

COURT DISMISSES AMERICAN INDIAN TRIBAL SUIT

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Trenton

The Nanticoke Lenni-Lenape Tribal Nation faced another setback in its fight for state recognition Wednesday when a judge dismissed the nation's civil rights lawsuit against the attorney general's office.

The lawsuit, which the nation filed against Acting Attorney General John Hoffman in state court last fall, claims that Hoffman "wrongfully repudiated the state's official recognition of the nation as an American Indian tribe."

The nation, which has 3,000 members and is based in Bridgeton, claims that its official status as an American Indian tribe was established in 1982 with a resolution from the state.

Since then, the lawsuit said, there have been multiple legal steps taken to reaffirm that status. It wasn't until 2012 that attorney general's office decided not to recognize the nation as an American Indian tribe, the group's representatives said.

But Superior Court Judge William Anklowitz disagreed with the nation and upheld a motion from the attorney general's office to dismiss the lawsuit Wednesday.

"There is no legal action creating the Nanticoke as an entity in the first place," Anklowitz said in court.

He added that the 1982 resolution was never submitted to the governor's office and thus, never had a chance to be made official. And, while there were legal steps taken in the years since the initial resolution, Anklowitz said none of those officially established the nation as an entity, either.

Though it's a blow for the nation, Anklowitz's verdict is far from the end of the case.

NATION FILES SUIT

Greg Werkheiser, an attorney representing the nation, said the group plans to appeal the decision. He added that this suit was only one of two lawsuits the nation has filed against the attorney general's office.

Another, similar suit was filed in federal court last summer - also challenging the attorney general's decision. The state has also made a motion to dismiss that suit and the case will go before a federal judge in April, Werkheiser said.

For members of the nation, who waited and prayed in court before the verdict Tuesday, official recognition is more than a symbolic gesture.

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Reverend John Norwood, councilman and judge for the tribe, said that without the recognition, the nation cannot put its name to artwork or say that it's American Indian- made without being fined. Nation members are also ineligible for scholarships and grants without that recognition.

Norwood said they tried multiple times to speak to the attorney general's office about the issue but they were "rebuffed at every turn," leading them to file the lawsuits.

Assistant Attorney General Stuart Feinblatt declined to comment on the outcome of the case Wednesday. But in a statement to Anklowitz in court, Feinblatt said the case was "a classic political question."

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