

Pequot Tribe Trust Lands and the Neighbors

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The following true story shows the effects of tribal trust lands on three small rural Connecticut towns.

Should the rich and powerful Mashantucket Pequots be allowed to expand their Connecticut reservation against their neighbor's wishes?

One Saturday morning in July 1993, Del Knight and Amy Willcox sat down to breakfast in their cozy colonial in Ledyard, Connecticut and opened the newspaper. That's when they saw the map. It encircled a large area in the small towns of Ledyard, Preston, and North Stonington. The story explained that the Mashantucket Pequot tribe had offered the three towns \$15 million – \$1 million a year each, for five years – if they would not oppose the tribe's plans to buy land and annex it to their reservation. The Pequots' territorial prospectus took in almost 9,000 acres: 5,000 in North Stonington (14 percent of the town's total acreage); 3,000 acres in Ledyard (12 percent of the town); and 900 acres in Preston (5 percent of the town).

"We were shocked," remembers Willcox. "There were 800 homes on it, including ours. It was like a bolt of lightning."

"It wasn't just the map," adds Knight. "It was 'What's annexation?'"

A few wooded miles away, the map also ruined breakfast for the Wadeckis and the Ricciolis. "This whole street was on their wish list," remembers Janice Riccioli.

"I was so depressed," says Sharon Wadecki "It was like somebody else was deciding my destiny."

On that Saturday morning these three couples didn't yet know each other. Until the map, their political activism had started and ended at the voting booth. But the map incited and connected them. They began attending town meetings and found common cause with other worried residents.

They also began researching federal Indian policy and the concept of annexation, "The more we looked into it" says Knight. "the more we thought, No, this can't be true." Knight heard about a lawyer, an expert on these issues, and flew to Washington DC to question him. Stunned by what he heard, Knight went over to the office of Connecticut's Senator Joseph Lieberman, looking for reassurance. "They had no concept," he says. "They said, 'Things can't be that way.' I felt very much alone after that."

Annexation occupies a niche within the ambiguity that is at the heart of federal Indian policy. On one hand, federally recognized tribes are considered "sovereign nations" with the power to govern themselves beyond the jurisdiction of many state, local, and federal laws. On the other hand, they are under the guardianship of the federal government, which holds their reservations "in trust."

A tribe seeking to expand its reservation can buy land and ask the federal government, through the Bureau of Indian Affairs (BIA), to take the land into trust for them: that is, to annex it to their reservation. Congress designed this process in 1934 as a way to help tribes preserve their cultures and develop self-sufficiency. The law enacted by Congress was intended to assist poor tribes in the sparsely populated expanses of the West. The law didn't foresee tribes annexing land in highly settled exurbia, didn't foresee Indian casinos, didn't foresee billionaire tribes like the Mashantucket Pequots.

Once the federal government takes property into trust for a tribe, that land becomes Indian country – sovereign territory. It disappears from the local tax rolls and slips away from most state and local controls, including regulations about zoning, traffic, and the environment.

So when the Pequots proposed to buy and then annex large chunks of three small rural towns, people panicked. How would the towns survive if they lost a big piece of their tax base? What would this wealthy sovereign nation build to go along with its casino and high-stakes bingo hall? More casinos? High-rise hotels and resorts? A gigantic theme park? It was bad enough already, they said. Their once-sleepy roads were now frantic with traffic heading to the casino, which rears up, an alien turquoise-roofed megalith, in the midst of rural fields.

The Wadeckis kept their up stairs shades pulled so they wouldn't have to see it. They didn't want a mini-Atlantic City sprawling across their pastoral landscape. They didn't want to lose their tranquility.

The Pequots, of course, had lost all those things and more in the centuries after European settlement (see below). The history of their abuse no doubt fires them to this day and doubles their satisfaction at success. It's almost possible to hear the gods chuckling that turnabout is fair play.

In the 1970s, when just a handful of Mashantuckets lived in trailers on the state reservation in Ledyard with their leader Richard "Skip" Hayward, the tribe filed liens on many local properties, citing broken treaties. Homeowners couldn't sell; property values fell. During those same years, the tribe sought federal recognition, which confers sovereignty, but was rejected several times by the BIA.

To resolve both issues, Connecticut senators Lowell Weicker and Christopher Dodd pushed a "Settlement Act" through Congress in 1983 that gave the tribe federal recognition, a 1,200-acre reservation in Ledyard, a contiguous 1,000-acre "settlement area" that the tribe could buy and annex to the reservation as the properties became available, and \$900,000. In return the Mashantuckets promised to drop all present and future land claims. Or that's what everyone thought they promised, but the tribe knew from history that treaties can be broken by the rich and powerful.

Their first move passed almost unnoticed in January 1993, seven months before the map appeared. The Pequots asked the BIA for permission to annex a new 247-acre parcel in Ledyard and North Stonington along Route 2. Two months later, while the BIA was still considering the 247-acre request, the tribe asked permission to annex another recent purchase called Lake of Isles – 1,200 acres, mostly in North Stonington. Sensing an alarming trend, a group in North Stonington met around Madeline Jefferey's kitchen table. They named themselves Residents Against Annexation (RAA) and announced an April rally. Four hundred residents attended. Afterward, they ate a symbolic cake decorated with a map of North Stonington. As the cake disappeared, so did the town, swallowed piece by piece.

In July, the tribe submitted its \$15 million offer to the towns, with the notorious map. The simmering pot boiled over. Fred Riccioli remembers the Ledyard town meeting that considered the tribe's multimillion-dollar offer. "People were shouting, 'No! No!'" he says. "The mayor was flabbergasted. He said, 'You mean you want me to hire lawyers?' And every one shouted, 'Yes!'"

In mid-September, 900 people from the three towns crowded into Ledyard High School to hear Ada Deer, then Assistant Secretary for Indian Affairs. The residents assumed that their concerns finally would be heard and weighed. But Deer informed them that though she would listen, nothing anyone said would affect the decision about annexation.

"It was just a dog and pony show," says Willcox. "That's when I realized that the BIA didn't care what we thought and was going to make decisions in Washington without any consideration for the people in this area."

In the weeks before the Ada Deer meeting, Knight, Willcox, the Wadeckis, the Ricciolis, and other former strangers and in different citizens had transformed themselves into political operatives. They started an RAA group in Ledyard. A man name Larry Greene started one in Preston. Each group had hundreds of members, but as in most grassroots organizations, a dozen people in each town did most of the work. These core people began sharing strategic and information. They met constantly stuffed mailboxes, donated money, wrote letters to officials. They nailed up signs, 250 of them just in Ledyard, that shouted their battle cry: "No Annexation! Not One Acre!" When opponents tore them down, they nailed them up again, higher.

The RAA groups met weekly and phoned each other constantly. "Annexation became the topic every night and all weekend," says Willcox. The Ledyard group, in particular, represented an unlikely alliance. The core members range in age from their thirties to their seventies and were single, married, working retired. The Ricciolis live in a large Colonial, Cindy Brewster in a small ranch. The Ricciolis are emphatic Republicans, Gerald Drury and Martha Goldman liberal Democrats. Knight is research investigator for Pfizer, Goldman a therapist, Drury a retired electrical engineer, Sharon Wadecki an accountant.

Most of them had lived in Ledyard for 15 or 20 years but Knight and Willcox hadn't arrived until 1990.

Most had come to Ledyard for its rural charm, a quiet place that seemed to require little from its citizens beyond regular tax payments. Before the map, most of them had tended to keep to themselves, content to let others run things. "I'd always been one who sat back and thought, 'Somebody else must be interested in that,'" says Knight. "For the first 51 years of my life," says Drury, 56, "I never wrote a letter to the editor, never went to a public meeting, or spoke at a public meeting." Now all of them have public voices, political savvy, and boxes and file cabinets stuffed with news clips, pamphlets, and research notes.

If not for the threat of annexation, these people might never have ventured outside their comfortable private lives and connected to their community and to each other, much less formed durable friendships. "Some of our best friends are here now," says Knight. "If I needed help, I'd call one of those people from the group, because I know I can trust them and I know how hard they work. But in other ways we're very different."

By early fall they had collected enough signatures to demand referendums on annexation in November 1993. "I've never seen so many cars in town," says Sharon Wadecki, recalling the turnout for the referendum. The message was clear; 73 percent of the voters in North Stonington, 78 percent in Preston, and 84 percent in Ledyard ordered their town officials to oppose tribal annexation and forbade them even to discuss the subject with tribal representatives.

That same month, town officials and the tribe had agreed to meet regularly with a professional mediation group. Because of the referenda, annexation was not supposed to be on the table.

Meanwhile the tribe continued to buy property. In Ledyard, almost every home-owner on Jessica Lane sold to the tribe. Most people on exclusive Coachman Pike sold their houses to tribal members, On Fanning Road, all of the Wadeckis' neighbors sold to the Pequots except for one other family. Property values fell near the reservation. "Our house is now worth far less than when we bought it, not to mention what we've added to it," says Sharon Wadecki.

"If you're close to the reservation, on impacted roads," adds Del Knight, "you'll have only one buyer, the tribe.

In September 1994, the mediation talks crumbled. The tribe immediately raised the stakes, asking the BIA to approve 5,000 acres for annexation. One piece of the rejected mediation proposal was leaked to the press. It revealed that town officials evidently had agreed not to oppose the tribe's plans in return for various concessions. Residents were outraged. Didn't the overwhelming referenda matter at all?

The sense that their elected representatives have betrayed and ignored them is a bitter refrain in conversations with Knight, the Ricciolis, and other residents of the three towns. Most people blame this official deafness on the influence of money. Since opening in February 1992, the Pequots' casino, Foxwoods, has been wildly successful, never closing for a single minute. Within a few years, it became the biggest and most profitable casino in the world, with estimated annual gross revenues of \$1 billion. The Pequots are the nation's richest tribe, able to afford anything they want, including the nation's best lobbyists and lawyers.

At the beginning, people laughed at the RAA groups for taking on not just Goliath but Goliath's whole clan. The U.S. Department of the Interior and its secretary, Bruce Babbitt, line up with the tribe. A recent Senate investigation suggested a link between the Pequots' extreme generosity to the Democratic National Committee more than \$800,000 in donations and Babbitt's favorable attention. The tribe denies that their donations give them any extra pull in Washington.

The residents haven't found much solace at the state level, either. When the tribe first proposed a casino, Lowell Weicker was Connecticut's governor. Weicker dropped his initial opposition and cut a deal: The Pequots would give the state 25 percent of the gross revenues generated from machine games. Weicker never asked the three small towns around the reservation for their input or approval. During the gubernatorial campaign of 1994, the Knights, Wadeckis, and Ricciolis listened to candidate John Rowland assure the three towns that he opposed annexation. Once Rowland entered office, however, he began wondering aloud how anyone could oppose a casino that swelled the state's coffers by \$150 million a year.

Weicker's deal remains popular with the Connecticut General Assembly. Ledyard, Preston, and North Stonington bear the brunt of the casino's impact in terms of increased traffic, increased emergency calls, increased crime, and increased administrative hours spent on tribal affairs, along with a decrease in that nebulous yet important category called "quality of life." Yet the three towns together receive \$1,788,580 – less than one percent of the \$235 million that the state receives in slots revenues from the Pequots and Mohegans. More than 99 percent goes to places that never feel the casino's side effects. So why should legislators in Hartford mind if the Pequots expand their gambling empire, since it means more hassle-free money for their districts?

Some legislators have even chided the three towns for complaining. After all, hasn't the casino created 10,000 jobs, reviving a region depressed by the collapse of the defense industry in the late 1980s? The residents don't deny this, but point out that those industries paid high wages and hefty local taxes, were subject to local planning and zoning regulations, and did not cause the human misery that is a direct by-product of gambling – bankruptcy, divorce, and crime. They add that many of the casino's employees don't live or pay taxes in the three towns and that so far the peripheral benefits have been small. "What did we get out of it in North Stonington?" asks Madeline Jefferey dryly. "A doughnut shop, a pawn shop, and a massage parlor."

Among the state's Congressional delegation, Senator Christopher Dodd has straddled the fence on annexation. He once remarked that Congress should not "inject itself" into the issue – even though Congress had passed the 1934 act that made annexation possible, the 1988 act that legalized Indian casinos and the 1983 act (which Dodd co-sponsored) that supposedly settled all Pequot land claims. As chairman of the Democratic National Committee, Dodd welcomed the tribe's injections of cash and didn't object when the Pequots insisted that the minor-league baseball stadium in Norwich be named after his father, Thomas Dodd.

Congressman Sam Gejdensen, whose district includes the three towns and the Pequot reservation, receives more money from Indian tribes (\$12,500) than any other member of Congress except Senator Daniel Inouye, according to a report released last summer. Opponents of annexation say they have gotten no help from Gejdensen and never fail to mention that in a meeting at his office he once referred to them as "settlers."

The exceptions have been Connecticut attorney general Richard Blumenthal, the residents' chief ally, and Senator Joseph Lieberman. After listening to the residents and looking into federal policy, Lieberman proposed eliminating the right of wealthy tribes to annex land, which he called "welfare for the rich." The Pequots called Lieberman's bill "blatantly anti-Indian." Responded Lieberman, "Tribes like the Pequots have reached the point where land annexation is not about preserving a culture or achieving self-sufficiency. It is about expansion of an already successful business in a way that harms their neighbors."

In the early days of the fight over annexation, the tribe and its supporters some times called their opponents racists, and outsiders voiced the same suspicion. Knight and his neighbors carefully insist that their quarrel is with the federal government and its Indian policies, not the tribe. The charge of racism stings them. Fred and Janice Riccioli remember being called racists by a fellow member of their church. Gerald Drury, who writes passionate letters about annexation to the local newspapers, also cringes at the word. A lifelong liberal Democrat, he supports programs for minorities and believes the government should help all poor people, including poor Indians. But for him, annexation is unrelated to race and equal opportunity: "It's this disgusting abandonment by our state and national representatives and the way the federal government has turned this tribe into arrogant millionaires who don't care any thing about the town."

A large part of the problem, according to the opponents of annexation, is that the tribe doesn't seem to think of the towns as neighbors. They say tribal members don't participate in the life of the community. (The tribe, through a spokesman, declined to answer any but factual questions for this article.) Madeline Jefferey has lived in North Stonington for nearly 30 years and has never met a tribal member. "They don't come to 'Meet the Candidates' meetings, or to board of education meetings, or any thing like that," says Del Knight. "They don't know us, and we don't know them. We interact with tribal attorneys, not tribal members. That's our vision of the tribe."

In early 1995, the Tribe broke ground on a \$400 million expansion that would double the size of the casino and include a 17-story hotel and convention center (non sovereign enterprises are limited to three stories in Ledyard), more gaming tables and slot machines, and several thousand more parking spaces. Citing sovereignty, the Pequots shrugged off a state law that requires a traffic permit for such large-scale construction. Consultants paid by the tribe announced that traffic along routes 214 and 117 near the reservation would be nearly the same with or without the casino.

Residents called that absurd. Everyone has stories about the traffic. Ever since the casino opened, people who live on Route 2, the two-lane road that leads to the casino, often can't get out their driveways. In 1988, when the tribe opened its high-stakes bingo hall, the traffic on Route 2 near the reservation averaged 7,800 cars per day. By 1996 that number was 27,200 per day – an increase of 349 percent.

North Stonington used to be a sleepy one-light town. "We never saw a taxi or a limo here," says Madeline Jefferey. "Now there are numerous lights up and down Route 2, but without them we couldn't get from one side of town to the other anymore."

It's not just the increased volume that concerns residents, but the dispositions of the drivers. "People get free liquor at the casino," says Jefferey, "and they are angry and frustrated from losing money, and then they are on the roads where we drive."

About 50,000 people visit the casino every day, more than the combined populations of the three towns. By late 1997 more than a million people had visited Foxwoods by bus alone. As cars and buses with out-of-state plates began clogging the main arteries near the casino, the towns' residents and the casino's 10,000 employees learned to avoid the worst traffic by taking back roads. "Formerly rural roads are now carrying urban levels of traffic that they weren't meant to handle," says Ledyard's town planner, William Haase. "The corollary is that when you have increased volumes of traffic, you have an increased number of accidents."

Ledyard's volunteer ambulance corps and fire department handled so many calls that the unpaid workers burned out. Paid, full-time firefighters now do most of the responding, and the ambulance service is no longer free. In 1991, before the casino opened, Ledyard police responded to 4,000 911 calls off the reservation (crime at the casino itself is handled by the state police); in fiscal year 1995-1996, that jumped to 16,700. The police force has increased from 14 to 19 and still feels strained. Neither the state nor the federal government contributes toward, or even acknowledges, these extra expenses, which don't include less visible costs such as road and bridge maintenance or wear and tear on equipment.

Gerald Drury, a retired engineer, has lived in a modest colonial on Route 214 for nearly 20 years. Like most roads in the three towns, 214 is narrow and winding, a country road with widely spaced homes. Drury likes to get up early and pad across 214 to fetch his newspaper from the box. But these days he stays alert while doing so. "Even at 6:00 on a Sunday morning I have to be careful," he says. "I almost got into a fist fight with a taxi driver one morning when I yelled at him to slow down."

Since 1988, traffic on Route 214 has jumped to 5,400 vehicles a day, an increase of 350 percent. The reason: 214 has become a feeder route to the casino, less than a mile down the road from Drury's home. The U.S. Postal Service has allowed people on Drury's side of the road to move their mailboxes so they don't have to dodge speeding cars to get their bills.

In May 1995, Secretary of the Interior Babbitt approved the 247 acres for annexation. The tribe reportedly promised not to develop the land without environmental review and to reimburse the towns for the lost property taxes. But the old tax rate applied to empty land, not developed property that would generate income for the tribe and expenses for the towns. Nor was it clear that the federal government could force the sovereign Pequots to keep their promises about fees and environmental review.

These fears were partially confirmed two days after Babbitt's decision. Along with the application for annexation, the tribe had been required to submit an Environmental Assessment (EA), a far less rigorous review than the Environmental Impact Statement (EIS) suggested by the towns and the U. S. Environmental Protection Agency. EAs generally are acceptable only for small projects with little potential impact. The tribe's plans for the 247 acres included a multistory garage, a visitor center, hotels, shops, and a golf course. But if the BIA asked the tribe to do an EIS, jurisdiction would pass from the Department of the Interior to the EPA, which would insist on a more stringent environmental analysis. The BIA kept the EPA out of the loop by approving the tribe's environmental plan unreservedly, with what's called a FONSI – a "Finding of No Significant Impact." It was signed by Ada Deer, who wrote that the annexation "would not affect the quality of the human environment."

The towns roared with anger. They and Connecticut's attorney general Richard Blumenthal immediately filed suits against the Department of the Interior to block the annexation. These suits eventually merged. In July 1995, a federal judge halted the annexation until the case could be heard.

That November, the towns' residents voted out all of their top elected officials – the mayor of Ledyard and the first select men of Preston and North Stonington – largely because of the suspicion that they had been willing to compromise with the tribe on annexation. Sharon Wadecki and Cindy Brewster, two founders of Ledyard's RAA and newcomers to politics, won seats on the town council.

In May 1996, despite the court injunction, Ada Deer told the tribe they could take the property into trust (now 165 acres instead of 247, because of irregularities in the initial application). "We feel that the tribe has tried to cooperate with the non Indian communities," wrote Deer, "and that we should consider the benefits to the tribe." The federal judge reviewing the case quickly quashed her order.

Meantime, the Mashantucket Pequots were buying bigger lots as well as individual houses. By 1996 the tribe had passed Dow Chemical to become the biggest tax payer in Ledyard, with land and personal property outside the reservation valued at \$30.9 million. The tribe also became the highest taxpayer in North Stonington.

In July 1997, the tribe opened its new hotel and casino complex, and also announced plans to lease 200 acres of land in North Stonington to Six Flags for a huge amusement park. Madeline Jefferey and others quickly formed another grassroots group, "This Is Not a Done Deal," and scared off Six Flags.

Later that summer, less than a year after opening their own casino, another southeastern Connecticut tribe, the Mohegans, announced a \$450 million expansion. The Eastern Pequots, a different branch of the tribe with a 230-acre state reservation in North Stonington, are next on the BIA's list to be considered for federal recognition. The Eastern Pequots haven't revealed how they will put their tax-free sovereignty to work, if granted, but have mentioned a third casino as a possibility and have already been approached by investors.

More changes are coming to this corner of Connecticut. The question is, who will control them? The people in the towns near the casinos think they should have a say in how their communities change. They are pinning their hopes on the annexation case, which was heard last November in Hartford's federal court. After listening to the federal attorneys, the judge remarked, "The tribe has not explained in any meaningful way the need to take this land into trust." The government's lawyers countered that the tribe needed the land for a parking lot and to provide a "land base for future generations." When the judge asked at what point the Interior Department would stop approving the Pequots' requests for annexation, the federal lawyer replied, "Prior to the acquisition of the entire eastern part of Connecticut."

The tribe no doubt wants to pass land along to the next generation. But non Indians have been doing that for generations without removing their land from the tax rolls and avoiding local regulations. The residents who oppose annexation don't see reverence for ancestral streams and woods in the Pequots' quest for a bigger reservation. They see simple greed, a rich tribe using a flawed federal policy to get richer.

And the Pequots aren't the only ones with claims on the land. For the residents, too, it is heavy with personal history and memory. "What about our grandchildren?" asks Janice Riccioli. "Our two kids live here. Our grandchildren visit us here."

The Drurys brought up two boys at their house in Ledyard. "I used to take them to visit their grandparents in Pawtucket, where I grew up," says Gerald, "and it would be nice if my boys could bring their kids to visit us where they grew up."

"People come here partly because they like rural New England charm – stone walls, rambling roads," says Amy Willcox. "But the tribe's vision for this area has no connection to New England. It's just a money-making machine that could be anywhere. If they turn us into the Orlando of the Northeast, it will be like that old Joni Mitchell song: 'Don't it always seem to go, that you don't know what you've got till it's gone – they've paved paradise, put up a parking lot.'"

"We have very strong feelings about our town," says Madeline Jefferey, who raised a family in North Stonington. her home for nearly 30 years. "We're going to fight to hold on to what has meaning for us."