

TRIBE FIGHTING FOR RECOGNITION

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Body

"And God be praised we had a good increase. ... Our harvest being gotten in, our governor sent four men on fowling, that so we might after a special manner rejoice together after we had gathered the fruit of our labors. They four in one day killed as much fowl as, with a little help beside, served the company almost a week. At which time, amongst other recreations, we exercised our arms, many of the Indians coming amongst us, and among the rest their greatest king Massasoit, with some ninety men, whom for three days we entertained and feasted, and they went out and killed five deer, which they brought to the plantation and bestowed on our governor, and upon the captain and others. And although it be not always so plentiful as it was at this time with us, yet by the goodness of God, we are so far from want that we often wish you partakers of our plenty."

Edward Winslow, "Mourt's Relation: A Journal of the Pilgrims at Plymouth"

AS WE PASSED around the cranberries - what the Lenni-Lenape tribe calls "ibimi," or sour berries, -- last week, the thoughts of many people turned to the original Thanksgiving. The above quote describes one of the few original descriptions of the Plymouth feast in 1621 that would become the model for our national holiday. From it, we can discern the warm sentiments between the Native Americans and the Pilgrims spawned by plenty.

For members of the Lenni-Lenape, that spirit of brotherhood is not being felt, as a result of state actions that have cost members of the tribal nation hundreds of thousands of dollars.

A lawsuit filed in July by members of the Nanticoke Lenni-Lenape Tribal Nation against the State of New Jersey alleges that the Christie administration is denying the tribe's members civil rights by withdrawing recognition of the tribe. The Christie administration's rescinding of this status was the subject of a panel discussion sponsored by the anthropology, history and religion departments in the College of Humanities and Social Sciences at Montclair State University last week. Panelists included Mark Gould, principal chief and tribal chairman of the Nanticoke Lenni-Lenape Tribal Nation; the Rev. Dr. John Norwood, Nanticoke Lenni-Lenape chief justice, and Greg Werkheiser, of Cultural Heritage Partners. The state Attorney General's Office was invited but did not participate.

According to Werkheiser, the Lenni-Lenape do not have federal tribal status, but in 1982, Senate Resolution No. 73 granted the tribe official recognition from the State of New Jersey. This status was reaffirmed with the tribe's inclusion on the New Jersey State Commission on American Indian Affairs. The tribe also cited numerous instances in which successive governors of both political parties, including Govs. Jim Florio, Christie Whitman and Jon Corzine, interacted with the tribe as a recognized tribal entity.

Sarah Curtis

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So what's the deal?

Werkheiser explained that, in 2001, when the federal government inquired of the state's Commission on Native American Affairs as to how many tribes existed in New Jersey (there are three), the state's Division of Gaming Enforcement, which has no authority in such matters, intercepted the inquiry and responded "none."

That response was treated as an anomaly by the federal government and by most state agencies, until it was resurrected recently by acting Attorney General John Jay Hoffman, setting the tribal nation in battle against the state bureaucracy.

A Christie administration spokesman said that he would look into the issue, but as best I can determine, this is a political maneuver designed to prevent a Native American tribe from entering into casino gaming in New Jersey.

But there are just so many flaws with the state's reasoning that its motivations simply don't make sense.

First, the Lenni-Lenape have been around a lot longer than Donald Trump, and if they were going to open a casino, they likely would have done so during the halcyon days of casino profits, rather than now. But more importantly, the Lenni-Lenape Nation, according to the suit, is "deeply and publicly opposed to casino gaming. Its opposition is written into governing documents, flows from the nation's members religious beliefs and has been repeatedly conveyed to the state."

State recognition has nothing to do with a tribal entity being afforded the ability to operate a casino. All tribes operating casinos must have federal recognition.

So what does state recognition matter?

A lot, to the members of the Lenni-Lenape Nation.

Norwood explained during the panel that unlike other groups for whom set-asides are available, Native Americans are unique in that they must be members of a recognized tribe in order to partake of those benefits.

Case in point: Two college student members of the nation have seen their college scholarships - valued at a total of \$50,000 -- pulled because the students are no longer members of a recognized tribe.

Artists hurting

Artists within the tribe are also suffering. Having tribal status also allows the Lenape to label arts and crafts they produce "American Indian made," generating about \$260,000 each year for members who sell their goods to galleries, museums and private individuals. These include about 40 professional artists who rely on the label in selling headdresses, beadwork, walking sticks, drums and pottery they produce, without which their product is seriously devalued.

Members of the tribe are also losing \$650,000 per year in tribal employment, awarded because their company, NLT Enterprises, has secured contracts based on the Tribal Nation's status.

And members - many of whom are elderly and suffer from diabetes - are being denied \$600,000 in federal Department of Health and Human Services funds. In describing the life of members of the tribe, Gould commented, "These people that I work with have been hurt so bad, it's tough to recover."

There is some thought that the state's motivation came about because a group, calling itself the "Unalachtigo Band of the Nanticoke Lenni-Lenape Nation" (now called the "Brotherton Delaware Nation of Indians"), is a group that advocates gaming, and who some think would seek to open a casino. But the Nanticoke Lenni-Lenape tribal government has absolutely no connection to the group. Indeed, tribal materials include a disclaimer stating that they are not affiliated in any way with the "Unalachtigo Band" or "Brotherton Delaware Nation of Indians."

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If a purported connection is the root of the Christie administration's decision to terminate the Lenni-Lenape Tribal Nation's status, that mistake must be rectified and the lawsuit settled. In the meantime, the court should offer the nation injunctive relief and enable the members of the tribe to enjoy the benefits of tribal status as they have for the past 30 years.

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