attached).

² Off. of Fed. Acknowledgment, Final Determination of the Schaghticoke Tribal Nation 57 (2004).

³ Off. of Fed. Acknowledgment, Final Determination of the Schaghticoke Tribal Nation 6 (2004).

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Many of these individuals associated with SIT were found by the Department to be eligible for STN membership, and the Department considered nearly 50% of SIT to have been part of STN prior to 2004.⁴ The SIT individuals were described in the Final Determination as “unenrolled” community members, as many had withdrawn or declined to enroll. The Final Determination concluded that “STN, including the presently unenrolled portion of the community,” met the mandatory requirements for federal recognition.⁵ The Federal Register notice of STN’s positive Final Determination confirmed the inclusion of the “unenrolled” SIT individuals:

This FD concludes that a single political body continues to exist, notwithstanding the absence from the certified membership list of an important segment of those involved in STN political processes from the 1960’s to the present. This FD acknowledges the entirety of this political body.⁶

Ultimately, the Final Determination concluded that “there is one Schaghticoke tribe” composed of STN membership and individuals eligible from SIT.⁷ Additionally, and upon advice and technical assistance from the Office of Federal Acknowledgment (OFA), STN provided these individuals with a pathway to STN membership following the positive Final Determination.

The Department’s 2004 Final Determination concluding that STN met the mandatory criteria for federal acknowledgment should have fully and fairly resolved this matter for the Schaghticoke Tribe. Yet, the Department issued a Reconsidered Final Determination in 2005 that erroneously overturned STN’s federal recognition.⁸

Remarkably, the STN petition that the Department previously reviewed has now been resubmitted and claimed by SIT as its own. While the petition and its supporting evidence was sufficient to establish STN’s federal recognition in 2004, the same is not true for SIT. As a minority faction composed of individuals who broke from the constitutional leadership of the Schaghticoke Tribe in 1996, SIT cannot independently establish the necessary history or other criteria necessary for federal recognition.

⁴ See Off. of Fed. Acknowledgment, Final Determination of the Schaghticoke Tribal Nation 6 n.3 (2004).

⁵ 69 Fed. Reg. 5570, 5572 (Feb. 5, 2004); see also *id.* at 5573–74; Off. of Fed. Acknowledgment, Final Determination of the Schaghticoke Tribal Nation 142–43 (2004).

⁶ 69 Fed. Reg. 5570, 5573 (Feb. 5, 2004); see also *id.* at 5574 (“The regulations require, under criterion 83.7(e), that a petitioner submit a complete list of its membership. In this instance, the petitioner . . . submitted two lists, the certified membership list and a list of the ‘Unenrolled Schaghticoke Community.’ This FD acknowledges the tribe as defined by the STN’s 2003 membership list, 273 members, and its additional list of 42 individuals, identified by the STN as part of its community and meeting its membership requirements. . . . The STN provided sufficient evidence to show that all 273 individuals on the September 28, 2003, certified membership list and the 42 individuals listed on the September 28, 2003, amendment to the constitution who are ‘unenrolled tribal community members’ descend from the historical tribe. One hundred percent of the STN membership descends from the historical Schaghticoke tribe.”)

⁷ Off. of Fed. Acknowledgment, Final Determination of the Schaghticoke Tribal Nation 142–43 (2004).

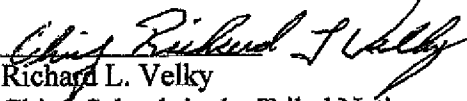
⁸ Off. of Fed. Acknowledgment, Reconsidered Final Determination of the Schaghticoke Tribal Nation (2005).

As emphasized above, this does not mean that SIT individuals are left without recourse. STN and the Department have already established that SIT individuals are eligible for membership in the Schaghticoke Tribe, which is represented by STN. They have a clear pathway to this membership. Yet due to the Department's improper reversal and denial of STN's petition, STN and the eligible individuals associated with SIT have long suffered an injustice of historical consequence. The Schaghticoke Tribe continues to exist in the present, through STN, and otherwise meets all seven mandatory requirements for federal recognition. The Department should resolve the question of STN's federal recognition status and, in doing so, would determine the matter for the eligible individuals associated with SIT as well.

Conclusion

STN appreciates the opportunity to offer comments on SIT's documented petition for federal recognition. In light of the matters discussed herein, we urge the Department to resolve STN's federal recognition status by reinstating the Department's 2004 Final Determination.

Sincerely,


Richard L. Velky
Chief, Schaghticoke Tribal Nation