

FAIRFIELD TOWNSHIP LENNI-LENAPE GET GO-AHEAD ON FEDERAL SUIT

South Jersey Times (New Jersey)

October 29, 2016 Saturday

SOUTH JERSEY TIMES EDITION

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Section: NJ CAMDEN COUNTY; Pg. A1

Length: 521 words

Byline: Bill Gallo Jr.

Body

A federal court judge has ruled that a federal civil rights lawsuit brought by the Nanticoke Lenni-Lenape Tribe against New Jersey's Office of the Attorney General can proceed.

The tribe alleges the state's decision to arbitrarily withdraw official recognition of the Lenni-Lenape was motivated by "racial prejudice and political gamesmanship," according to Greg Werkheiser, attorney for the tribe.

U.S. District Court Judge Renee Marie Bumb on Thursday denied the state's request to have the suit dismissed. The ruling clears the way for the case to go to trial. The 3,000-member tribe, whose members live throughout the Northeast, is headquartered in Fairfield Township in Cumberland County.

The Lenni-Lenape have argued that New Jersey's withdrawal of prior recognition of the tribe has resulted in grave financial consequences and loss of "tribal identity and prestige."

"We are relieved, grateful, and prayerful about the court's carefully considered decision," said tribal co-chief Mark Gould. "We are indebted to the citizens of New Jersey for their support through this ordeal. We look forward to prevailing in the trial and

beginning to rebuild our relationship with the government of New Jersey."

Leland Moore, a spokesman for the Attorney General's Office, said the decision is being reviewed and declined further comment.

Beginning in 1982, the state recognized three American Indian tribes, including the Lenni-Lenape, but that changed in 2012, according to tribal representatives.

They argued in court papers that the Attorney General's Office, on behalf of the Christie administration, took the position that New Jersey has no recognized American Indian tribes.

In its federal suit, the tribe alleged that the decision was driven by the state's fear that the Lenni-Lenape would seek federal gaming rights.

Werkheiser said the Lenni-Lenape have never sought such rights and that state recognition would play no role in helping the tribe secure gaming rights. The attorney general's action is a violation of the U.S. Constitution's due process and equal protection guarantees, Werkheiser said.

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Werkheiser said that with state recognition, the Lenni-Lenape had access to federal services, including health care for poverty-level senior citizens, women and children along with college scholarships, jobs and the right to sell traditional crafts labeled as American-Indian made.

"Judge Bumb's decision reminds us that in our American system, the courts can still ensure a level playing field for the politically powerless against the whims of even the most politically powerful," said Werkheiser.

"This isn't about money or about asking for something more in the future than what the tribe has had in the past," Werkheiser said Friday. "We are seeking for the tribe to be returned to their status as a state-recognized tribe which they had for 34 years.

"We just want the attorney general to stop hurting the tribe by denying their existence."

In March, a Superior Court judge tossed out a similar suit by the Lenni-Lenape alleging the state was violating the rights of the tribe by not recognizing it. That ruling is being appealed.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Journal Code: sjt

Subject: LITIGATION (91%); ATTORNEYS GENERAL (90%); CIVIL RIGHTS (90%); DECISIONS & RULINGS (90%); JUDGES (90%); LAW COURTS & TRIBUNALS (90%); PATENT COURTS (90%); INDIGENOUS PEOPLES (89%); NATIVE AMERICANS (89%); SUITS & CLAIMS (89%); DUE PROCESS (78%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (78%); LAWYERS (78%); NEGATIVE PERSONAL NEWS (78%); RACE & ETHNICITY (78%); RACISM & XENOPHOBIA (78%); US STATE GOVERNMENT (78%); POVERTY & HOMELESSNESS (50%); SCHOLARSHIPS & GRANTS (50%); SENIOR CITIZENS (50%)

Industry: LAWYERS (78%)

Geographic: NEW JERSEY, USA (97%); UNITED STATES (95%)

Load-Date: October 29, 2016