

VETO—S. 366

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 366, A BILL TO SETTLE CLAIMS
OF THE MASHANTUCKET BAND OF THE WESTERN PEQUOT
INDIAN TRIBE TO APPROXIMATELY 800 ACRES OF LAND IN
THE TOWN OF LEDYARD, CONN.



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To the Senate :

I am returning, without my approval, S. 366, the "Mashantucket Pequot Indian Claims Settlement Act."

This bill would settle claims of the Mashantucket Band of the Western Pequot Indian Tribe to approximately 800 acres of land in the town of Ledyard, Connecticut. In settling the claims, the legislation would generally: (1) extinguish any aboriginal title and any tribal claims for damages or possession of the land and natural resources; (2) establish a \$900,000 Federal claims settlement fund to compensate the Indians for extinguishment of the claims; and (3) extend Federal recognition, with all attendant benefits and services, to the Western Pequot Indian Tribe.

The claim that would be settled by this bill is not against the Federal Government, but against the State of Connecticut, which sold the Indian land, and against the present owners of the lands concerned. However, the costs of the settlement provided in this bill would be borne almost entirely by the Federal Government.

Given the concerted effort that has already been made to develop a mutually satisfactory settlement for the Western Pequot's land claims, I agree that the most desirable approach to resolution and extinguishment of these claims is through agreements negotiated among the parties concerned and ultimately ratified by the Federal Government. However, this process must recognize certain principles if equity and fairness to all parties are to be achieved. Unfortunately, I find S. 366 violates several of these principles.

First, even if Federal participation in this settlement is warranted, sufficient information does not exist to determine the validity of the claim or the appropriateness of the proposed \$900,000 settlement. This settlement is not based on the formula for Eastern Indian land claims settlements supported by my Administration. The Administration formula is based on the difference between land value and compensation received at the time of the land transfer (in this case 1855), plus interest. If the type of valuation for land claims settlements contemplated by this bill were applied across the board to all potential claims of this nature, it could require payment by the taxpayers of billions of dollars.

Second, S. 366 provides for an unacceptably low level of State contribution to the settlement—only 20 acres of State land with an estimated value of about \$50,000. The Administration has urged that an affected State should pay for at least one-half of settlement costs in claims such as this, which are not against the Federal Government but against the State and private parties who would be the primary beneficiaries of any settlement.

Finally, the Tribe may not meet the standard requirements for Federal recognition or services that are required of other tribes. The Federal Government has never entered into treaties with this Tribe, and the Bureau of Indian Affairs has never provided services to them

or exercised jurisdiction over any Indian lands in Connecticut. The government-to-government relationship between the Western Pequot Tribe and the Federal Government that would be established by this bill is not warranted at this time, pending further study by Interior. Extending Federal recognition to the Tribe would bypass the Department of the Interior's administrative procedures that apply a consistent set of eligibility standards in determining whether or not Federal recognition should be extended to Indian groups.

I am convinced that a satisfactory resolution of the Western Pequot's land claims can be achieved. However, this will require (1) verification of the claim, including the amount of any monetary settlement based on the formula I have outlined above, (2) completion by Interior of its administrative procedure for determining whether or not Federal recognition of the Tribe is appropriate, and (3) payment by the State of Connecticut of at least one-half of any settlement costs.

I am directing the Secretary of the Interior to enter negotiations with the parties at interest in this case to determine an acceptable settlement, consistent with the Administration's principles, and report his recommendations to me and to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *April 5, 1983.*