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**(4) Proposed Finding Documents**

**- March 24, 2000**



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240



IN REPLY REFER TO:  
Tribal Services - AR  
MS 4660-MIB

MAR 24 2000

Ms. Mary Sebastian  
P.O. Box 208  
North Stonington, Connecticut 06359

Dear Ms. Sebastian:

The petition of the Eastern Pequot Indians of Connecticut for Federal acknowledgment as an Indian tribe has been reviewed under *Code of Federal Regulations*, Title 25, Part 83, "Procedures for Establishing That An American Indian Tribe Exists as An Indian Tribe" (25 CFR Part 83). Based on available evidence, the Assistant Secretary - Indian Affairs (AS-IA) is proposing to determine that the Eastern Pequot Indians of Connecticut do exist as an Indian tribe within the meaning of Federal law.


Enclosed please find copies of the notice to be published in the Federal Register and the summary under the criteria. The approved notice will be published in the Federal Register. Upon publication of the notice of the proposed finding, you or any individual or organization wishing to challenge or support the proposed finding shall have 180 days to submit arguments and evidence to the AS-IA to rebut or support the proposed finding. Interested and informed parties who submit arguments or evidence to the AS-IA must provide copies of their submissions to the petitioner.

During the comment period, the AS-IA shall provide technical advice concerning the factual basis for the proposed finding, the reasoning used in preparing it, and suggestions regarding the preparation of materials in response to the proposed finding. The AS-IA shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law.

In addition, the AS-IA shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the AS-IA in reaching a final determination. A copy of the guidelines concerning formal meetings is enclosed.

Should you have any questions, please do not hesitate to contact the Bureau of Indian Affairs,  
Branch of Acknowledgment and Research, 1849 C Street, N.W., MS 4660-MIB, Washington,  
D.C. 20240 or call (202) 208-3592.

Sincerely,



**ACTING** Director, Office of Tribal Services

Enclosures: Approved Notice of Proposed Finding for Federal Register  
Summary under the Criteria  
Formal Meeting Guidelines

cc: Interested and Informed parties





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**Informed Parties**

Mr. Warren Farrar, Jr.  
95 Stanavage Road  
Colchester, Connecticut 06415-2032

Mr. Larry Pleasant  
16 Old Village Road  
Bloomfield, Connecticut 06002

Mr. Joseph P. Soares  
P.O. Box 1148  
Hope Valley, Rhode Island 02832

Ms. Lolita C. Baldor  
Washington Bureau  
New Haven Register  
40 Sargent Drive  
New Haven, Connecticut 06511-5918

Revised 03/24/2000



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**BUREAU OF INDIAN AFFAIRS  
FOR IMMEDIATE RELEASE  
March 24, 1999**

**CONTACT: Nedra Darling  
202-208-3710**

## **PROPOSED FINDING ON THE RECOGNITION OF THE EASTERN PEQUOT AND PAUCATUCK EASTERN PEQUOT**

The Assistant Secretary - Indian Affairs, Kevin Gover, today issued two proposed positive findings concerning petitions for Federal acknowledgment from the Eastern Pequot Indians and the Paucatuck Eastern Pequot Indians, both groups are headquartered in North Stonington, Connecticut.

Both petitioners meet the seven criteria for Federal acknowledgment under the federal regulations. (25 CFR Part 83) The positive proposed finding states that both petitioners are, singly and together, the continuation of a historically state-recognized tribe whose relationship with the State of Connecticut goes back to the early 1600's.

- The historical Eastern Pequot tribe has maintained a continuous historical government-to-government relationship with the State of Connecticut since colonial times;
- The historical Eastern Pequot tribe had a state reservation established in colonial times, and has retained its land area to the present;
- The historical Eastern Pequot tribe had members enumerated specifically as tribal members on the Federal Census, Special Indian Population Schedules, for 1900 and 1910.

The modern conflicts between the two have focused on their relationship with the State of Connecticut. The Eastern Pequot Indians of Connecticut have taken the position that there is only one tribe, but the Paucatuck Eastern Pequot Indians of Connecticut have taken the position that the ancestors of the other petitioner were not of Eastern Pequot ancestry and were never part of the tribe. The Department found that there was not sufficient information in the record to determine that there is only one tribe with two political factions.

The proposed positive findings for both petitioners do not prevent the Department, in the final determination stage, from recognizing a combined entity, or both petitioners, or either one of the current petitioners but not the other, or neither of the current petitioners, depending upon the evidence developed during the comment periods.

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These are proposed findings based on available evidence. The next stage is a 180-day comment period during which petitioners and third parties may submit additional evidence and analysis. In addition to evidence and argument on the proposed findings in general, petitioners and interested parties, and informed parties may submit comments as to the Secretary's authority, under the circumstances of recent separation of the two petitioners, to acknowledge two tribes or only one tribe which encompasses them both as the continuation of the historic tribe. At the end of the 180 days, each petitioner will have 60 days in which to respond to comments from the other petitioner and third parties. The final determination will be based on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**PROPOSED FINDING FOR FEDERAL ACKNOWLEDGMENT OF THE EASTERN PEQUOT INDIANS OF CONNECTICUT**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

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**SUMMARY:** Pursuant to 25 CFR 83.10(h), notice is hereby given that the Assistant Secretary - Indian Affairs proposes to determine that the Eastern Pequot Indians of Connecticut, Holly Green Plaza Unit 2A East, 391 Norwich Westerly Road, PO Box 208, North Stonington, Connecticut 06359, c/o Ms. Mary E. Sebastian, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the historical Eastern Pequot tribe satisfies criteria 83(b) and 83.7(c) through 1973 and that the petitioner satisfies the remainder of the criteria set forth in 25 CFR 83.7 and, therefore, meets the requirements for a government-to-government relationship with the United States. A specific finding concerning whether one tribe or two tribes, as successors to the historical Eastern Pequot tribe, have occupied the reservation since 1973 will be made as part of the final determination, after receipt of comment on this proposed finding.

**DATES:** As provided by 25 CFR 83.10(i), any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 180 calendar days from the date of publication of this notice. As stated in the regulations, 25 CFR 83.10(i), interested and informed parties who submit arguments and evidence to the Assistant Secretary must also provide copies of their submissions to the petitioner.

**ADDRESSES:** Comments on the proposed finding and/or requests for a copy of the report of the summary evaluation of the evidence should be addressed to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research. Mail Stop 4660-MIB.

**FOR FURTHER INFORMATION CONTACT:** R. Lee Fleming, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs by 209 DM 8.

*Introduction*

The Eastern Pequot Indians of Connecticut submitted a letter of intent to petition for Federal acknowledgment on June 28, 1978, and was assigned #35. Both the Eastern Pequot Indians of Connecticut and another petitioner, the Paucatuck Eastern Pequot Indians of Connecticut, assert descent and tribal continuity from the historical Eastern Pequot tribe. Both petitioners are derived from families which have been associated with the Lantern Hill reservation since the 19<sup>th</sup> century.

The Assistant Secretary - Indian Affairs (AS-IA) placed the Eastern Pequot Indians of Connecticut (EP, #35) petition on active consideration January 1, 1998. After consideration and notification of #35 and other petitioners on the "ready, waiting for active consideration" list, the AS-IA on April 2, 1998, waived the priority provisions of 25 CFR §83.10(d) in order to consider the petition of the Paucatuck Eastern Pequot Indians of Connecticut (Petitioner #113) simultaneously with the petition of the Eastern Pequot Indians of Connecticut (Petitioner #35). This waiver was made under the authority granted to the Secretary in 25 CFR §1.2, and delegated

to the Assistant Secretary in 290 DM 8.1, based on a finding that the waiver was in the best interest of the Indians.

This finding has been completed under the terms of the AS-IA's directive of February 7, 2000, published in the Federal Register on February 11, 2000 (65 FR 7052). Under the terms of the directive, this finding focuses on evaluating the specific conclusions and description of the group presented by the petitioner to show that it has met the seven mandatory criteria and maintained a tribal community up until the present. Because evaluation of this petition was begun under the previous internal procedures, this finding includes some analyses which go beyond evaluation of the specific positions of the petitioner. Consistent with the directive, draft technical reports, begun under previous internal procedures, were not finalized.

The evaluation of these petitions pertains to Indian groups which have had both continuous recognition by the State of Connecticut and continuous existence of a state reservation since the colonial period. These unique factors provide a defined thread of continuity through periods when other forms of documentation are sparse or do not pertain directly to a specific criterion. State recognition under these circumstances is more than the identification of an entity, because it reflects the existence of a tribe. The general body of evidence has been interpreted in the context of the tribe's relationship to the colony and state.

The Eastern Pequot and Paucatuck Eastern Pequot petitioners are the continuation of a historically state-recognized tribe whose relationship with the State of Connecticut goes back to the early 1600's, possessing a common reservation. Members of the tribe occupied a somewhat different status than non-Indians within Connecticut. This evidence provides a common backbone and consistent backdrop for interpreting the evidence of continued tribal existence. When weighed in combination with this historical and continuous existence, evidence on

community and political influence carries greater weight that would be the case under circumstances where there was no evidence of a longstanding relationship with the state based on being a distinct community. The greater weight is assigned for the following reasons in combination:

The historical Eastern Pequot tribe has maintained a continuous historical government-to-government relationship with the State of Connecticut since colonial times;

The historical Eastern Pequot tribe had a state reservation established in colonial times, and has retained its land area under the protection and administration of the state to the present;

The historical Eastern Pequot tribe had members enumerated specifically as tribal members on the Federal Census, Special Indian Population Schedules, for 1900 and 1910.

Past Federal acknowledgment decisions under 25 CFR Part 83 provide no precedents for dealing with a tribe which is presently state recognized with a state reservation and has been so continuously since early colonial times. The closest parallel is the Penobscot and Passamaquoddy Tribes of Maine. The Federal Government in the Passamaquoddy case stipulated to tribal existence, based on the historical state relationship (Joint Tribal Council of the Passamaquoddy Tribe v. Morton 528 F.2d 370 (1st Cir. 1975)). That precedent provides guidance in this matter. A different standard of tribal existence is not being applied here. Rather, the evidence, when weighed in the context of this continuous strong historical relationship, carries greater weight.

#### *Evaluation under the Criteria in 25 CFR 83.7*

Criterion 83.7(a) requires that the petitioner have been identified as an American Indian entity on a substantially continuous basis since 1900. The majority of the external identifications

specifically included the petitioner's direct or collateral ancestors as members of that entity. There were no external identifications of the entity as other than Indian or other than Eastern Pequot. From the 1970's through the present, almost no external identifications mentioned the existence of only one or the other of the two current petitioners. Almost every identification mentioned both and described them as rival groups within the context of the Lantern Hill reservation and the historical Eastern Pequot tribe.

In this case, identifications of the petitioner exist frequently and appear concurrently in multiple forms of evidence. Briefly, examples include Federal identifications on the Special Indian Population schedules of the 1900 and 1910 census, a 1934 Bureau of Indian Affairs report, and two reports in 1947 and 1948 published by the Government Printing Office; records generated by a continuous relationship with the State including overseer's reports, documents generated by the State Parks and Forests Commission, documents generated by the Office of the Commissioner of Welfare and Department of Environmental Protection, documents generated by the Connecticut Indian Affairs Council, and legislation pertaining to Connecticut's tribes; descriptions by anthropologists and other scholars; and numerous descriptive, feature-type newspaper articles from 1924 to the present. A significant example of identification of the Eastern Pequot was the June 9, 1933, order from the Superior Court of New London County, Connecticut, which defined the tribal membership and regulated residency on the Lantern Hill reservation (*In re Ledyard Tribe 1933*) (3/26/1938).

The combination of the various forms of evidence, taken in historical context, provides sufficient external identification of the Eastern Pequot as an American Indian entity from 1900 until the present, and of the petitioner as a group which has existed within that entity. Therefore, the petitioner meets criterion 83.7(a).

The evidence for 83.7(b) and 83.7(c) have been evaluated in the light of the essential requirement of the Federal acknowledgment regulations under 83.7 to show tribal continuity. Particular documents are evaluated by examination in the context of evidence of continuity of existence of community and political processes over time and descent from the historical tribe. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets a specific criterion at a certain date. Between first sustained contact and 1883 much of the specific evidence cited is evidence for both community and political influence. Under the regulations, evidence about historical political influence can be used as evidence to establish historical community (83.7(b)(1)(ix)) and vice versa (83.7(c)(1)(iv)). The evaluation is done in accord with the provision of the regulations provide that, "Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. . . . Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time." (83.6(e)).

This proposed finding and that being issued simultaneously for petitioner #113 conclude that both of the petitioners before the Department, the Eastern Pequot Indians of Connecticut (#35) and the Paucatuck Eastern Pequot Indians of Connecticut (#113), have evolved in recent times from the historical Eastern Pequot tribe which has existed continuously since first sustained contact with Europeans. Positive proposed findings to acknowledge both petitioners are therefore being issued. However, for the period from 1973 to the present, with regard to criteria 83.7(b) and 83.7(c), the Department finds that the petitioners and third parties have not

provided sufficient information and analysis to enable the Department to determine that there is only one tribe with political factions.

The acknowledgment regulations provide that: "A petitioner may be denied acknowledgment if the evidence available demonstrates that it does not meet one or more criteria. A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). The reason that this provision of the regulations is not now resulting in two proposed negative findings is that the major question currently remaining to be decided does not pertain to the availability of evidence that the petitioners meet the criteria, but to the nature of the potentially acknowledgeable entity for the period from 1973 to the present. Following an evaluation of evidence and argument submitted during the comment period, the Department, as part of the final determination, will complete the analysis from 1973 to the present under criteria 83.7(b) and (c).

There is no serious dispute as to the existence of the historical Pequot tribe at the time of first contact, so the proposed finding has discussed and analyzed early colonial developments only insofar as they provide context for the development of the current petitioners. The division of the historical Pequot tribe into the modern Eastern and Western groups stemmed from the establishment of separate reservations, in close (less than two miles from one another) geographic proximity, during the later 17<sup>th</sup> century. There is no question that the Eastern Pequot, or Lantern Hill reservation, purchased by the Colony of Connecticut for the use of the Pequots under the leadership of Mamoho in 1683, has continued to exist under Connecticut state supervision and jurisdiction, and to be inhabited, until the present day.

Criterion 83.7(b) requires that a predominant portion of the petitioning community comprise a distinct community and have existed as a community from historical times until the present.

Records of colony actions and actions of other tribes from first contact through 1637 clearly identify a distinct Pequot tribal body, which occupied a defined territory acted in concert in opposing or making alliances with other tribes and the English through the end of the Pequot War. Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural and political changes had occurred (Narragansett PF 1982, 1; Mohegan PF 1989, 2; Miami PF 1990, 3-4, 7-8), this is sufficient evidence to demonstrate that 83.7(b) is met for the undifferentiated historical Pequot tribe as a whole, predecessor group to the later historical Eastern Pequot tribe, for the period prior to 1637.

From 1638 through 1654, the records of the United Colonies referred to the Pequots frequently and specifically referred to the Pequots assigned to the custody of the Eastern Niantic sachem Ninigret. The Commissioners of the United Colonies removed them from Ninigret as a body in 1654 and assigned Harmon Garret as governor over that body in 1655. After the death of Harmon Garret, colonial authorities appointed Momoho as his successor over a specific, named, group, "Momohoe [*sic*] and the Pequots with him in those parts," which then undertook efforts to have a specific piece of land set aside for its use (Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 8n, 81-82 117n, 809). Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural changes had occurred, even after tribes had become politically subject to colonial authorities, the material cited is sufficient evidence to show that criterion 83.7(b) is met.

From the establishment of the Lantern Hill reservation in 1685 to the end of the Civil War, the documents show a continuous reservation community, with a distinct land base. There was an essentially continuous population, allowing for normal processes of inmarriage, out marriage, off-reservation work, and interaction with neighboring tribes.

Petitions in 1723 and 1749 reflected both the existence of an ongoing residential community of Eastern Pequot Indians on the Lantern Hill reservation and a broader community of off-reservation Eastern Pequot. Descriptions in 1749-1751 indicate specifically that the tribal affiliation of these individuals was recognized by the tribe itself. That off-reservation residency does not negate the existence of community has been established by precedent in prior findings (Narragansett PF 1982, 9; Gay Head PF 1985, 2).

Community in the late 18th and 19th centuries is shown by a variety of evidence. This included petitions from the group to the overseers, the consistency of membership in the tribe, descriptions of a distinct community at several points and other data which taken together show a distinct community which self-identified as Pequot. A portion of the group occupied the reservation continuously. Occupation of a distinct territory by a portion of a group provides evidence for community, even where it is not demonstrated that more than 50 percent of the total group resides thereon (Snoqualmie PF). By comparing a wide variety of documents, it does not appear that in the colonial and early Federal period the Eastern Pequot tribe, or its overseers, added to the membership lists any persons who were not qualified to be included and who were not accepted by the continuing tribal population. Documentation throughout this period contributes to a showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding

changes of name," whether they are called Momoho's band, or the Pequots at Stonington, or by other phrases.

From the end of the Civil War through the early 1880's, the overseers' reports were highly consistent in their listing of Eastern Pequot individuals associated with the Lantern Hill reservation. Consistency of membership by itself does not demonstrate community but provides supporting evidence when weighed together, as here, with other factors.

At a number of points from 1763 through 1883, the Eastern Pequot presented petitions to the state, indicating a coordinated group action. Because the community as a whole, throughout this period, had a residential focus on the reservation, and maintained a very high rate of intermarriage and patterned out marriage, particularly with the Western Pequot and with the Narragansett, the Eastern Pequot tribe meets criterion 83.7(b) for the period through 1883.

Additional evidence for community until the 1930's is found in the overseers' reports, although these were not available for the years between 1891 and 1910. The overseers were knowledgeable observers of the group, because of their interaction with it. Allegations by petitioner #113 and the third parties that the overseers were not knowledgeable, or were corrupt, were not sustained by the body of data in the record. Although their reports provide few details, they are premised, particularly the identification of who was and who was not a member, on knowledge that a social group existed.

The Eastern Pequot tribe as a whole, including the ancestors of petitioner #113 as well as petitioner #35, meets the requirements of criterion 83.7(b) between 1883 and 1920. Important evidence for this is the kinship based social ties which derive from the substantial number of marriages in existence in this time period which linked the several family lines. Between 1880 and 1920 the Pequot family lines were linked together both by extant marriages and by ties from

marriages in the preceding two generations. They formed a set of families linked by many different kinship ties. In addition, because marriages occurred between Eastern Pequot individuals who were not living in the same town, this provides evidence that social contact was being maintained, and was the basis for locating marriage partners. The documentation throughout the period from 1883 to the 1920's shows "The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes of name" evidence for community under 83.7(b)(1)(vii).

Supporting evidence to that based on kinship is the geographical concentration of much of the membership on or near the reservation at Lantern Hill. While not forming a distinct settlement, except for the small proportion living on the reservation, much of the membership was close enough that, consistent with past decisions, social interaction was easily possible. This geographical pattern thus supports more direct evidence of social ties.

The Eastern Pequot meet the requirements of criterion 83.7(b) for the time period between 1920 and 1940. There continued to be kinship based social ties which derived from the number of marriages in existence in this time period which linked the several family lines and from marriages in the previous generations. In this period also, that evidence is supplemented by the substantial number of marriages with neighboring tribes, particularly the Narragansett. These provide additional evidence that the group was part of the Indian society of the region.

Important additional evidence for community were the "Fourth Sunday" gatherings on the reservation. These were held regularly, and drew a substantial number of members, from different parts of the several family lines. They were both social and political gatherings, and were claimed as activities by both petitioners.

Supporting evidence to that based on kinship and the "Fourth Sunday" gatherings for this time period is that there continued to be a geographical concentration of much of the membership on or near the reservation at Lantern Hill. While not forming a distinct settlement, except for the small proportion living on the reservation, much of the membership was still close enough that, consistent with precedents of past decisions, social interaction was easily possible. This geographical pattern thus supports more direct evidence of social ties.

Additional evidence for community is found in the overseers' reports, which was useful evidence until 1936, when the overseer system ended, and to a lesser extent through the end of the 1930's, as the former overseer continued to act as agent for the State Park and Forests Commission. Although their reports provide few details, they are premised, particularly the identification of who was and who was not a member, on knowledge that a social group existed.

As evaluated under the standard articulated for a historical state recognized tribe, the petitioner meets criterion 83.7(b) from 1940 to 1973, based on the conclusion that there was a single community, including the Sebastians. Although there is evidence of divisions, there was not evidence to show whether and, if so, when, the historical tribe separated into two communities.

There is insufficient evidence in the record to enable the Department to determine that the petitioners formed a single tribe after 1973. The Department consequently makes no specific finding for the period 1973 to the present because there was not sufficient analysis and information provided by the petitioners or third parties to determine if there is only one tribe with political factions (see for example, *Paucatuck Eastern Pequot Indians of Connecticut et al. v. Connecticut Indian Affairs Council et al.* 555 A.2d 1003 (App. Ct. 1989), decided March 28, 1989, which describes each current petitioner as a "faction of the tribe"). This question reflects

in part the apparent recentness of the political alignments reflected in the petitioners after their formal organization in the early 1970's.

The historical Eastern Pequot tribe, which includes the petitioner as one of its component subgroups, meets criterion 83.7(b) through 1973. A specific finding concerning community from 1973 until the present will be presented in the final determination after receipt of comments from the petitioner and interested parties.

Criterion 83.7(c) requires that the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

Throughout its history, the context for administration of the Lantern Hill reservation has been set by the legislation passed by Connecticut and the administrative systems established by that legislation. The documents generated showed tribe's external relationships with the non-Indian administrative authorities, providing evidence that there was a political relationship between an Indian political entity and the non-Indian government, although they provided little information about internal political processes. These individual political documents have been interpreted in light of the general continuity of the reservation population as shown by a wide variety of other documents. The major specific evidence for political authority or influence between first sustained contact and 1883 is to be read together with the overall evidence of tribal existence and the discussion of the evidence for criterion 83.7(b).

The evidence submitted for the early contact period, 1620-1637, consisted primarily of historical narratives, written mainly by modern anthropologists based in part on colonial era documents which described dealings with the tribe by the colonial authorities and listed some leaders. Precedent does not required detailed information concerning the internal political processes of the historical tribes which were predecessors of New England petitioners in the early

contact period (Narragansett PF 1982, 11; Gay Head PF 1987, 10; Mohegan PF 1989, 5). This material meets 83.7(c) for the undifferentiated historical Pequot tribe as a whole, predecessor group to the later historical eastern Pequot tribe, for the period prior to 1637.

The evidence indicates that the modern Eastern Pequot evolved primarily from those Pequot subject neither to the Mohegan nor the Narragansett after the Pequot War, but rather those who were placed in charge of the Eastern Niantic. The precedents clearly indicate that the acknowledgment process allows for the historical combination and division of tribal subgroups and bands, and that temporary subjection to another Indian tribe does not result in a permanent cessation of tribal autonomy (Mohegan PF 1989, 26-27; Narragansett FD, 48 Federal Register 29 2/10/1983, 6177; Narragansett PF 1982, 2). The events of this period do not indicate that the petitioner fails to meet the "autonomous entity" requirement under 83.7(c).

Historical records and narratives indicate that for approximately 330 years, the predecessors of the Eastern Pequot tribe antecedent to the current petitioners were under supervision of non-Indian authorities, appointed Indian governors from 1655 to 1695 and under colony-appointed and state-appointed non-Indian overseers through much of the 18<sup>th</sup> through the 20<sup>th</sup> centuries. From its establishment in 1683 until 1989, the Eastern Pequot reservation was under the direct administration of Connecticut, first as a British colony and then, after the American Revolution, as a state. The AS-IA concluded in the Mohegan case that: "[T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the State of Connecticut." (Mohegan PF 1989, 26-27; for related precedents, see Narragansett PF 1982, 11; Narragansett PF 1982, 2; Gay Head PF, 4). The petitioners meet the "autonomy" requirement of 83.7(c) as long

as the state was dealing with a group as a group which had named leaders or the evidence shows that the group was acting in concert and thus was exercising political influence internally.

Documents from the period through 1751 named the leaders with whom the colony of Connecticut was dealing and provided limited information concerning internal political processes identifying both a leader and the existence of a group actively defending its land base.

Precedents also indicate that the defense of a tribe's economic position is a significant indicator of political processes (Snoqualmie PF 1993, 25; Tunica-Biloxi PF 1980, 4). On the basis of precedent, this material is adequate to meet 83.7(c) during the colonial period.

After 1751, there is no evidence in Eastern Pequot petitions that any one individual held the position of sachem, or a comparable office. Precedent indicates no requirement under the regulations that such a formal office have been maintained (Mohegan PF 1989, 5), and the petitions from the tribe to the colony and stated indicate that the tribe did maintain some type of political structure capable of representing its wishes in dealing with colonial authorities. The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers in 1763 and 1788, combined with the signatures on the petitions, indicates that the Indians on the Lantern Hill reservation at this time did have internal political processes and that they utilized the overseers appointed by the state to serve certain purposes which they themselves desired. On the basis of precedent, this material is adequate to meet 83.7(c) for a tribe during the second half of the 18<sup>th</sup> century.

The evidence of petitions from overseers for group purposes, together with accounts which identified "principal men" and a religious leader, in the context of a group with a distinct

territory, is adequate to show that the petitioner meets criterion 83.7(c) for the period from 1800 to 1822.

Petitions from the group in 1839 and 1841, sought the appointment of a new overseer and objected to the actions of the existing one. The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves still, as in the later 18<sup>th</sup> century, expected the state-appointed overseers as agents to carry out their wishes in some matters. Of the four men who signed, two (Cyrus Shelly and Samuel Shuntaup) had been identified as "principal men" of the Eastern Pequot by Jedediah Morse nearly 20 years earlier. The regulations do not require that in order to demonstrate political process, a petition must be signed by the entire tribe. Petitions which show a portion of the tribe expressing an opinion or preference are also evidence of political process (Mohegan PF 1989, 6).

Petitions and lists generated by a proposed sale of reservation land are evidence indicating that from 1873 through 1883 the tribe was able to generate organized protests against a governmental initiative which they regarded as contrary to its economic interests, and to present documents to this effect to the non-Indian authorities. This evidence shows that the petitioner meets 83.7(c) for the period from 1873-1883.

There was no information in the record which specifically named or identified formal or informal leaders between 1883 and 1920 with the single exception of a 1913 obituary of Calvin Williams, a petition signer from the 1870's and early 1880's, who continued to serve as reservation preacher until his death in 1913. There is evidence from oral history and some records that he may have continued as tribal preacher, holding religious and social meetings on the reservation in the first decade of the 20th century. Under the regulations, evidence about community may be used as supporting evidence to demonstrate political processes, especially

where a community is closely knit and distinct (see 83.7(c)(1)(iv)). Given the extensive intermarriage within the tribe and with neighboring tribes, the petitioner has strong evidence demonstrating community in this time period. The evidence is sufficient to demonstrate that criterion 83.7(c) is met between 1883 and 1920 as evaluated under the principle that it is entitled to greater weight because the petitioners are, singly and together, a continuously existing state-recognized tribe and with a continuous land base since colonial times.

The amount of data concerning political authority and influence in the record overall, including conflicts between the two groups, is considerably more extensive than that relating to internal political processes within petitioner #35 alone. As evaluated under the standard articulated for a historical state recognized tribe, the petitioner meets criterion 83.7(c) from 1883 to 1973, based on the conclusion that there was a single tribe, the entirety of whose actions reflected political influence, including the Sebastians as one subgroup, rather than as the entire entity evaluated.

Because the two petitioners derive from a single historical tribe with a continuous state relationship since colonial times, the conflicts between the two, which have focused on their relationship with the State of Connecticut, are relevant evidence for political influence. However, it is unclear if the conflict is within one tribe, or between two. Both groups derive from the historical Eastern Pequot tribe which was recognized by the State of Connecticut. The State continues to recognize a successor to the historical Eastern Pequot tribe, but has not taken a position as to the present leaders of that successor. The petitioners and third parties have failed to provide adequate evidence and analysis to permit the Department to determine if the political processes since 1973 are those of factions of one tribe.

There is insufficient evidence and analysis in the record to enable the Department to determine that the petitioners formed a single tribe in this time period. The Department consequently makes no specific finding for the period 1973 to the present because there was not sufficient information to determine that there is only one tribe with political factions (see for example, *Paucatuck Eastern Pequot Indians of Connecticut et al. v. Connecticut Indian Affairs Council et al.* 555 A.2d 1003 (App. Ct. 1989), decided March 28, 1989, which describes each current petitioner as a “faction of the tribe”). This question reflects in part the apparent recentness of the political alignments reflected in the petitioners after their formal organization in the early 1970's.

The historical Eastern Pequot tribe, which includes the petitioner as one of its component subgroups, meets criterion 83.7(c) through 1973. A specific finding concerning political influence from 1973 until the present will be presented in the final determination after receipt of comments from the petitioner and interested parties.

Criterion 83.7(d) requires that the petitioner provide copies of the group's current constitution and bylaws. The Eastern Pequot meets criterion 83.7(d).

Criterion 83.7(e) states that the petitioner's membership must consist of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity. Extensive genealogical material submitted by the petitioner, by petitioner #113, and by the third parties indicates that the petitioner's current members are descendants of Tamar (Brushell) Sebastian and of Laura (Fagins) Watson. As those individuals were, during their lives, members of the Eastern Pequot tribe as ascertained by evidence acceptable to the Secretary, the descendants of these individuals, as well as the

descendants of any descendants of Abby (Fagins) Randall now included on the petitioner's membership list, descend from the historical tribe.

The lines of descent for individual families have been verified through Federal census records from 1850 through 1920; public vital records of births, marriages, and deaths; and to a lesser extent through church records of baptisms, marriages, and burials, as well as through use of state records concerning the Lantern Hill reservation. These are the same types of records which have been used to verify descent for prior Federal acknowledgment decisions. Therefore, the petitioner meets criterion 83.7(e).

Criterion 83.7(f) states that the petitioner's membership must be composed principally of persons who are not members of any acknowledged North American Indian tribe. The Eastern Pequot meets criterion 83.7(f).

Criterion 83.7(g) states that neither the petitioner nor its members can have been the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. The Eastern Pequot meets criterion 83.7(g).

Based on this preliminary factual determination, the Eastern Pequot should be granted Federal acknowledgment under 25 CFR Part 83.

This proposed positive finding for the Eastern Pequot and the positive proposed finding for the Paucatuck petitioner which is being issued simultaneously do not prevent the Department, in the final determination stage, from recognizing a combined entity, or both petitioners, or either one of the current petitioners but not the other, or neither of the current petitioners, depending upon the evidence and analysis developed during the comment periods by both petitioners and all interested and informed parties, as verified and evaluated by Bureau of Indian Affairs staff.

As provided by 25 CFR 83.10(h) of the regulations, a report summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision will be provided to the petitioner and interested parties, and is available to other parties upon written request. Under the Assistant Secretary's directive, the technical report prepared in addition to this summary evaluation report of the evidence will not be completed but will remain in draft.

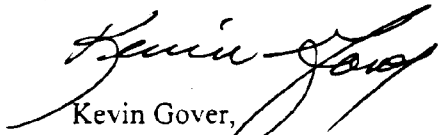
Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary - Indian Affairs, Bureau of Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 4660--MIB. Comments on the proposed finding should be submitted within 180 calendar days from the date of publication of this notice. The period for comment on a proposed finding may be extended for up to an additional 180 days at the Assistant Secretary's discretion upon a finding of good cause (83.10(i)). Comments by interested and informed parties must be provided to the petitioner as well as to the Federal Government (83.10(h)). After the close of the 180-day comment period, and any extensions, the petitioner has 60 calendar days to respond to third-party comments (83.10(k)). This period may be extended at the Assistant Secretary's discretion if warranted by the extent and nature of the comments.

The proposed finding takes into consideration only materials from the petitioner and all interested parties submitted through April 5, 1999. Subsequent submissions have been held by the Bureau of Indian Affairs and will be considered during preparation of the final determination.

In addition to evidence and argument on the proposed findings in general, petitioners, interested parties and informed parties may submit comments as to the Secretary's authority, under the circumstances of recent separation of the two petitioners, to acknowledge two tribes or only one tribe which encompasses them both as the continuation of the historical tribe.

After the expiration of the comment and response periods described above, the Bureau of Indian Affairs will consult with the petitioner concerning establishment of a time frame for preparation of the final determination. After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after beginning preparation of the final determination, the Assistant Secretary - Indian Affairs will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.10(1).

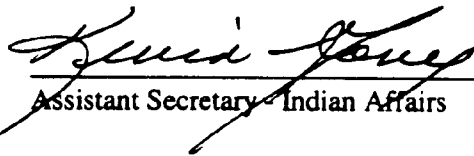
Dated: MAR 24 2000

  
Kevin Gover,  
Assistant Secretary - Indian Affairs.

Summary under the Criteria and Evidence for  
Proposed Finding  
Eastern Pequot Indians of Connecticut

Prepared in response to a petition submitted to the Secretary of the Interior for Federal Acknowledgment that this group exists as an Indian tribe.

Approved: March 24, 2000

  
Assistant Secretary - Indian Affairs

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## INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs from the Eastern Pequot Indians of Connecticut seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR 83).

Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR. Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Publication of the Assistant Secretary's proposed finding in the Federal Register initiates a 180-day response period during which factual and/or legal arguments and evidence to rebut the evidence relied upon are received from the petitioner and any other interested party. Such evidence should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 4660-MIB.

After consideration of all written arguments and evidence received during the 180-day response period, the petitioner shall have a minimum of 60 days to respond to any submissions by interested and informed parties during the response period. At the end of the period for comment on a proposed finding, the Assistant Secretary will consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the response period. The petitioner and interested parties will be notified of the date such consideration begins. The Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the Federal Register within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins. This determination will become effective 90 days from its date of publication unless a request for reconsideration is filed pursuant to 83.11.

If at the expiration of the 180-day response period this proposed finding is reversed, the Assistant Secretary will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

### **Abbreviations and Acronyms**

These have been used in the Summary under the Criteria and the accompanying charts.

AS-IA	Assistant Secretary - Indian Affairs.
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs.
BIA	Bureau of Indian Affairs.
CIAC	Connecticut Indian Affairs Commission.
DEP	Connecticut Department of Environmental Protection.
Doc.	Document, abbreviation used for Ex. in #113 Pet. 1996.
EP	Eastern Pequot Indians of Connecticut (petitioner #35).
Ex.	Documentary exhibit submitted by petitioner or third parties.
FD	Final Determination.
FR	FEDERAL REGISTER.
Narr.	Petition narrative.
NP App.	Narragansett Petition for Federal Acknowledgment, Appendix.
OD	Obvious deficiencies letter issued by the BIA.
PEP	Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113).
PF	Proposed Finding.
TA	Technical assistance letter issued by the BIA.

### Standardized Spellings

When discussing Indian tribes and bands, and names of individuals, this Summary uses the current standardized spellings. Where specific historical documents are quoted, these names are spelled as found in the original. One concrete example of this is the variation between the standardized spelling of the name "Tamar," while historical documents often spelled it "Tamer." In early documents, the leader Momoho appeared with a wide variety of spellings, as did the tribal name Pequot itself.

### **Administrative History of the Petition**

*1. Name and Address.* The petitioner for Federal acknowledgment as an American Indian tribe under the provisions of 25 CFR Part 83 considered in this proposed finding submitted its letter of intent to petition under the name Eastern Pequot Indians of Connecticut, the official name of the group (hereinafter cited as EP) and was assigned #35 by the Bureau of Indian Affairs (hereinafter cited as BIA). The name and address on the current letterhead are: Eastern Pequot Nation, Holly Green Plaza Unit 2A East, 391 Norwich Westerly Road, PO Box 208, North Stonington, Connecticut 06359. The current chairman is Ms. Mary E. Sebastian.

At some point subsequent to 1988, petitioner #35, the Eastern Pequot Indians of Connecticut (EP), responded to the change of the state-recognized tribe's name to "Paucatuck Eastern Pequot Tribe" -- which included in Connecticut General Statutes 47-59a the word "Paucatuck" which had been incorporated into the formal name of petitioner #113. EP stated to the Governor of Connecticut in 1992:

Because there has been some confusion regarding the tribe's name in the past, we would like to advise you that the tribe has historically been known as the Eastern Pequot tribe, however, in 1982 and again in 1989, the state legislature changed the name of the tribe in the Connecticut General Statutes. The name Paucatuck refers to the original location of the tribe in and around Stonington (formerly known as Pautuck) and the Paucatuck River. We did not approve of the legislature's change of the historical name and we have chosen to use the name which we have always used (R. Sebastian to Weicker 3/10/1992, 2).

*2. Administrative History and Self-Definition.* On July 6, 1978, the EP submitted a letter of intent to petition for Federal acknowledgment. The group described itself as follows:

We, the Eastern Pequot Indians of Connecticut are the direct lineal descendants of the Pequot Nation, whose reservation, the Eastern Pequot reservation, established in 1683 was and has been for many hundreds of years located in North Stonington, Connecticut. Our Pequot ancestors have lived on this reservation for centuries and it is our present home. The Eastern Pequot tribal family derives from our great, great, ancestor, Tamer Brushel. Tamer's mother and father lived on the Pequot reservation in the late seventeen hundreds and Tamer was born on the reservation. In 1848 Tamer Brushel married Emanuel Sebastian (Sebastian to Assistant Secretary - Indian Affairs (hereinafter cited as AS-IA) 7/6/1978).

Summary under the Criteria - Eastern Pequot Indians of Connecticut, Petition #35.

EP submitted a documented petition on May 5, 1989, which the BIA acknowledged on June 13 (Johnson to Sebastian 6/13/1989). The BIA issued an obvious deficiencies (OD) letter on March 13, 1990 (Eden to R. Sebastian 3/13/1990). EP submitted a partial response to the OD letter on May 2, 1995, and a completed response on October 4, 1995. The BIA declared the petition "ready" for active consideration on October 4, 1995, and placed it on active consideration January 1, 1998.

After consideration, and notification of #35 and other petitioners on the "ready, waiting for active consideration" list, the AS-LA made the following decision:

Under the authority granted to the Secretary in 25 CFR §1.2, and delegated to me in 290 DM 8.1, I waive the priority provisions of 25 CFR §83.10(d) in order to consider the petition of the Paucatuck Eastern Pequot Indians of Connecticut (Petitioner #113) simultaneously with the petition of the Eastern Pequot Indians of Connecticut (Petitioner #35). Based on the advice of the Associate Solicitor, Division of Indian Affairs and my own review, I find this waiver to be in the best interest of the Indians . . . . (Gover to Cunha 4/2/1998).

After the petition had been placed on active consideration, #35 submitted supplements to the response on February 9, 1998, and August 24, 1998.

On December 18, 1998, the law firm of Perkins Coie submitted comments on both petitions (#35 and #113) on behalf of the Towns of Ledyard, North Stonington, and Preston, Connecticut (Baur and Martin to Fleming 12/15/1998). This comment consisted primarily of a report by James P. Lynch, "A Report on the Lineage Ancestry of the Eastern and Pawcatuck Pequot Indians; An Independent Survey and Analysis . . ." (Lynch 1998a). Perkins Coie submitted additional material on February 5, 1999, which consisted primarily of an extensive reworking of the Brushel family section of the Lynch report (Lynch 1999; Martin and Bauer to Fleming 2/5/1999). The towns also submitted documentary exhibits (Lynch 1998 Ex.).

The proposed finding takes into consideration only materials from the petitioner and all interested parties submitted through April 5, 1999. Subsequent submissions have been held by the BIA and will be considered during preparation of the final determination.

*3. Relationship to Other Petitioner.* The other petitioner for Federal acknowledgment which asserts descent from the historical Eastern Pequot tribe, the Paucatuck Eastern Pequot (hereinafter cited as PEP), also derives from families which have been associated with the Lantern Hill reservation since the 19<sup>th</sup> century. Please see the proposed finding on PEP for greater detail. PEP submitted a letter of intent to petition for Federal acknowledgment on June 20, 1989, assigned #113 by the BIA. The current chairman of PEP is Ms. Agnes E. Cunha.

Summary under the Criteria - Eastern Pequot Indians of Connecticut, Petition #35.

4. *Size.* The size of EP has fluctuated significantly during the petitioning process. A letter to the Connecticut Indian Affairs Council (CIAC) dated March 13, 1976, mentioned a membership of 70 names (no copy submitted with petition). Another letter in 1976 gave 125 members; a "revised membership list," dated April 16, 1978, had 97 members, and the 1988 list had 211 members. A joint listing of the members of both groups, EP (#35) and PEP (#113), stamped "Received" by the Connecticut Department of Environmental Protection on March 13, 1992, contained 345 persons, of whom 78 were subsequently identified by researchers from the Branch of Acknowledgment and Research (hereinafter cited as BAR) as belonging to PEP (PEP #113 Admin. File, BAR). All the above membership lists apparently included adults only.

The EP membership list submitted in 1995 had 636 names, including minors and 60 associate (non-voting) members. The current EP membership list used for purposes of evaluating this petition, submitted in 1998, contains 647 members (#35 Pet. Narr. 1998a, 90).

5. *Location.* The 230-acre Lantern Hill, or Eastern Pequot, reservation is located in the Town of North Stonington, New London County, Connecticut. Only a small proportion of the petitioning group's membership resides on the reservation itself.

6. *BIA Description of the Issues.* Both EP and PEP claim to have evolved from a portion of the historic Pequot tribe of southeastern Connecticut as it existed at the time of first sustained contact with non-Indian settlers. There is no serious dispute as to the existence of the historic Pequot tribe at the time of first contact, so the following report will discuss and analyze early colonial developments only insofar as they provide context for the development of the current petitioners.

Another portion of the historic Pequot tribe as it existed at the time of first sustained contact is now federally recognized as the Western, or Mashantucket Pequot Tribe, which was legislatively recognized on October 18, 1983.<sup>1</sup> Pequot descendants are also found among the Brothertown Indians of Wisconsin, a petitioner for Federal acknowledgment.<sup>2</sup>

The division of the historical Pequot tribe into the modern Eastern and Western groups stemmed from the establishment of separate reservations, in close (less than two miles<sup>3</sup> from one another) geographic proximity, during the later 17<sup>th</sup> century. The division grew out of circumstances which resulted from the Pequot War of 1637. To some extent, colonial authorities made formal distinctions between the predecessor groups of the modern Western Pequot and Eastern Pequot by the 1650's. However, in spite of the establishment of separate reservations, the jurisdictional

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<sup>1</sup>P.L. 98-134.

<sup>2</sup>Letter of intent to petition filed April 15, 1980; assigned #67.

<sup>3</sup>The Pequot reservations in Groton and Stonington were less than a mile apart, with two small lakes or ponds between them, each with a village called "Indian town" (Hurd 1882, 35).

Summary under the Criteria - Eastern Pequot Indians of Connecticut, Petition #35.

distinction was not absolute throughout the 17<sup>th</sup> century and into the early part of the 18<sup>th</sup> century, as can be seen from the various controversies over leadership succession (see the discussion below).

There is no question that the Eastern Pequot, or Lantern Hill, reservation, purchased by the Colony of Connecticut for the use of the Pequots under the leadership of Mamoho in 1683, has continued to exist under Connecticut state supervision and jurisdiction, and to be inhabited, until the present day. The analysis will focus, to a considerable extent, on the relationship of the current Eastern Pequot petitioning groups to the historical population of the reservation.

In prior New England acknowledgment cases, such as Narragansett and Mohegan, the BIA did not extend examination of the petitioner's genealogy prior to certain 19<sup>th</sup> century rolls. In the Narragansett case, these rolls were from the early 1880's; in the Mohegan case from 1861. Overseers' reports for the Eastern Pequot reservation from 1889-1891 listed the direct ancestors of both current petitioners as members of the Eastern Pequot tribe. These reports were prepared under the provisions of legislation passed by the State of Connecticut, and were filed in the superior court of New London County, Connecticut, by an overseer appointed by and under the supervision of that court.

Petitioner #35 expressed a willingness to accept these 1889-1891 overseers' lists as a starting point. However, petitioner #113 has consistently challenged the validity of these lists in hearings before the Connecticut Indian Affairs Council (CIAC), denying that Tamar (Brushell) Sebastian was properly included. Additionally, the third-party comments challenged even overseers' lists and reports for the Lantern Hill reservation going back to the second quarter of the 19<sup>th</sup> century, arguing that certain family lines included on them could not be traced to 18<sup>th</sup> century Eastern Pequot records and that consequently the current petitioners do not represent a continuation of the historical tribe as defined by 25 CFR Part 83 (Lynch 1998; Martin and Baur to Fleming 2/5/1999). As a consequence of these controversies, the BIA has included in the charts which accompany both proposed findings a full and complete evaluation of the stages by which and circumstances under which the direct ancestors of both current petitioners came to be included on 19<sup>th</sup> century Eastern Pequot overseers' lists. The criterion 83.7(e) summary below addresses methodological questions and evaluates primarily the evidence acceptable to the Secretary which shows that the petitioner meets the criteria. The charts also include documents offered in evidence which did not show that the petitioner met the criteria.

**7. Irrelevant Issues.** The Federal acknowledgment regulations do not require a study of some items, such as the archaeology, material culture, subsistence practices, or religious ideology of Indian groups prior to contact, except in instances where these may provide data which directly impact the 25 CFR Part 83 regulations. The regulations focus on the maintenance of tribal continuity since contact.

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Under criterion 83.7(b), the petition presented a limited amount of evidence concerning "long-term prehistoric use of the core area by Pequot peoples" (#35 Pet. Narr. 1998b, 19). The acknowledgment criteria deal only with issues arising since first sustained contact of the petitioner with non-Indian settlers. Therefore, the proposed finding has not analyzed this material. While Pequot history during the early colonial period, from first sustained contact to the establishment of the Lantern Hill reservation for those Pequot under the leadership of Mamoho in 1683, was of less relevance than subsequent material under 25 CFR Part 83, the proposed finding includes a summary of the data because the secondary historical material that has been published up to this time contained numerous lacunae.

The proposed finding is not a legal brief and does not purport to analyze claims issues. A determination under 25 CFR 83 is a determination of tribal status of the petitioning group only. Neither this proposed finding nor the ensuing final determination will directly address claims issues or reservation ownership. In this instance, the reservation in North Stonington, Connecticut, is, and since colonial times has been, a reservation established first by the colony and then by the state. It has never been a Federal reservation. Determination of its status is a matter to be resolved between the petitioners and the state. Materials pertaining to these topics have been reviewed only to determine if they provided information concerning the status and character of the petitioner.

The 1790 Non-Intercourse Act is not immediately relevant to Federal acknowledgment. This Act pertains to the legitimacy of land transactions that took place after its enactment. It does not, however, determine the current tribal status of the group whose land has been or may have been affected by those transactions.

### Geographical Orientation

The best early, although retrospective, summary of the geographic position of the pre-contact Pequots in relation to other southern New England tribal groups such as the Narragansett, Eastern Niantic, and Mohegan,<sup>4</sup> was provided by Daniel Gookin, the long-term superintendent of Indian Affairs for the colony of Massachusetts, writing in 1674:

2. The Pequots, or Pequods, were a people seated in the most southerly bounds of New England; whose country the English of Connecticut jurisdiction doth now, for the most part, possess . . . Their chief sachem held dominion over divers petty sagamores; as over part of Long Island, over the Mohegans, and over the sagamores of Quinapeake, yea over all the people that dwelt upon Connecticut river, and over some of the most southerly inhabitants of the Nipmuc county [*sic*], about Quinbaag. The principal sachem lived at, or-about, Pequot, now called New London (Gookin 1792, 7).

The Pequots were closely associated, from colonial times, with the Narragansett, about whom Gookin wrote:

3. The Narragansitts . . . so running westerly and southerly unto a place called Wekapage, four or five miles to the eastward of Pawcutuk river, which was reckoned for their south and west border, and the easternmost limits of the Pequots. This sachem held dominion over divers petty governours; as part of Long Island, Black [Block] Island, Cawesitt, Niantick and others; and had tribute from some of the Nipmuck Indians, that lived remote from the sea . . . (Gookin 1792, 7).

Gookin did not distinguish between the Narragansett and the Eastern Niantic. Numerous subsequent writers followed him in this classification. The distinction between and relationships

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<sup>4</sup>In the #113 petition, one researcher wrote:

What is important about these examples is that they indicate that tribal distinctions in southeastern New England were not as mutually exclusive and well-defined as non-Indians would have them. Nor was tribal identity purely a function of unilineal descent either from the mother's or father's side. Rather, kinship ties — i.e., the social construction of consanguineal and affinal relations — represented vectors of affiliation that afforded an individual potential rights in different tribal groups. To what extent those rights were exercised and sustained, seem to have depended in large part upon an individual's behavior throughout his/her lifetime — that is, upon the evaluation of social acts and not upon biological or "blood" ties (Grabowski 1996, 10).

It is not clear which here-unidentified "non-Indians" would have tribal distinctions so clearly defined.

Summary under the Criteria - Eastern Pequot Indians of Connecticut, Petition #35.

of the two groups, however, is crucial to comprehending the handling of the Pequots by the various colonial authorities from 1637 through the end of the 17<sup>th</sup> century.

During the early contact period, prior to the Pequot War, the Pequots, Narragansetts, and Eastern Niantics were observed by European colonists to be in conflict over one very specific tract of territory which today is essentially the Town of Westerly, Rhode Island, then called Misquamicut. Historians have provided widely differing descriptions of the Indian jurisdiction over this territory. Hodge stated that:

The real territory of the Pequot was a narrow strip of coast<sup>5</sup> in New London co., extending from Niantic r. to the Rhode Island boundary, comprising the present towns of New London, Groton, and Stonington. They also extended a few miles into Rhode Island to Wecapaug r. until driven out by the Narraganset about 1635. This country had been previously in possession of the Niantic, . . . The Eastern Niantic put themselves under the protection of the Narragansett, . . . (Hodge 1910, 2:229-230). [footnote added]

The petition presented a somewhat more extensive description of the aboriginal territory (#35 Pet. Narr. 1998b, 25-27). For the 17<sup>th</sup> century subsequent to the Pequot War, like Hodge, a number of other 19<sup>th</sup>-century and early 20<sup>th</sup>-century historians contributed to confusion concerning the geographical relationships among these groups by pushing the described boundaries of the lands held by both the Narragansetts and the Eastern Niantics too far to the southwest. A recent scholar has described the boundaries more accurately: "Niantic, the territory of the Eastern Niantic Indians, was located along the southern coast of present-day Rhode Island and extended from the lands near Point Judith on Narragansett Bay westward to the Weekapaug Brook, near the boundary of the modern towns of Charlestown and Westerly, R.I." (LaFantasie *in* Williams 1988, 1:77n11).

The petition asserted that "[a] series of seventeenth and eighteenth century documents pertaining to the legal history of lands east of the Pawcatuck River indicate that what is now Westerly was also part of the Eastern Pequot domain" (#35 Pet. Narr. 1998b, 20; citing Potter 1835, 179, 263, 267). This assertion is not fully accurate.<sup>6</sup> In brief, the territory between Wecapaug Brook on the

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<sup>5</sup>Most maps and descriptions show the Pequot territories running well inland, up to the borders of the Nipmuc country. The petition described the "traditional area" as "from West Niantic, near New London, northward between the Connecticut and Thames rivers to approximately the headwaters of the Thames, then eastward to the approximate border between Rhode Island and Connecticut, then south to the coast" (#35 Pet. Narr. 1998b, 20).

<sup>6</sup>Potter, who assumed that Misquamicut had been Pequot territory as late as 1637, stated that after the Pequot War, "The Pequot country, from being thus left open to occupation, the Narragansetts seem to have extended themselves westward, and taken possession of that part of it between Wecapaug brook and Pawcatuck river. Some of the Nyantics, a tribe of the Narragansetts who inhabited the most southerly part of Washington county, seem to have gone even to the westward of Pawcatuck river (Potter 1835, 26-27).

Summary under the Criteria - Eastern Pequot Indians of Connecticut, Petition #35.

east and the Paucatuck River on the west, then called Misquamicut, was held by Eastern Niantic sachems, but not directly by Ninigret I, after the Pequot War. Controversies over its jurisdiction would be one of the major factors shaping the development of the Eastern Pequots throughout the remainder of the 17<sup>th</sup> century. From 1637 through 1661, Ninigret's brother and nephews were in actual possession. One of these nephews, Cashawasset, aka Harmon Garrett, aka Wequashcuck/Wequash Cook II, was appointed "governor" of the Pequot refugees removed from Ninigret's jurisdiction in 1655 -- the group which became the antecedent to both current petitioners.

Massachusetts claimed that Misquamicut/Westerly was properly Pequot territory, and thus fell under Massachusetts jurisdiction by right of conquest after the Pequot War. Connecticut also claimed jurisdiction. Rhode Islanders purchased it from a Narragansett designee in 1660, forcing Ninigret's nephew, Harmon Garret, and those Pequots over whom he had been appointed "governor" by the Commissioners of the United Colonies since 1655, to remove into the modern boundaries of Connecticut.<sup>7</sup> The Pequot survivors, during the 1640's, were impacted not only by the intertribal rivalries among the Mohegan, Narragansett, and Eastern Niantic sachems, but also by the conflicting and competing jurisdictional and territorial claims asserted by the colonies of Massachusetts Bay, Connecticut, and, to a lesser extent, Rhode Island (Williams 1963, 333-350; Potter 1835, 160-161).

The modern boundary between southeastern Connecticut and southwestern Rhode Island is the Paucatuck River. The geographical area described in this section is essentially that between the modern Mystic River, now in New London County, Connecticut, and Wecapaug Brook, the eastern boundary of the Town of Westerly, Rhode Island. During the colonial period, conflicting land grants resulted in a boundary dispute over the region that was not finally settled until 1726. From 1642 through 1688, the jurisdictional and territorial claims of the New England colonies were affected by the political rivalries in England itself. Prior to the outbreak of the English Civil War in 1642, royal charters with overlapping boundaries had been awarded to different individuals, groups of entrepreneurs, and colonial governments. From 1642 until the beheading of Charles I on January 1, 1649, England was engaged in a Civil War. The Commonwealth government, from 1649 through the restoration of Charles II in 1660, made decisions that were not recognized by the restored royal government. Charles II and even more his brother, James II, asserted prerogatives and began administrative initiatives that were reversed by the succession of William and Mary in 1688.<sup>8</sup>

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<sup>7</sup>For further details and citations to sources, see the draft technical report. The report for EP was in draft when the AS-IA signed the directive modifying internal procedures on February 7, 2000. Based on this directive, the draft technical report which was being prepared under the prior procedures was not finalized.

<sup>8</sup>For details of the rival claims and grants among the three colonies, see the draft technical report.

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From 1659 through 1661, the records show a number of land transactions, specifically Indian deeds, pertaining to the Misquamicut and Paucatuck areas. Some of them involved overlapping sales of the same territory by different Indian claimants under different tribal jurisdictions to different English purchasers under different colonial jurisdictions, each of which by this date had its own legislation governing the validity of land purchases from Indians. These deeds would in turn generate a new layer of lawsuits that continued past the turn of the 18<sup>th</sup> century. Since many of the sales by Harmon Garrett pertained to his personal possessions as an Eastern Niantic sachem and had no direct connection to his role as governor of the Eastern Pequot after 1655, they have not been considered here.

### **Historical Orientation**

The sources for the early history of the Pequot are overwhelmingly of colonial, non-Indian origin. This is particularly the case for those sources which address issues relevant to the issue of Federal acknowledgment. The handling of Indian issues by the colonial authorities was not independent of the broader context of colonial history, and the handling of Pequot issues by the colonial authorities was not isolated from their handling of relations with the other tribes of southern New England, particularly the Eastern Niantic, Mohegan, and Narragansett. The essential requirement for a tribe under the 25 CFR Part 83 regulations is continuity. Because the chart format, with brief descriptions of individual documents, as used under criteria 83.7(b) and 83.7(c) for the period from first contact through the 19<sup>th</sup> century provided only snapshot coverage of individual actions, the following very abbreviated narrative sets the contextual development. The preamble to the 25 CFR Part 83 regulations stated:

It has been the Department's experience that historical evidence of tribal existence is often not available in clear, unambiguous packets relating to particular points in time. More often, demonstration of historical existence requires piecing-together various bits of information of differing importance, each relating to a different historical date (59 FR 38 2/25/1994, 9281).

Because the colonial and early modern history of the Eastern Pequot is the same as it applies to both petition #35 and petition #113, this section addresses the arguments made by both petitioners, as well as those advanced by the third parties.

*1. Pequot Origins.* While the various definitions and usages of the word "tribe" itself are in controversy among anthropologists for the pre-contact period (Starna 1990, 40-43; Bragdon 1996, xvi, 40-43), the term is used in this report simply as a descriptor of an Indian population which had some observed cohesiveness at the time of contact, whether the constituent parts of the Pequot people may have been bands, villages, or otherwise organized. The Pequot, and the Mohegan who derived from the Pequot, spoke an Eastern Algonquian language (Salwen 1978,

160; Goddard 1978). Like the Narragansett, they do not appear to have been affected by the epidemics of 1617-1619 which significantly reduced the population of the Massachusetts coastal tribes (Salwen 1978, 172). Although it has not been universally accepted by scholars, discussion of Pequot origins has been dominated for 30 years by the hypotheses developed in archaeologist Bert W. Salwen's *Tentative "in situ" Solution to the Mohegan-Pequot Problem* (Salwen 1969). Primarily on the basis of archaeological analysis, for which he saw no persuasive linguistic or ethnohistorical contraindications, Salwen concluded that the Pequot, and consequently also the Mohegan who separated from the Pequot in early historical times, had not migrated into southeastern Connecticut shortly before European contact, but rather had a long period of pre-contact development in the area (Salwen 1969, 81-88; reprint in *Connecticut Indians* n.d., 167-168; see also Salwen 1978, 172-174).<sup>9</sup>

2. *The Pequot War and Its Aftermath.* During the 1630's, the political situation of the Pequot was affected by repeated rebellions by a dissident sachem, Uncas of the Mohegan. Tensions between the English colonists and the Pequot became stronger in 1636, but did not exist in a vacuum. They were complicated by the existence of tensions between Massachusetts and Connecticut, tensions between the Narragansett and the Pequots, and the involvement of the Mohegan. For purposes of this analysis, there is no need to provide a history of the Pequot War of 1637 as such.<sup>10</sup> The primary campaign took place during the spring of 1637. Through the end of the Pequot War, contemporary records made no distinction between "Eastern" and "Western" Pequots.<sup>11</sup> Those designations developed during the second half of the 17<sup>th</sup> century from the pattern of dispersal of the Pequot prisoners among the Mohegan, Narragansett, and Eastern Niantic after the war.

The standard narrative sources on the Pequot War contain little or no discussion of those Pequots who found shelter with Wequashcuck I, the son of Wepitammeock and nephew of Ninigret, in the Misquamicut region (see Williams 1963, 61-62; in NP 1978, App. 327). Williams indicated that some of the Pequot refugees whom the colonists believed to be with the Narragansett were actually with Wequashcuck (Williams 1963, 67-68; see also Williams 1963, 107 in NP 1978, App. 327). The division of the prisoners was formalized by the Treaty of Hartford in 1638. Contrary to the opinion of some modern scholars (O'Connell 1992, xxv), the Pequot were not signatories to the Treaty of Hartford the year after the Pequot War. Rather, this was a treaty among the colonial authorities of the Massachusetts Bay and Connecticut colonies, the Mohegan,

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<sup>9</sup>The #35 petition narrative (#35 Narr. 1998b) consistently repeats the anachronism of identifying an eastern Pequot entity and eastern Pequot leaders before any such thing existed. Use of the term "Eastern Pequot" prior to 1655 is as absurd as discussing "Belgium" before 1830.

<sup>10</sup>For the most recent scholarship, see Alfred A. Cave, *The Pequot War* (Cave 1996). For more details on the history of this period, with source citations, see the draft technical report.

<sup>11</sup>"The Eastern Pequot Tribe of Connecticut has its origins in the aftermath of the Pequot War of 1637" (#35 Pet. Narr. 1998a, Introduction).

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and the Narragansett, which regulated among themselves the disposal of the Pequot prisoners.<sup>12</sup> Some modern scholars have stated that by this Treaty of Hartford, “the Pequot legally ceased to exist” (Burton and Lowenthal 1974, 592; citing Vaughn 1965, 144-151; Jennings 1975, 259).<sup>13</sup> The petitioner stated that the treaty provided that “none should inhabit their native country, nor should any of them be called Pequots any more, but Moheags and Narragansetts for ever” (#35 Pet. Narr. 199b, 22; citing Mason 1736, 18). However, this was not the primary function of the treaty, which was designed to regulate all the conflicts between the Mohegan and the Narragansett (Chapin 1931, 36). It did not have the hoped-for effect.<sup>14</sup>

McBride stated that according to this treaty, “[t]he surviving Pequots were to be divided equally among the Mohegan and Narragansetts, and not to live in their former territory (McBride 1996, 74; citing *Rhode Island Historical Society Collections* [3]:177-78). A contemporary estimate was that there were 180 to 200 men, besides women and children (#35 Pet. Narr. 199b, 22). Of these men, 80 were assigned to the Mohegan, 80 to the Narragansett, and 20 to the Niantic (#35 Pet. Narr. 1998b, 22). It is clear from later documentation that the number of Pequots assigned by the Treaty of Hartford must have represented only a portion of the survivors.

At least one Pequot settlement was attempted in the Misquamicut/Westerly area in the post-Treaty of Hartford period. On August 26, 1639, the government of Connecticut concluded that, “Whereas divers of the Pequatts who were given to Vncus and Antinemo [Ninigret] haue plained againe part of the land wch was conquered by us contrary to or agreement with them, It was thought fitt and ordered, that 40 men be prportioned out of the several plantacons and imediately sent away to gather the Come there planted by them” (Hoadly 1850, 32).<sup>15</sup> Connecticut sent an expedition against the settlement led by John Mason and Uncas (Hurd 1882, 27; #35 Pet. Narr. 1998b, 22; Denison 1878, 39-40). Although the Treaty of Hartford had not made any specific provision for the continued placement of Pequot survivors with the Eastern Niantic sachems, they continued to hold them (*Winthrop Papers*, 4:269). Rivalries among the Indian tribes of Connecticut and Rhode Island continued throughout the next few years. The execution of the Narragansett leader Miantonomo by Uncas, with approbation of the Commissioners of the United Colonies, in 1643, is only the best-known of a large number of

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<sup>12</sup>For details of the negotiations, consult the draft technical report.

<sup>13</sup>The closest obvious parallel is Poland. The 18<sup>th</sup> century partitions of the medieval and early modern territory among Russia, Austria, and Prussia do not mean that there is no sovereign modern nation.

<sup>14</sup>For details of the aftermath, consult the draft technical report.

<sup>15</sup>According to a researcher for Pet. #113, the settlement consisted of “those who were to be resettled among the Narragansett and Niantic Indians” and was located in Massatuxet (Westerly), Rhode Island. She indicated that the Pequots rebuilt on the same location and remained there until 1660 (Grabowski 1996, 18).

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incidents.<sup>16</sup> The efforts of the Narragansett to consolidate their position *vis-a-vis* the colonial authorities were complicated by the English Civil War.<sup>17</sup>

Between 1645 and 1654, the two elements of most significance for the history of the Pequot were the expansion of English settlement in what is now New London County, Connecticut, and the attempt of the Eastern Niantic sachem Wequashcuck I to obtain hunting rights in the same geographical area, an effort which brought him into controversy not only with the English settlers, but also with both the Mohegan and with his uncle, Ninigret, sachem of the Eastern Niantic. The predecessors of both the later Western (Mashantucket) Pequot and Eastern Pequot were impacted by these developments (*Winthrop Papers* 1949, 5:53-54). John Winthrop Jr. established his plantation at Nameag, calling it Pequot (later to be renamed New London), in 1646 (Johnson 1996, 40).<sup>18</sup> McBride has asserted that the new settlement was established as a curb on the Mohegan (McBride 1996, 81). Some Pequot, probably some of those who had been assigned to the Mohegan by the Treaty of Hartford (McBride 1996, 84), were in residence at Nameag already in 1646. The Nameag Pequot, together with those who were residing at Noank (now Mystic) were, structurally, the antecedents of the modern Western, or Mashantucket, Pequot tribe (for a listing, see Ottery and Ottery 1989, 59-69). There was considerable interaction between the Western Pequot and the Eastern Pequot throughout the remainder of the 17<sup>th</sup> century, and both groups often appeared simultaneously in the records of the Commissioners of the United Colonies. A modern researcher for the Mashantucket Pequot Tribe has stated that in 1646, "Winthrop regarded the Nameag Pequots as 'a people which live very near the English, and do wholly adhere to them, and are apt to fall into English employment'" (McBride 1996, 81; Hoadly 1850, 571; see also *Winthrop Papers* 1949, 5:85; citing Trumbull MSS, M.H.S., 4). However, both Ninigret and Wequashcook were also resuming efforts to obtain hunting privileges in the former Pequot territory west of the Pawcatuck River (LaFantasie *in* Williams 1988, 1:255n20), causing active opposition on the part of the Mohegan sachem Uncas.<sup>19</sup> The petition stated that: "Wequashcook, or Herman Garret, an Eastern Pequot who was closely allied with the Narragansett, received permission from Mason to settle a small community in 1648 on the west side of the Pawcatuck River near its mouth (LaFantasie 1988 I:255)" (#35 Pet. Narr. 1998b, 22).<sup>20</sup>

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<sup>16</sup>For details of developments in this period, see the draft technical report.

<sup>17</sup>For the role of the "Pequot Prisoners" issue in the disputes, consult the draft technical report.

<sup>18</sup>For details of the settlement, consult the draft technical report.

<sup>19</sup>For details, consult the draft technical report.

<sup>20</sup>LaFantasie did not mention Herman Garrett as an aka for the Wequash Cook whose 1648 activities he discussed (LaFantasie *in* Williams 1988 1:255n20).

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The Wequashcook who was active in 1648, Wequashcuck I, was not the same person as Caushawasset aka Harmon Garret, apparently his half-brother, who later adopted the name. While the mother of Harmon Garret may have been Pequot, although this is not certain, there is no indication anywhere in the historical documentation that Wequashcuck I was an Eastern Pequot (see Appendix II to the draft technical report). In September of 1648, Wequashcuck I, apparently on behalf of the Pequots at Paucatuck, did visit Major John Mason at Saybrook, Connecticut, indicating a desire for an alliance with the English (*Winthrop Papers* 1949, 5:250-251). The only document located by the BIA researcher did not indicate that he "received permission" to settle a community (#35 Pet. Narr. 1998b, 22), but rather simply that the settlement was there, over the considerable objections of Ninigret (see LaFantasie in Williams 1988, 1:255n21; see also *Winthrop Papers* 1949, 5:318; *Winthrop Papers* 1949, 5:321-322; 374).

The EP petition asserted that: "By 1650 both of the Pequot groups, which ostensibly had been under the supervision of the Narragansetts and the Mohegans, were once again fully autonomous" (#35 Pet. Narr. 1998a, 19, 23; citing Campisi 1990, 118). This is a serious overstatement of the actual situation in 1650, as made clear by a researcher for the Mashantuck Pequot (McBride 1996, 86; see also Pulsifer 1968, 2:134). The records as of 1650 do not provide any indication of autonomy for those Pequot who had been formerly assigned directly to the Narragansett or Eastern Niantic. Their status was, however, impacted by the frequent conflicts between Ninigret and the colonial authorities from 1646 through 1650.<sup>21</sup> In September and October of 1650, the United Colonies sent a limited military expedition against the Narragansett sachems and Ninigret in an attempt to collect tribute due for the Pequot survivors and investigate the ramifications of the marriage between Ninigret's daughter and Sassacus' brother as it affected Eastern Niantic policy toward the Pequot survivors (Haynes 1976, [11]; see also Vaughn 1995, 172; *Acts of the Commissioners of the United Colonies* 9:168), *IX Plymouth Colony Records*, 168-169; NP 1978, App. 76).

The local records submitted by petitioners #35 and #113 and located by the BIA researcher contained only minimal data concerning the Pequot settlements during this five-year period. On September 12, 1651, the meeting of the Commissioners of the United Colonies at New Haven declared:

to Uncus and Wequash Cooke and desire that Ninigrett and all other Sachems may understand the same, that whilst the Pequatts pay their tribute to the English as now settled, and submit to Uncus and the other Sachems to whom they belong as their other men in all other respects doe or ought to doe They are not to be oppressed but to enjoy equall priviledges with the rest in hunting and other wayes.

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<sup>21</sup>For details, consult the draft technical report. Generally, the correspondence from this period confirmed that there were Pequots with Wequashcuck (Pulsifer 1968, 2:416-418), and provided continuing data concerning the multiple conflicts among the Mohegan, Narragansett, and Eastern Niantic sachems.

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Theoph: Eaton presdt. Simon Bradstreet, Wm Hathorne, Timothy Hatherly, Ro:  
Ludlowe, Edwa: Hopkins, John Browne (*Winthrop Papers* 1992, 6:140).

The editors of the *Winthrop Papers* have commented that, "The ambiguous affirmation here of hunting rights, presumably to the Pequots in their own territory, masks Mohegan, Narragansett, and Niantic desires for such rights in the same Pequot country between the Mystic and Pawcatuck Rivers . . ." (*Winthrop Papers* 1992, 6:141n1).

Some documents during this period mention the settlement of Indians at Paucatuck. On March 1, 1654 [NS], "Vpon the complaint of Pawcatuck Indyans, this Courte orders, that they shall inioye their planting ground at Paucatuck, prouided they cary friendly & peacably to the English:--And Goodman Stebbing & Good: White, being to goe to Paucatuck, haue libberty granted them to looke out & find where Mr. Haynes may haue at Paucatuck the farme of three hundred acres formerly granted . . ." (Hoadly 1850, 250-251; see also Potter 1835, 268).<sup>22</sup>

An immediately subsequent document, dated May 18, 1654, provided the first mention of the name of Harmon Garrett in connection with the Eastern Pequot:

This Courte declareth to Herman Garritt, yt for the present they judge the prooffe about ye land the Country claimes to bee stronger than his, that is in pt. of the Pequett Country, & therefore the grounds of his claime to it not to bee of sufficient strength, & soe consequently at the Countrys liberty to dispose of, & theirfore they aduise Herman Garitt not to molest Mrs. Haynes in the improument of it, hauing sufficient libberty of planting by it for himselfe & his men, & that if he can produce any further or clearer testimony to evince his right, the Court will attend to it (Hoadly 1850, 259).

From 1650 through 1654, the Commissioners of the United Colonies were strongly asserting the requirement that sachems to whom they had assigned Pequot survivors should remit the required annual tribute. At the 1651 meeting, they stated that the previous year, Thomas Stanton had been ordered "to get an account of the number and names of the several Pequots living among the Narragansets, Nianticks, or Mohegan Indians, &c.; who, by an agreement made after the Pequot war, are justly tributaries to the English colonies, and to receive the tribute due for this last year (Drake 1836, 98). Stanton appeared as interpreter, with Uncas and several of his men, Wequash Cook and some of Ninigret's men, and "Robert, a Pequot, sometimes a servant to Mr. Winthrop" [Robin Cassicinamon], and some with him, and some Pequots living on Long Island. The group delivered a total of 312 fathoms of wampum, according to the numbers (79 fathoms from Uncas, 91 fathoms from Ninigret, etc.) (Drake 1836, 98; see Pulsifer 1968, 1:206-207). The collection of tribute reported by Thomas Stanton to the September 1653 meeting provided

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<sup>22</sup> A local historian indicated that the date of this was March 15 (Haynes 1949, 12).

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some indication of the numbers of Pequot at various locations indicated that there were more with Wequashcuck I in the Paucatuck settlement than in any of the other locales (Pulsifer 1968, 2:108; *Acts of the Commissioners of the United Colonies*, 11; *X Plymouth Colony Records*, 4-12; NP 1978, App. 80; see also Sehr 1977, 49-50).

3. *Removal of the Pequot from Ninigret and Appointment of Harmon Garrett as Governor.* As a consequence of conflict between Ninigret and the Commissioners of the United Colonies over his campaigns against the Montauk in the early 1650's, between September 18 and September 25, 1654, they sent an expedition against him under the leadership of Simon Willard (LaFantasie in Williams 1988, 2:406; citing Pulsifer, ed., *Acts of the Commissioners*, II, 126-127, 131-134; see also Vaughn 1995, 175-176). The records contain detailed instructions for the expedition and a detailed report by its commander on the events of October 16 through October 20, 1654. Vaughn considered the expedition to have been unprofitable: "A new covenant, dated October 18, 1654, provided that Ninigret would surrender his Pequot wards to the English within seven days; the Pequots in turn agreed that they would henceforth submit to English rather than Niantic jurisdiction" (Vaughn 1995, 176; see Pulsifer 1968, 2:148). When compared to the original documents, it is clear that some modern narratives have been oversimplified. For example, "War was afterwards (1654) again declared, Major Willard leading the expedition, who captured one hundred Pequots; but Ninigret had fled" (Bartlett 1963, 45n3), does not bear much resemblance to Willard's much more complex narrative of October 16, 1654:

... with the best of our vnderstandings of youer Instructions which were not soe cleare as wee could haue wished repaired to the place of Randevoose indeaoured to haue had full Descourse with Ninnegreet whoe before wee came had Swamped himself and refused conference with vs as appeers in the Narratiue which I send you therefore considering the season tediousnes of the march of the file and straitnes of our Instructions contented our selues with reduseing those Pequots as we haue sertified you on those tearmes . . . . (Pulsifer 1968, 2:145; there is a partial version of his report in the *Hutchinson Papers* 1967, 1:295-300; the full version is to be found in the *Acts of the Commissioners of the United Colonies*, Pulsifer 1968, 2:145-147).<sup>23</sup>

The 16<sup>th</sup> day there came som of our Pequotes and told vs that the day before this they went towards Ninnegreets Companie to pswade their kin[d]red to come from him fearing otherwise it would goe ill with them; but they mett with three Pequotes that did adhear to Ninnegrett who asked them what they did there; they said they had some thinges to doe then they asked our Pequotes how many there

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<sup>23</sup>Denison discussed a 1664 war between Ninigret and the Montauks; killing back and forth including the Block Island episode; considerable discussion; Connecticut expedition against Ninigret, 270 foot under Major Willard; Ninigret secured himself and his men in a swamp (Denison 1878, 22-23). This was misdated: the expedition took place in 1654, ten years earlier.

were of them they said 30 then said the 3 men there are 30 heads for vs then our Pequotés said they did attend the English to carry letters of burthens abroad wher the English should haue occation to send them; then one of the three men told them they would haue these 30 heads before tomorrow in the after noone tho the english were with them and they said they would not desist from the warr against the longe Ilandors neither would they forsacke Ninnegrett; This day there came into vs and gaue in their names to the number of 73 The 17<sup>th</sup> day there came into vs more pequotés that liued near to Ninnegrett which before wee comaunded to bringe away their house and goods which thinge they did and gaue in their names as the rest did to the number of 36: (Pulsifer 1968, 2:147).<sup>24</sup>

The 18<sup>th</sup> day Ninnegrett keeping of and would noe way comply with vs wee agreed and sent two gentlemen with two to attend them and two Interpretors to make som demaunds of him; but there being six hee refused to speake with about two of them; but after much debate with his scoutés and som of his cheife men they came to speake with him viz; Capt: Davis and Capt: Seealy and first they demaund the Pequotés vnder him; his answere was why doe you demaund the Pequotés of mee when you haue them alreddy they demaunded more his answere was hee had not about three or four but the rest were despersed abroad a hunting and elsewhere but in the Issue hee Ingaged by writing to surrender all that were vnder him into the hands of Mr Winthorpe or Capt: Mason within seauen dayes" (Pulsifer 1968, 2:147; for a copy of this agreement, see *Winthrop Papers* 1992, 6:463-464).

2condly They demaunded the Tribute due for the Pequotés; his answere was hee neuer Ingaged for them hee was told hee paied it att Newhauen; hee said the reason of that was hee feared they would haue bine taken from him therfore hee paid nine or ten fathome of his owne peage to make vp the sum" (Pulsifer 1968, 2:147). [footnotes added]

When the names (*Winthrop Papers* 1992, 6:459-460, 6:462) of the various Pequot removed from Ninigret in 1654 (Pulsifer 1968, 2:148) are compared to the names of members of the later Eastern Pequot grouping, certain individuals can be identified. If, as it appears, these were the people over whom Cashawassett aka Harmon Garret was appointed "governor" in 1655, they would not appear to be the same group that was "autonomous" by 1650 according to the secondary sources cited above. Willard's narrative indicated that he expected them to join Robin Cassacinamon, but the October 23, 1654, order indicated that New London refused to permit their residence.

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<sup>24</sup>See listing below, from *Winthrop Papers* 1992.

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In addition to writing to the Commissioners of the United Colonies, on October 20, 1654, Willard also wrote to John Winthrop Jr. [at Nameag/Pequot] describing the planned disposition of the Pequot who had submitted to the English:

From Paucattuck this 20<sup>th</sup> of the: 8<sup>th</sup> mo: 1654. Wrth Sr, The order of the comisioners to us upon this designe: was this that what Pecoitts we reduced should be resigned up to yourself Major Mason: and Capt Deneson. The termes of the Pecoitts subscribing to, is infolded heerin, with the Number of them subscribed therto: we sent to Ninigrett for the rest: his covnant allso we send inclosd: . . . We thinke you maye do well to improve tho. Stantons abilities to se that Ninigrett performe his covnant in due time: for the Surrender of his Pecoitts: but we need not advise you heerin: . . . Sir our desiers are that you would acomodat these pecoitts so well as you maye though we doubt not of your care herin: yet we mad bold to sugest this to you (*Winthrop Papers* 1992, 6:458-459).<sup>25</sup>

Winthrop, Mason, and Denison issued an "Order for Resettling the Pequots, with Enclosure" on October 23, 1654, assigning the Pequots who had been removed from Ninigret to reside at Misquamicut:

Whereas it was agreed by order of the Comissioners of the united Colonies at Harford Sept the 25<sup>th</sup>. 1654 viz.

That Jno winthroppe Esq: Majr. John Mason and Capt. George Denison should have the full dispose and setlinge of all such Pequots whoe have lived under or are upon the land of Ninigrett under the government of the english; it, beeing likewise ordered by the sayd Comissioners that severall forces should bee sent from three of the Colonies to see the promises effected did meete at the time and place prefixed and at their departure sent to mr. Winthroppe to Informe him that diverse of the Pequotts came into them and gave an engagement under there hands to be subject to the English as allso an engagement, by Ninigreete under his hand that hee would surrender all the rest within seven dayes, and should bee delivered to our selves.

Wee therefore beeing mett at Powcatucke the 23 of Octo: 54 to attend the sayed service and beeing informed that Ninigret was gone to Warwicke sent imediatly some of his owne men to informe him, that wee weere come to Powcatucke expecting the performance of his engagement, but hearing nothinge from him have notwithstandinge proceeded for the effectinge of the trust committed accordinge to our best still and doe conclude and agree to and with those Pequots, whose names are herein written, that they shall from hence forth bee under the

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<sup>25</sup>The petitions, #35 and #113, contained only a partial photocopied list. Willard's entire narrative with all the lists has now been printed (*Winthrop Papers* 1992, 6:458-470) and has been used for this proposed finding.

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government of the English as their subjects, beinge Justly conquered by them: payinge their accustomed tribute and that for the present they shall Inhabite and dwell betwixt Powcatucke river and Weequapauge and they shall have liberty to plant and improve such land within the sayed limits as may bee for their present reliefe untill further order may bee taken therein (*Winthrop Papers* 1992, 6:465-466).

The reason of our thus actinge is because the towne of Pequot refuse to admitt them at Nawaywicke<sup>26</sup> as also the season of the yeare and means of removal so infirme, that wee Judge meete thus to Issue.

Wee doe further order and appoynte Tomsquash Matumbake and Cone to bee cheefe rulers over all such pequots as have at present submitted or shall hereafter become subject to the English to advise and counsell them in all their affayrs, and that they have power to Judge and determine in all matters of difference betwixt party and partie provided that all such persons shall have seasonable warninge to appeare at some convenient place for triall thereof, Wm. Cheesbourow and Tho: Stanton or either of them beinge made acquainted therewith and present thereat" (*Winthrop Papers* 1992, 6:466).<sup>27</sup>

The October 23, 1654, order enclosed a list of "Pequots Subjecting Themselves to English Rule," also headed, "The names of the Pequotts that have subjected themselves under the Government of the English" (*Winthrop Papers* 1992, 6:170, 6:170n1), and has also been printed in a second version with a differing transcription (Ottery and Ottery 1989, 57).

The records of the colonial authorities' contacts with Ninigret during early 1655 made no further mention of the Pequot (Williams 1988, 2:425; Vaughn 1995, 176). The September 1655 minutes of the Commissioners of the United Colonies recorded Willard's 1654 narrative concerning negotiations with Ninigret (Acts of the Commissioners of the United Colonies; X Plymouth Colony Records, September 1655, 145-151; NP 1978, App. 86) and the September 19, 1655, reply of the Commissioners, meeting at New Haven, to Simon Willard's letter and narrative. The commissioners stated that soon after the expedition in October 1654, Ninigret "grew hie and Insolent in his speach and Cariages refuseth to deliuer the rest of his Pequotes threatens them that haue left him hath againe Invaded the long Iland Indians our frind Tributaries and in Couenant with vs som bloud is alreddy shed . . ." and indicated very strong dissatisfaction with how Willard had proceeded (Pulsifer 1968, 2:148-149; copy in NP 1978, App. 86). The petition did

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<sup>26</sup>Annotated by Freiberg as Noank, the peninsula in Mystic Harbor; no mention of new London's refusal appears in its town records (*Winthrop Papers* 1992, 6:466n6).

<sup>27</sup>In light of this prompt appointment by the Commissioners, it is not clear why Hurd concluded that: "It is not known that any sachem was chosen by or placed over these Indians by the English for several years. . . ." (Hurd 1882, 28).

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not present nor did BLA researchers locate any information concerning the fate of the rest of Ninigret's Pequot tributaries. The intertribal rivalries in southern New England, each tribe appealing to its own English allies and supporters, continued after 1654 (Potter 1835, 54; Chapin 1931, 71; Society of Colonial War, *The Narragansett Mortgage* 1925, 23; NP 1978, App. 637; Sehr 1977, 51).

The #35 petition's overstatement that the Eastern Pequot and Western Pequot groups were "fully autonomous" by 1650 (#35 Pet. Narr. 1998b, 23) has been discussed above. In summary, it is based on Campisi's statement that by the 1650's, both Pequot groups had achieved independence from the Narragansett and Mohegan and were established in four "Indian Towns." Campisi stated that the Western Pequots, the portion assigned to Uncas, controlled Nameag and Nawpauge,<sup>28</sup> while Caushawashett, also known as Wequash Cook and Harmon Garrett, leader of the Eastern Pequots, controlled Pauquatuck and Weepauge [sic]<sup>29</sup> (Campisi 1990, 118). By contrast, Garrett's own description of the situation in his May 6, 1667, deposition to the General Court of Connecticut described the situation as, "seated there by the Commissioners . . . and we had broken up above a hundred lots by the Mercy of the conquerors . . ." (#35 PETS [bad photocopy of a carbon copy]).

The petition also asserted that:

in 1655 the colonies moved to reassert control over what they regarded as a defeated people, establishing four Indian towns under the leadership of two pequot "governors" (Campisi 1990:118). In doing so, the Commissioners of the United Colonies extended their recognition to the two Pequot groups, formalized a political relationship with the tribes, and appointed overseers to assist their headmen (#35 Pet. Narr. 1998b, 23).

However, the argument that the actions of the Commissioners of the United Colonies in 1655 were intended to "reassert control" is based only on the unsubstantiated claim that by 1650, the Pequot had again become "fully autonomous" or even "semiautonomous" (#35 Pet. Narr. 1998b,

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<sup>28</sup>Hodge's statement that in 1655, the Pequots gathered in two villages near the Mystic river in their old country (Hodge 1910, 2:230) must apply to the two groups under Cassacinamon (*Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, Collections of the Massachusetts Historical Society. Vol. X 1809, 101*).

<sup>29</sup>On the ethnohistorical maps (Salwen 1978, 161), Weakapauge or Weekapaug is shown as being well within the Eastern Niantic area. The Pequot-Mohegan are shown as more inland.

Hodge identified Wekapaug [Wecapauge] as the "principal village" of the Niantic, located on the "great pond near Charlestown" (Hodge 1910, 2:68). Wequashcuck I and Harmon Garret were there because they were the sons of an Eastern Niantic sachem. Their presence had nothing to do with Eastern Pequots "controlling" the area. DeForest stated: "The Stonington Pequots were a smaller band at first than those of Groton: some of them, also, were Nehantics . . ." (DeForest 1964, 431).

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23).” Rather, the actions of the Commissioners were directed toward those Pequot who had been removed from the supervision of Ninigret in 1654, and those who had formerly been assigned to Uncas (Pulsifer 1968, 2:143-144). Similarly, there is no documentary basis for the petition’s statement that “Caushawashett, who was also known as Wequash Cook and Harmon Garrett, controlled Pawcatuck [Pauquatuck] and Weepauge [sic] (DeForest 1851:226-227, 246-248; Campisi 1990:118)” (#35 Pet. Narr. 1998b, 23). While Wequashcuck I did hold lands at Wecapauge Brook, and during the late 1640’s and early 1650’s asserted hunting rights in the Paucatuck region, it was certainly an overstatement on DeForest’s part to say that he “controlled” them. His title, and later the title of his half-brother, Cashawasset aka Harmon Garret, to Wecapauge was disputed by their uncle, Ninigret, while his right to hunt in, much less settle in, the Paucatuck area was disputed by Connecticut, by Uncas, by Massachusetts Bay, by Ninigret, and by the Commissioners of the United Colonies (see above).

Cashawasset, aka Harmon Garrett, a half-brother of Wequashcuck I, was first mentioned in the documentary records in 1654, in connection with a land title dispute (see above). At this time, he had not adopted the name of his deceased half-brother, and would not do so for another decade. On September 14, 1655, the Commissioners of the United Colonies appointed him for one year as “governor” of the Pequot residing at Paucatuck and Wequapauge, with Tumsquash and Metumpawett as his assistants (Pulsifer 1968, 2:141-142). This was the group which had been removed from Ninigret by Simon Willard’s campaign in the autumn of 1654. The instructions issued to him were as follows:

you . . . are Require[d] to carry it in all thinges according to such rules and Instructions as you haue or shall Receiue from the said Comissioners and according to theire orders and all Pequoties Inhabiting the said places are Required peacably and quietly to Subjecte themselues to you to bee by you ordered in all thinges according to the orders aforesaid as they will answare th contrary at their prill [peril] (Pulsifer 1968, 2:142).

The new governors also received instructions which were a briefer version of the better-known “Laws for the Pequots” issued 20 years later, in 1675 (Pulsifer 1968, 2:142-143). “Captain George Denison and Thomas Stanton were to assist them in the government. This was continued for several years. (Haz. 2. 334, 345, 359, 382-7, 447-9, 465.)” (Potter 1835, 64). When Cassicinamon and Garrett were reappointed in 1656, Mr. Winthrop, Maj. Mason, Capt. Denison were appointed to assist them, while Thomas Stanton continued to collect the tribute (Hurd 1882, 29-30; Pulsifer 1968, 2:153-154; Pulsifer 1968, 2:168; see also Wheeler 1887, 13).

Several secondary sources have over-interpreted the meaning of the 1655 actions (Vaughn 1965; reprint Vaughn 1995, 167-168, 178-179). Hurd interpreted them to mean that in 1655, the commissioners adopted a policy by which the Pequots should remain “in two distinct tribes or bands, one at Misquamicut (Westerly) and the other at Noank (Groton)” (Hurd 1882, 29). Such a

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"policy" is not clear from the record. In 1895, the historian of New London County, Connecticut, wrote that from the 1650's onward:

The remnant of the Pequots not amalgamated with the Mohegans were principally collected into two bands: one of them lived on or near the Mystic,<sup>30</sup> having Cassasinamon (called by the English Robin) for their chief; the other, on or near the Pawkatuck, under Cashawasset (or Harmon Garrett.) These miserable fragments of a tribe for many years annually sent their plea to the court of commissioners asking for more land. Their situation was indeed pitiable. The English crowded them on every side. Their corn was often ruined by the breaking in or wild horses, and loose cattle and swine; and they were not allowed to fish, or hunt, or trespass in any manner upon lands claimed either by Uncas or by the English (Caulkins 1895, 129). [footnote added]

The majority of subsequent comments and interpretations, including those of Campisi (Campisi 1990, 118) have been based on Vaughan's 1965 summary statement, which was unaltered in the 1995 reprint of his book. Vaughn stated: "Not until 1667 did Connecticut, after being chastised by the Commissioners, finally assign permanent reservations to the Pequots" (Vaughan 1995, 178-179), but Connecticut did not, in fact, assign permanent reservations to the Eastern Pequot in 1667, as can be seen from the following discussion. In a more recent example, a historian indicated that the reservations were created in 1655 (Sehr 1977, 51), which was not the case for either the Eastern Pequot or the Western Pequot. The Misquamicut area where the Pequot under Harmon Garrett's supervision were living was not a "reservation" in any legal sense.

4. *The Eastern Pequot from 1655 through King Philip's War.* Throughout the later 1650's, both groups of Pequot were dealt with simultaneously at meetings of the Commissioners (Pulsifer 1968, 2:193-194). The September 1659 meeting of the commissioners showed a long litany of Pequot problems, addressing non-payment of tribute, participation in intertribal feuds, and disobedience to the Indian governors (Pulsifer 1968, 2:226-227).

Part of the problem continued to be that the Indian settlements had neither sufficient planting lands nor sufficient hunting territories assigned, which continually brought them into conflict with colonial farmers (Pulsifer 1968, 2:199). In September 1657, taking the jurisdictional dispute over the Paucatuck/Misquamicut region into account, the Commissioners stated that, "The Gourments of Massachusetts and Conecticott are desired to take care that the Pequotts bee accomodated with lands convenient for their Subsistence without prejudice to the English plantations; . . ." (Pulsifer 1968, 2:194).<sup>31</sup>

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<sup>30</sup>Presumably at Noank.

<sup>31</sup>For details, and statements in various secondary sources, see the draft technical report.

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Efforts to convert the Pequot to Christianity also continued. In 1657, the Commissioners of the United Colonies, as agent of the Society for Propagating the Gospel among the Indians in New England, employed the Rev. William Thompson, son of the Rev. William Thompson of Braintree, Massachusetts, to preach to the Pequots at a salary of 20 lbs. per year, but he remained for only three years (Hurd 1882, 34). In September 1658, the Commissioners renewed their instructions for the desired behavior of the Pequot, in words which throw doubt on how carefully they had been obeyed in the past: "And whereas the orders and Instructions formerly giuen to the aforesaid Indians were lost and tome there were others of the like Contents now giuen them" (Pulsifer 1968, 2:199). In 1660, Robin Cassacinamon, Harmon Garret, and their four assistants all received six coats from the Society for the Propagation of the Gospel "to reward them for their services in governing the Pequots, and to persuade them to attend [church] on such means as should be used for bringing them to a knowledge of god" (DeForest 1852:273). Moreover, "Indians who would put out their children to 'godly English' were also offered a coat every year, besides food and clothing for the children (Ibid)" (Grabowski 1996, 20-21).

In 1661, under the Soso Purchase, the Rhode Island consortium made arrangements for beginning the settlement of Misquamicut, or Westerly (Potter 1835, 61). Hurd wrote that, "Soon after the Rhode Island men took possession of Misquamicut (Westerly) they drove the Pequots from their planting-grounds at Massatuxet over Pawcatuck River into the town of Southertown (now Stonington) where they broke up and planted lands belonging to the English planters, by whom they were not disturbed (Hurd 1882, 30). Campisi interpreted these events as signifying that settlers in Rhode Island, desiring the land on which the Indians had settled, drove the Eastern Pequots across the Pawcatuck River into the town of Stonington, CT (Campisi 1990, 118). However, Garrett's 1667 statement to the General Court of Connecticut focused on the issue of the payment of rent.<sup>32</sup>

Campisi stated that Massachusetts granted the Pequots acreage in Stonington, but that Connecticut colony refused to honor the grant (Campisi 1990, 119). The situation was more complex than this. At the time of the "Soso Purchase," under the 1658 decision of the Commissioners of the United Colonies, jurisdiction over the Paucatuck and Misquamicut area, and title to its lands, belonged to Massachusetts, not Connecticut (see above). The continuing

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<sup>32</sup>May 6, 1667, Harmon Garrett to the General Court at Hartford, wit. by Thomas Stanton. "Harmon Garett (Alias wequashcooke) governor of the pequots by your orders sheweth for himselfe & others" stated that "... some men came from Roadisland & sharply threatened us to take away our land from us forbidding us to plant, telling us they would plunder us if we would not paye rent to them. This was done by James Badcok Senr. & John Randal & others. Some of them Also pulled down & burnt our fencs. Yet I refused to paye rent because I understood that if I should paye rent I should doe the right owners wrong & ..." several Indians complained to Connecticut ... "But though this paper was shewed to them they made nothing of it as if it had been but a feather or straw & violently drove us off wch were about fourscore indean men, besides women & children, & this just at planting time, that we must have perished for want of corne had we not had land to plant on on the west side of Paucatuck river of the english men what they Could spare & they took possession of our fields ..." (#35 PETS [bad photocopy of a carbon copy]).

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boundary controversies among the three colonies set the parameters for the settling of the Eastern Pequot during these years.<sup>33</sup>

In compliance with the request of the Commissioners of the United Colonies, and on the basis of the Commissioners' 1658 award of jurisdiction over the area between the Mystic River and Wecapaug Brook to the colony of Massachusetts Bay, on May 7, 1662, the General Court of Massachusetts granted 8000 acres of land to Cashawasset, alias Hermon Garret and his Pequots, to be located by them in the Pequot country (Records of the Governor and Company of the Massachusetts Bay 1854, 4(2):53). The effectiveness of this grant, of course, was entirely dependent on the maintenance of legal jurisdiction by Massachusetts Bay (Pulsifer 1968, 2:284).

In September 1662, the Commissioners of the United Colonies "... further desired that those Indians att Paucatucke might not bee desturbed by the English there and that the agreement made att Plymouth for there Continuance there for fiue yeares might bee observed; after som speech with the english they were satisfied that they might continew in therei posession and that the tract of land of eight thousand acres was ordered by the massachusetts Collonie to bee assigned them; ..." (Pulsifer 1968, 2:284). A year later, in September 1663, the Commissioners "... againe Comended to the generall courts of the Massachusetts and Conecticott that some effectuall course bee taken for the laying out of Convenient places for the settleing of the said Indians according to former agreement ..." (Pulsifer 1968, 2:298; Hoadly 1852, 33n).

Massachusetts ordered the grant on May 27, 1664 (*Records of the Governor and Company of Massachusetts Bay* 1854, 4(2):113; ). The 8,000 acre grant (the same amount of land which Massachusetts was reserving for the praying towns established within its modern borders during the same period; see the draft technical reports to the Nipmuc petitions for Federal acknowledgment, #69A and 69B) was duly laid out by Gookin and Daniel (Haynes 1959, 15) Denison according to Denison's report of July 5, 1664, which also indicated very clearly that the English settlers in Stonington objected strongly (*Winthrop Papers v. XII*:128; quoted in Lynch 1998a, 5:3; *Records of the Governor and Company of Massachusetts Bay* 1854, 4(2):119). By the time Denison and Gookin laid out the Massachusetts land grant for the Pequots at Cossatuck, the legal jurisdiction over Southertown [Stonington] had been returned to Connecticut. Between the dates when the grant was laid out and Denison made his report, on June 8, 1664, the town sent William Cheesebrough to Norwich officially to surrender jurisdiction to Connecticut

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<sup>33</sup>For the negotiations of this period, the #35 Pet. Narr. 1998b, 23 cited: Connecticut Records VI, 485-486, 488, 574-576; Connecticut Records 2:56-57; Indian Papers I:73-74; Records of Massachusetts, 4: 53, 4:113, 4:119, 4:229.

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(Haynes 1949, 15), and warned the Indians off the tract (Wherry 6/7/1994, 11; citing Stonington Town Records, Volume No. 1, 1664-1723 [page 8]).<sup>34</sup>

Harmon Garret and the Pequots responded with formal complaints to the Commissioners of the United Colonies (Pulsifer 1968, 2:321-322; Trumbull 1852, 33n-34n), to Massachusetts, and to Connecticut, to which colony the United Colonies transferred responsibility for the Pequot at its 1664 meeting (Pulsifer 1968, 2:321). At this juncture, in 1664, the effectiveness of the Commissioners of the United Colonies was sharply restricted by the presence of the Royal Commissioners.

The ultimately successful campaign of the English settlers at Stonington to prevent the effectiveness of the Cossatuck land grant to the Pequots continued from 1665 through 1669. On September 19, 1665, the town meeting appealed to the General Court of Connecticut (Wherry 6/7/1994, 11; citing Stonington Records Volume 1, 1664-1723, [page 8]) (Trumbull 1852, 34n). The General Court appointed a committee (Hurd 1882, 30-31; Trumbull 1852, 33), which decided against the town (Trumbull 1852, 36, 39). The town remonstrated, and the court ordered the committee to revise their work (Trumbull 1852, 50; Wheeler 1887, 15; Wherry 9/12/1994, 5). In the meantime, in 1666, Stonington issued grants to English settlers on the Cossatuck lands and repeatedly warned the Indians off the grant.<sup>35</sup> By October 18, 1666, the General Assembly held at Hartford issued revised instructions to the committee concerning settling the matter of the Indian lands at Cossattuck, ordering that land be located for "the Peqyit," instead, outside of the boundaries of Stonington, at Pachaug (Trumbull 1852, 56-57; Wherry 9/12/1994, 5, 8, 16). This proposed grant at Pachaug<sup>36</sup> was in turn not carried out, because any tract large enough encroached on existing English grants (Hurd 1882, 31). The instructions also provided that the Pequot should be recompensed for the work they had already done at Cossatuck (Trumbull 1852, 56-57). Finally, Connecticut reaffirmed the appointment of Harmon Garrett as governor over the Pequot Indians then at Cossatuck and instructed that Tomsquash "doe not any further meddle in matt'r" (Trumbull 1852, 56-57).<sup>37</sup>

George Denison continued to act as an advocate for the group (October 27, 1666, letter from Captain George Denison to governor John Winthrop of the Colony of Connecticut in Hartford on behalf of the Indians at Cosattuck (Winthrop Papers; *Collections of the Massachusetts Historical*

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<sup>34</sup>For discussion of this incident, see: Hurd 1882, 30; Wheeler 1887, 14; Trumbull 1852, 33n. "But the inhabitants of the town of Stonington were unhappy with the arrangement: they threatened to burn down wigwams and beat up one Indian" (LaGrave 1993, [5]; no source citation).

<sup>35</sup>For details, see the draft technical report.

<sup>36</sup>Located northeast of Norwich, near modern Voluntown (*Records of Massachusetts*, 4:53, 4:119, 4:229).

<sup>37</sup>It is not clear how this renewal of his appointment relates to the two orders by the royal commissioners issued in 1665 and 1666 (see above) granting Garret and his family peaceful occupation of his lands at Wecapaug.

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*Society*, Third Series, Volume X 1842, 64-65; Wherry 9/12/1994, 6-7), which moved the Town of Stonington to sue him the next year (Wherry 6/7/1994, 19; citing Stonington Town Records Book Volume 1, 1664-1723 [page 41]). The project of viewing and assessing the worth of the improvements that the Indians had already made at Cossatuck was carried out (Wherry 9/12/1994, 8-9; document located at Eva Butler's Indian & Colonial Research Center, Old Mystic, Connecticut; no better citation).

On May 6, 1667, Harmon Garret, with Thomas Stanton as witness, petitioned the General Court at Hartford for redress and asked "that such men that weare hats & cloaths like englishmen, but have dealth with us like wolves and beares," may at least be called to account." This petition was signed with Harmon Garret's mark, and attested as "his own words, taken from his mouth." by Thomas Stanton (Trumbull 1852, 529).<sup>38</sup> By 1668, the Pequot under Garret were very unhappy about the way the land issue had been handled. In a July 1669 deposition concerning the Indian troubles, John Stanton stated that "Nesomet some time last summer did say to mee, now that they were so desperate, they did not now care where they now went to live or where they died, --speaking about their being removed from Cowissattuck" (Trumbull 1852, 551; #35, B01B, submitted as unidentified appendix, 551). According to John Mason's letter of July 8, 1669, "A Pequot named Mosomp, a man of note, had likewise told Osborn's son, that the Indians would have Cowsattack again, . . . or it should cost the English their blood . . ." (#35 Pet., B01B, unidentified appendix, 549; see also Hurd 1882, 31).<sup>39</sup>

5. *King Philip's War and Its Immediate Aftermath*. There is no need to recapitulate the history of King Philip's War, as such (see Leach 1958). Just before the outbreak of the war, on May 31, 1675, Connecticut issued a set of "laws" for the Indians under Cassasinamon and Harmon Garret (Wheeler 1887, 16; Trumbull 1852, 574-576).

The Pequots remained allies of the English during King Philip's War, as did the Mohegan and the Eastern Niantic (Hurd 1882, 31; Caulkins 1895, 184-185; Haynes 1949, 23; Potter 1835, 96; Chapin 1931, 85).<sup>40</sup> On December 17, 1675, the Connecticut contingent that joined Winslow to attack the Narragansett included about 150 Mohegan and Pequot led by Oneco [Oweneco] and Harmon Garret's son Catapazet (Leach 1958, 127), although there continued to be tensions between Ninigret and the Pequot groups, as well as between the Pequot groups (Leach 1958, 146). The New England council prosecuting the war valued the efforts of these allies (*V Records*

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<sup>38</sup>#35 PETS [bad photocopy of a carbon copy]. Trumbull cited the location of the original as Col. Boundaries, Vol. I, Doc. 29.

<sup>39</sup>For further details of policies in the later 1660's, leading up to the war alarm of 1669, see the draft technical report.

<sup>40</sup>September 5, 1675, "Pequots" mentioned as serving in the Connecticut troops, no indication whether Lantern Hill or Mashantucket, correspondence of Fitz-John Winthrop (*Massachusetts Historical Society Collections*, Series 6, 3:448-449).

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*of Massachusetts Bay*, February 1676, 72; NP 1978, App. 111; *Public Records of Connecticut*, 2:413; NP 1978, App. 112).

The post-war developments in the assignment of the permanent reservations can only be understood in light of the wartime alliance (see Chapin 1931, 86; Leach 1958, 172; Haynes 1949, 23). By August 1676, the war had basically ended (Leach 1958, 237). Harmon Garrett and his son lost no time in attempting to gain whatever benefits might stem from their alliance with the English (Stonington, CT, letter of Rev. James Noyes to John Allyn, Wyllys Papers, *Collections of the Connecticut Historical Society* 1924, 257). On September 23, 1676, from Stonington, Garrett made a declaration to the General Court of Connecticut renewing his claim to his inheritance in Misquamicut, which was still in controversy with Ninigret (#113 PEP, STATE, IP, I:29; IP, I:25; typescript #35 Pet B09 LAND DEEDS citing as IP I, 29; see also Trumbull 1852, 288n; LaGrave 1993, [6-7]). Essentially, he offered a bargain with Connecticut that would have resulted in his relinquishing any claim that the Pequot had to land in Stonington under the Massachusetts grant in return for Connecticut's regrant to him of Misquamicut (Trumbull 1852, 288-289). Hurd interpreted the above transaction as follows: In October 1676, Harmon Garrett and his son Catapeset gave the English a quit-claim deed of all their lands in Stonington bounds, on condition that the General Court of Connecticut would restore to them their old grounds at Misquamicut, which the court undertook to do, and granted them more than one-half of the present town of Westerly (see Lynch 1998a, 5:8 citing CPR.2; Trumbull 1852, 314).

However, they did not receive valid title to the Misquamicut land, so the Indians remained at Stonington (Hurd 1882, 31). The absence of valid title was caused by the refusal of Rhode Island to admit the hypothesis that Misquamicut was "conquered territory" and at the disposal of Connecticut. On October 25, 1676, the General Assembly of Rhode Island and Providence Plantations forbade "all persons, under what pretence soever, to exercise jurisdiction in any part of the Narragansett country, (alias King's provinces,) neither to transact in any manner of way, as to the disposition of lands, &c., but by order of the authority of this, our Colony of Rhode Island and Providence Plantations, foresayd" (Potter 1835, 100).

The documents pertaining to the settlement of the estate of Harmon Garrett provide considerable confirmation of his prior status as an Eastern Niantic who served as "governor" of the Pequots only by appointment of the colonial authorities. His personal estates, all of which were within the limits of modern Rhode Island, were inherited by his family, while the gubernatorial appointment was transferred within a few months of his death to Momoho, a Pequot. The documents do not indicate any continued leadership role for his immediate descendants (children and grandchildren) among the Eastern Pequot (see Appendix III to the draft technical report).<sup>41</sup>

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<sup>41</sup>The May 1700 Court of Election held at Hartford provided that: "Vpon the request of the Reverent [sic] Mr James Noyse, this Assembly doth grant to Wequatook that he shall succeed his father in the government [sic] of the Indians he lives with, to continue in that place upon his good behaviour during the courts pleasure" (Hoadly 1868, 326; Col. Rec. 4, 326; #35 PETS). This presumably referred to Joseph Garrett, Harmon Garrett's grandson

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6. *The Establishment and Maintenance of the Eastern Pequot Reservation, 1677-1751.* After the death of Harmon Garret, the documents began to reflect the existence of an entity that was clearly the precursor of the later Eastern Pequot tribe as it existed on the Lantern Hill reservation in the 18<sup>th</sup> and the first half of the 19<sup>th</sup> centuries. However, some developments in the years immediately following his death indicated that the two Pequot groups in Connecticut (Eastern and Western) were, although administratively separated by Connecticut policy, not yet fully distinct. Between 1678 and the early 18<sup>th</sup> century, some attempts were initiated by the Pequot themselves to develop crossovers of leadership between them (Trumbull 1859, 8n; Hoadly 1868, 86; McBride 1996, 88; citing CPR [4]:86, correcting DeForest 1852, 422).

At the death of Harmon Garrett in 1677, the Pequot whom he had served as governor were still landless. By the death of his successor in 1695, they had been provided for a decade with a small reservation by the Colony of Connecticut. Momoho,<sup>42</sup> who had served as Harmon Garrett's second-in-command as "governor" of the Eastern Pequots at least since 1675 (see above), was appointed to succeed him soon after Garrett's death, since he was in office by May 13, 1678. The 1675 "Laws for the Pequots" were republished early in his tenure (Trumbull 1852, 576). Aside from the land issues discussed below, the surviving documentation contained only occasional mentions of his actions.<sup>43</sup> Momoho and the Pequots immediately resumed the attempt to obtain permanent lands (Hurd 1882, 32; Wheeler 1887, 16), with negotiations continuing for four years.<sup>44</sup> By a deed dated May 24, 1683, the committee purchased a tract of land from Mr. Isaac Wheeler containing about 280 acres, in Stonington a little way south of Lantern Hill (Trumbull 1859, 117n).<sup>45</sup> Wheeler conveyed it to the committee in trust for the benefit of said

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and the son of Catapesset. Other documentation indicates that Catapesset's followers had not joined Momoho and the Pequots at Lantern Hill, but rather had a separate settlement on Ephraim Minor's land (see Appendix III).

<sup>42</sup>Momoho was the grandson of Uncas, Sachem of the Mohegans, and great-grandson of Sassacus, Sachem of the Pequots, and thus there is evidence of a genealogical link between the Pequot tribe in the early eighteenth century and the historic tribe of the 1600s" (Joslyn 1996, 17; citing to "The Genealogy of Uncas given by himself...down to July 13<sup>th</sup> 1769" as recorded by John Trumbull; Jonathan Trumbull Papers, Box r, Microfilm 80010, Connecticut Historical Society Hartford). It must have been this man, or a combination of the Mamoho of the 1630s and the Momoho of the 1680s conflated in the recollections of elderly people, of whom Ezra Stiles wrote in 1759 that: "Col. Williams of Stonington tells me that when a Boy [he k]new Mauommiyo [*sic*]...the successor of Sassacus King of the Pequots and that the old people told him, Mamio could raise 500 men in two hours" (#35 Pet. Narr. 1998b, 29; citing Stiles 1759).

<sup>43</sup>For details, see the draft technical report.

<sup>44</sup>See listings and analysis of the specific documentation in the accompanying charts.

<sup>45</sup>Campisi misdated this purchase, stating that in 1685 [*sic*], Connecticut Colony purchased 280 acres for Eastern Pequot use near Lantern Hill on Long Lake, site of the present-day Paucatuck Pequot reservation (Campisi 1990, 119). The mistaken date may have been based on the 1761 title inquest that Connecticut conducted on Pequot lands, which stated that in this year [*i.e.* 1685] the General Assembly appointed Capt. James Avery &c "a Comtee to Lay out and bound the Sundry parcels of Land Given to the Pequots in New London or Stonington

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Indians, reserving the herbage (Hurd 1882, 32). The payment was 500 acres of colony land (Wheeler 1887, 17). The committee provided an extensive report to the October 1683 General Court (Trumbull 1859, 125). Hurd stated that Momoho and his tribe "reluctantly abandoned their claim to lands by the seaside, and at last found an abiding-place bordering upon the sources of the Mystic River" (Hurd 1882, 32).

The petition asserts that by 1683, the date of the purchase of the Lantern Hill reservation land, the Pequots "had gone from a collection of villages, each with their own political organization, through a state when they were subjected to the authority of other Indian tribes, to two semiautonomous tribes with relatively strong central authority, yet dependent upon the Connecticut Colony for advice and protection" (Campisi 1990, 119; as cited in #35 Pet. Narr. 1998a, 20; #35 Pet. Narr. 1998b, 23). While there are no direct data or name lists of the Pequot under Mamoho in 1683, their identity can be in general derived from the 1654 lists, the lists pertaining to the Cossatuck lands, and the petitions from the early 18<sup>th</sup> century. Hurd's contention that in 1699, Connecticut dispensed with the Pequot sachems' having English assistants, with guardians and overseers substituted in their places (Hurd 1882, 31) is not confirmed by the documentation. One temporary split between a group of Western Pequot who gave their obedience to Scattup and those who grouped around Momoho's son is of significance, in that it has caused some confusion between Cutshamakin's followers and the Eastern Pequot on the Lantern Hill reservation.<sup>46</sup>

According to a local historian, Momoho died in 1695 (Caulkins 1895, 130). He was, in any case dead by May 1695, when the General Court of Connecticut made some provisions for the council to assume the "care and government of the Indians which did appertain to Mamohoe"(Hoadly

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bounds or Lands Adjacent and What of them were not Recorded to make Record of them in the Town Records where they Lye and to Return the Copys of sd Records to sd Assembly at their next sessions . . ." No return located (IP, II:118).

<sup>46</sup>On September 25, 1698, a group described as the "Pequots of Stonington" petitioned the General Court at Hartford to be placed under the protection of Governor John Winthrop. This document was cited by the #35 petition as part of the "continuing political authority" for the Eastern Pequot (#35 Pet. Narr. 1998a, 94). However, the signers were Western/Mashantucket Pequot (#35 NARR 1988, 60; citing IP, I:48; #35 PETS, typed copy). Consequently, the acceptance of the petition by the General Court (Hoadly 1868, 280) did not, in fact, directly impact the Eastern Pequot. That the 1698 document, although referring to the "Indians of Stonington," pertained to a dissident group of Western Pequot is confirmed by a 1701 document in which the old men and councilors petitioned the Commissioners that their choice of sachem was not being recognized (McBride 1996, 88-89). In this document, although they described themselves even more specifically as "the Pequitt Indeans living near to the Cedar Swam by Lanthor hill . . ." the reference to the succession from Robin Cassicinamon and the names of the signers designated the group as unmistakably Western Pequot (Mashantucket Pequot Pet. Narr.). The Connecticut General Court did not accede to the expressed desire that the son of the Eastern Pequot governor should succeed Robin Cassicinamon and Daniel as the Western Pequot governor. In May 1694, it determined that the Western Pequots should have a separate governor (Hoadly 1868, 122-123).

1868, 140-141).<sup>47</sup> For more than a quarter century following Momoho's death, documentation concerning the Eastern Pequots became much more sparse than it had been throughout the 17<sup>th</sup> century.<sup>48</sup> The Connecticut records do not show any indication of the formal appointment of a successor to Momoho. The 18<sup>th</sup> century petitions (see below) give the impression that he was succeeded in leadership by his widow, who was assisted by an Indian council.

There is little documentation in the records concerning efforts made by the colony to convert the Pequot to Christianity before the Great Awakening of the 1740's. The documents that do exist describe an identifiable Eastern Pequot settlement. In October 1713, Experience Mayhew, an "English minister and missionary from Martha's Vineyard," visited the Stonington Pequots at the desire of the commissioners of the London-based Society for the Propagation of the Gospel in New England. Mayhew spoke to the Lantern Hill Pequots through an interpreter named Joseph, to a "large and apparently interested audience," but made no converts (#35 NARR 1998, 37; citing Mayhew 1896, 97-127). Simmons also provided some discussion of Mayhew's efforts at Stonington (Simmons 1990, 147-148; 244n13-n14). Mayhew returned the next year:

in late September and October of 1714 to speak to the Groton and Stonington Pequots about Christianity. At Stonington, an old powwow (the Pequot name for shaman or priest) argued with Mayhew in an attempt to discourage other Indians from hearing his message. Mayhew attempted again to bring Joseph and others to Christianity but made no converts during this visit. Those Indians with whom he spoke professed some knowledge of Christian ideas (or more specifically, of the

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<sup>47</sup>One petition researcher has stated that: "As early as 1692, for example, some of Momoho's Pequots cultivated small tracts in Groton. They did so, however, as squatters, not proprietors . . ." (Grabowski 1996, 25; citing DeForest 1852:422). "Some of Momoho's Pequots cultivated little tracts in Groton, although they were not proprietors there, and were acting only as squatters. The Assembly gave them permission to continue this culture; but ordered them to make their residence in Stonington so that they could be under the eye of their governor" (DeForest 1964, 422).

The BIA researcher did not locate any 1692 document with pertinent references, and believes the above statements may be based on the 1695 court order: "This Court for the settlement of the Pequit Indians order as followeth, that those of the councill by the Courts appoyntment doe take care and government of the Indians which did appertain to Mamoehoe, they to remove to the bounds of Stoneington with a liberty of improvement of their lands in New London so long as they behave themselves peaceably and the Towne of New London shall agree, . . ." (Hoadly 1868, 140-141). However, the court order did not indicate that they cultivated land in New London as "squatters," while other, earlier, documents indicated that these Indians rented land from English settlers. A rent-paying tenant, although not the owner of the land, is not a squatter.

<sup>48</sup>All of the New England colonies passed restrictive orders applying to Indians during Queen Anne's War (Hoadly 1868, 455). Enforcement, however, was variable (#113 Pet. 1994, STATE A-2). A March 25, 1705, letter from Fitz-John Winthrop to Joseph Dudley, concerning recruiting of volunteers against the "Eastward enemy," stated the quota to be 12 or more English and the rest Indians. Winthrop stated that he could get Moheags, 20 men armed; Pequots, 30 men armed; Nihanticks, 4 men armed; could get 10 more Mohegan and 20 or 30 more Nihanticks if arms could be procured (*Collections of the Massachusetts Historical Society* 1889, Series 6, 3:187). There was no indication as to which of the two Pequot groups he was recruiting, or both.

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dea of God) but did not pursue Mayhew's offers to accept the faith (#35 NARR 1998, 37; citing Mayhew 1896, 97-127).

In October 1717, the Connecticut General Assembly passed an act concerning Indians. It was general, not specifically applicable to the Pequots, and included bringing them to a knowledge of the Gospel, temperance, settlements in the English manner, and inheritance of land (IP, I:87; IP, I:88).

The next major series of documents pertaining to the Eastern Pequot was filed in the 1720's.<sup>49</sup> The 1720's crisis for the Lantern Hill reservation did not stem from the provisions of Isaac Wheeler's will, but rather were caused by a provision of the Connecticut law which provided land grants to veterans of the Pequot War (Bassett 1938, [1]). A man named Samuel Minor purchased four warrants for grants totalling 280 acres (Hurd 1882, 32) and laid them out upon the 280 acres of the Lantern Hill reservation in 1716. The Minor claim was not only resisted by the Indians, but also by Isaac Wheeler's son, William Wheeler (Wheeler 1887, 18). The issue was brought before the General Assembly in October 1722 by James Minor, brother and heir of Samuel Minor deceased. The General Assembly appointed a committee to investigate.<sup>50</sup>

The Indian Papers at the Connecticut State Library (IP, Series 1, Vol. I, Doc. 73) contain an undated petition from Sunks Squaw, widow of Momoho, addressed to the General Court.<sup>51</sup> DeForest, apparently relating it to Isaac Wheeler's will, dated it about 1713 (DeForest 1852:439), in which he was followed by Lynch (Lynch 1998a, 5:13-14). The document, however, should by the internal evidence be dated to October of 1722 (see the Order of the Court made in response to the petition; Indian Papers, Series 1, Vol. I, Doc. 74), since it was a reply to the petition of

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<sup>49</sup>For further details as to the precise provisions of Wheeler's will, etc., see the draft technical report.

<sup>50</sup>James Minor petitioned that his brother:

did in his life time purchase several grants of land, in the whole two hundred and eighty acres, and did (as he though he might) lay out the said grants on a certain tract of land, in Stonington aforesaid, belonging to this Colony, which was by this Assembly, Octo. 11<sup>th</sup>, 1683, allowed to one Momohoe, an Indian, with his company to dwell upon and use during the Court's pleasure; praying that the said grants may be confirmed, saving to the said Indians what may be needful for them out of the said two hundred and eighty acres: this Assembly resolves, that a committee, at the charge of the petitioner, repair to the place, view the said tract of land, enquire into the whole state of the case, as well to the claims made thereto and the number of momohoe's men yet surviving, as of what quantity of land may be needful for them to improve, and report the whole case to this Assembly in May next. Capt. James Rogers, Capt. Daniel Brewster and Mr. John Brown, or any two of them, to be the committee. Notification to be made to the other claimers thereon of the time of the committee's meeting (Hoadly 1872, 352-353).

<sup>51</sup>Basset's title search of the Lantern Hill reservation land dated it loosely as between 1712 and 1735 when Hezekiah Wyllys was Secretary (Bassett 1938).

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James Minor discussed immediately above. The argument of the reply focused on the earlier instances of alliance between Momoho and his men and the Colony of Connecticut ( #113 Pet. 1994, STATE, IP, I:73; typescript, IP, I:73). The Assembly requested the governor to conduct an investigation(#113 Pet. 1994, STATE; Bassett 1938; citing Action, CSL, Indian Papers, Vol. 1, Doc. 74). The precise date of October 11, 1722, for the Assembly's response was provided by a document outside of the Indian Papers (Hoadly 1872 6:352; CSL, Towns & Lands, Series 1, Vol. 3, Doc. 227 a b (Bassett 1938)). The committee apparently did inquire and apparently did make a report which is no longer in the records. The Eastern Pequot were not satisfied with its conclusions. On May 9, 1723, Sunks Squaw and others submitted a second petition, which reiterated the former military service rendered to the colony by Momoho's Pequots (Bassett 1938; citing CSL, Indian papers, Loose Index, Doc. 22 a b).<sup>52</sup> It specifically identified the continuity of the petitioners with the group for which the reservation had been purchased, and provided a considerable amount of descriptive material:

Petition of wee the subscribers in behalf of ye Rest of Mo-mo-hoe's men & their  
Posterity, humbly Sheweth  
Whereas our Fathers, viz. Mo-mo-hoe & his men, venter'd (?) Their lives, with ye  
English in ye Narragansett war \*Mo-mo-hoe's Eldest Sonn, named woa-tok-quy  
was with ye Enemy Indians the Narragansetts, & had no other Sonn; Yet for his  
great Love that he had for ye English he went in person with all his men Against  
ye sd Enemy (& his own Sonn Likewise) from first to Last of yt war! & he never  
knew, but that he himself might Slay his own Sonn! So great was his Love,  
faithfulness & fidelity to ye English: Even Against ye bonds of nature!\* [the  
above portion between the two asterisks in a marginal note in one copy of the  
document] & for that service: This court fixed ye Land (for our Fathers [& as  
they have told us] wee & our Children for ever) According to Mr. Wheelers  
Covenant wth ye Gentmen hereafter Named (in behalf of ye Colony) [& wee  
always were told by ye English] upon us likewise & our Children for ever.  
Therefore wee ye Subscribers, in behalf of all ye Rest that are of ye descent of  
Mo-mo-hoe & his men, Male and Female which are now Surviving are above one  
hundred & thirty (as we Shall Set forth & Demonstrate to this Assembly) And  
whereas ye Gentmen Committee sent by this Assembly last October in their  
Return to this Assembly, says, ye English Did Inform them that ye number of ye  
Indians belonging to Mo-mo-hoe and his Company, that is now Extant or  
Descended from them, And they Say The English Informed them, that there was  
three men & four Squaws, & of Male Children twenty four, twenty of which are  
bound Servants to ye English (It looks as though ye English mentioned in sd  
Return, viz. Mr. Henry Stevens, Ebenezer Billing, Adam Gallup, John Gallup,  
William Gallup had told them there was no more than mentioned in sd Return:

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<sup>52</sup>DeForest confused this with the 1749 petitions (DeForest 1964, 432).

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The aforementioned Gentmen told sd Committee no such thing (as they say) And whereas sd Committee says, there be twenty of which are bound Servants to ye English. Though wee have bound out Some of our children to ye English for Learning and education; 'tis no other wise than ye English bind out their children each to other &c. Our children are free at ye Same Age & time as ye English Children are, which are bound out; The sd Committee Seems in their Return, as if a Small Quantity of Land would Suffice us & our Posterity to plant upon; Not considering what great Disadvantages wee are under for want of Dung! When we have Wore out our Planting Land; Wee must always be breaking up new Land: so that a Small quantity of Land will Starve us! We Do humbly Desire this Honble Assembly (According to ye True Intent & meaning of Mr. Isaac Wheeler Deceas'd his Agreement with ye Gentlemen Committee viz Capt. James Avery & Lieut. Tho: Leffingwell A.D. 1683.) to Confer all sd Planting Grounds (According to ye boundaries set forth in sd Agreement) upon us & upon our Children for ever. Hoping & Believing yt your Honrs wll not Cast us off! & let all our former fidelity & Services be forgotten: All which wee humbly submit to your Honrs Wisdom & Goodness. Sun X squas [Sunk Squaw her marke], Ash-koh-Loo duck [Ash-kah-soo Duck her marke], Ino-no-mo Suck [Que-ne-me Suck his marke], Go-be so-kiant [To-be so-ki-ant his marke], Sam saw-was [Sam Saw-was his marke], Mo as [Mo-as his marke], Wee-yoah hooz-zen [Wee-yoah hog-zen his marke]; Ned & Kindness, grandsons to Woa-ta gonk-quam deceased. [more] (Bassett 1938; citing CSL, Indian papers, Loose Index, Doc. 22 a b).<sup>53</sup>

This proceeding ended in a compromise out-of-court settlement: on May 17, 1723, William Wheeler bought the warrants from James Minor for 60 lbs. (Stonington Land Records 3:427; Bassett 1938; citing original deed, CSL, Indian Papers - Loose Index - Doc. 23a b; IP, 2<sup>nd</sup>, II:23). Hurd stated that Wheeler fenced it for the herbage (Hurd 1882, 32-33) -- for further developments, see the petitions after William Wheeler's death, below.

During the later 1720's, Connecticut passed three pieces of legislation that pertained to its supervision of Indian tribes. In October 1725, it resolved: "That till the Session of this Assembly in May next, the Care of the Indians in their Severall Tribes in this government be under the Inspection of the Governr & Councill from time to time to regulate, restrain, Set at Large &c as to them shall Seem best" (IP, I:120). In October 26, it passed an act to prevent the quiet title act being used to assert claims to "several tracts of land sequestred for several tribes of Indians within this government . . ." (7 PUB REC CONN 71-72; IP, I:130). In 1727, it passed an act regulating how Indian children bound out to the English were to be instructed in Christianity, to read English, etc. (IP, I:131). The next major act was not passed until 1750. The petition did

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<sup>53</sup>IP, 2<sup>nd</sup>, II:22. Full legible copy. Names transcribed as Sunk Squaw, Ash-kah-soo Duck (her mark), Que-ne-me Suck, To-be So-ki-ant, Sam Saw-was, Mo-as, Wee-yoah hog-zen, Ned, Kindness. Transcript #35 PETS, slightly different versions of the names.

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not include any specific documents generated by the governor and council in regard to its responsibilities toward the Pequot between 1725 and 1750.

The Eastern Pequot petition stated that, "The first major occasion for widespread Christian influence amongst the Native peoples of Stonington and in the neighboring vicinities . . . was . . . the Great Awakening" (#35 Pet. Narr. 1998b, 37). However, a limited amount of data was obtained from church records between the 1720's and the early 1740's as well. Some of the pertinent data was submitted by both petitioners #35 and #113; some also in the third party comments (Lynch 1998a 5:17-19).<sup>54</sup> In 1734, a missionary from the Massachusetts "praying town" of Natick visited the Mashantucket Pequots and influenced the Groton minister to accommodate the Pequot Indians in his meetinghouse. After that the Pequots attended church and a school was established for them (Ottery and Ottery 1989, 41). In 1736, the Indian children at Stonington were gathered into a school with the whites, the commissioners allowing one shilling a week for the instruction of each (Love 1899, 198).

While some of the Indians mentioned in the pre-Great Awakening church records of Stonington and North Stonington cannot be identified by tribe, others, such as the Sowas family, were clearly Eastern Pequot on the basis of other mid-18th century records. Some, such as Patience, the wife of William Woppleton, can be identified as Eastern Pequot on the basis of Rev. Joseph Fish's much later mention of her sister, Esther Waugs (see below). Still more were probably Eastern Pequot, but on the basis of the evidence currently in the record cannot be firmly identified as the ancestors of the later Eastern Pequot families who bore the same surnames.<sup>55</sup>

In 1741, James Davenport, a disciple of Henry Whitfield, preached several times to the English in the Stonington area as part of the Great Awakening (see Haynes 1949, 35). Local Congregational ministers held indoor and outdoor revivals throughout 1742; by the following year, a number of Stonington Indians had converted and were themselves preaching to neighboring Indian groups, including the Narragansett community in Westerly (#35 Pet. Narr. 1998b, 37; citing Simmons 1983: 253-271; #113 Pet., Grabowski 1996, 41; citing Simmons 1983:263).

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<sup>54</sup>In 1731, the First Congregational Church (Road Church) of Stonington divided into two societies: West, the Road; and East, the Center (Haynes 1949, 34). In 1732, Rev. Joseph Fish became pastor of the Second (Congregational) Church of North Stonington (#35 Pet. Narr. 1998b, 37), being ordained on December 27 (Haynes 1949, 34). On June 14, 1733, Rev. Nathaniel Eells from Scituate, Massachusetts, was elected pastor of the Eastern Society of the church: He preached at the Center meetinghouse until 1752; then on the death of Rev. Mr. Rossiter preached in both the East and West Churches; he died June 16, 1786 (Haynes 1949, 34). The names of all three of these ministers appeared in church records pertaining to the local Indians.

<sup>55</sup>For specific, footnoted, references to the mention and identification of each individual, see the draft technical report.

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On August 13, 1742, Rev. Joseph Park of Westerly, Rhode Island, who was serving as missionary to the Narragansett Indians, was ordained as minister of "the Presbyterian or rather Congregational Church of Christ in Westerly" by Rev. Nathaniel Eells of Stonington and Rev. Joseph Fish, of North Stonington, "who in a limited measure favored the revival, but were displeased with itinerant ministers, and particularly with Mr. Davenport." In less than two years, more than 60 Indians became members. A separate Indian church (Narragansett church) was founded in 1750 (Denison 1878, 68-69). DeForest's 1852 book on Connecticut Indians stated that in 1742 there was a school teacher among the Groton Pequots, and probably also, although not certainly, among those of Stonington (DeForest 1964, 430; no citation). The petitioner stated that, "Manuscript records of baptisms and marriages show that the First and Second Congregational Churches of Stonington attracted numbers of local Indians in the years following the Great Awakening, but the Strict Congregational or Separate Church attracted the largest Indian following" (#35 NARR 1998, 37). DeForest also stated that in 1743, during the great revival, a number of converts were made among the Stonington Pequots and several of them paid a visit to the Narragansetts of Westerly and Charleston (DeForest 1964, 430; no citation; see also Love 1899, 192-193).

The number of individual Indians who accepted baptism and were admitted as church members (these two actions were not equivalent to one another) accelerated greatly during the early 1740's, although some continued to pertain to families that had been mentioned in the preceding decade. As in the earlier period, some cannot be identified by tribe. Some were clearly Western Pequot, while it is probable that Gideon Harry and his wife were of Narragansett or Block Island origin. The Garrett family, which had not been mentioned in the civil records pertaining to the Eastern Pequot since the land title lawsuits filed in Rhode Island about 1700 appeared again in the church records. The Garretts of Stonington would also be described as Pequot in the records of Eleazer Wheelock's Indian School, although one record indicated that by the mid-18<sup>th</sup> century they had intermarried with the Mohegan. Of even greater interest from the perspective of identifying continuing associations is the frequent appearance of the Garrets in the church records on the same days as the Sowas family, which is known to have been on the Lantern Hill reservation.

On the basis of comparison with names found in other documents, the following families mentioned in the Stonington and North Stonington church records of the 1740's were almost certainly Eastern Pequot: Ned, Sokiant, and Shelly. Others, such as Tikens and Fagins, were probably Eastern Pequot, in that the names appeared regularly in later reservation records, while appearing rarely, if at all, in documents pertaining to other nearby tribes. Some records in which the individuals were listed only by given name may have been Eastern Pequot, since the given names appeared later in Lantern Hill reservation records, but the documents did not allow this to be determined.<sup>56</sup>

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<sup>56</sup>For details, with individual citations, see the draft technical report.

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Several secondary works have presented the next series of Eastern Pequot petitions, but with mistakes and omissions. The major modern reference work on the New England tribes states that by 1749, "The smaller Stonington group had experienced such a drop in population by 1749 that they were on the verge of losing their reservation, but they petitioned and won back the rights to the land" (Conkey, Boissevain, and Goddard 1978, 182). In fact, a drop in population of the reservation was not the major issue.<sup>57</sup> Rather, it was a matter of non-Indians once again advancing claims to hold the legal title.

The 19<sup>th</sup>-century historian of the Pequot stated that from 1723 through 1747, William Wheeler fenced in the entire tract and improved it for the herbage, thereby compelling the Indians to fence in their gardens and such lands as they wished to plant, "and in this manner the land was occupied by the Indians during the life of Mr. Wheeler, he taking all the hay and grass that the land produced." The same historian asserted that the 1747 will of William Wheeler, left the herbage rights on the Lantern Hill lands to two of his sons in law, William Williams and Nathan Cray (Wheeler 1887, 18). However, the actual will, dated August 24, 1747, did not mention any specific right of herbage, and in fact made no specific mention of the 280 acres of land that comprised the Lantern Hill reservation or any rights under the land warrants that Wheeler had purchased from James Minor in 1723 (Bassett 1938; citing New London Probate Court Records, Vol. E, 550). Hurd stated that in 1748 [sic], William Wheeler's sons in law claimed the Lantern Hill lands in fee, subject only to the right of the Indians to plant corn, built wigwams, and live there, and that consequently the Indians received little benefit and became dissatisfied (Hurd 1882, 33). The first document of the sequence, however, was submitted to the May 1749 meeting of the Connecticut General Assembly:<sup>58</sup>

To ye Honble ye Genll Assembly of ye Colony of connecticut to be Conven'd  
holden at Hartford on ye Second Thursday of May Instant The Memorial of Samll  
Sawas, Simon Sokient, Jacob Sawwas, Sampson So=ke=ent and Mary  
mo=mo=hor all Pequod Indians of ye Tribe of Momohor & living in ye Town of  
Stonington in New London County Humbly Sheweth  
That on ye 24<sup>th</sup> Day of May 1683 one Isaac wheeler then of sd Stonington by his  
Deed of yt Date by him well Executed for a suficient & valuable Consideration  
did [hole] over unto Capt [hole] Avery & Luet [hole] ye General Assembly of this  
Colony to ye purpose appointed as Feofees in Trust for ye use of Mo=mo=hor

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<sup>57</sup>Based on assertions made by non-Indian neighbors to the 1749 committee appointed by the General Assembly (IP, Series 1, II:50-52), later historians have stated that in 1749, there were only 38 persons on the reservation, mostly females (DeForest 1852, 432; Speck 1928, 213; Burley 1965, 2). As will be seen below, the Pequot themselves disputed this number, stating that it was much too low.

<sup>58</sup>Lynch misdated and misidentified the 1723 petition (see above) as the 1749 petition, as follows: May 1749, Petition of Momohos Squaw (sunk squa) to the General Assembly (Indian papers series 1, I:74; (Lynch 1998a 5:20).

then Sachem of chief of sd Tribe and ye Inndians Under Hur 280 acres & therein particularly bounded & Described) shoud be free from any claim or molestation from him sd grantor or any under him, as by sd Deed reference thereto being had may appear That pursuant to Said Feofment & Trust ye sd Mo=mo=hor & his Successor and ye Indians (of whom your Memorialists are part) admitted(?) Peaceably & uninterruptedly to Occupy & Use ye Same until with in about eighteen month now last past within which Time sundry persons taking advantage of ye Poverty & Ignorance of your Memorialists have frequently in a great variety of Ways & Manners grievously Molested & interrupted them in their sd Occupation the numerous Instances whereof are too tedious here to be enumerated, tho, Specimens thereof may be readily exhibeted to your honours by means whereof they are greetly distressed & become in great Measure Destitute of ye Common necessarys of life They Thereupon being not only poor but Unacquainted with the English laws and ye means to redress their Grievences your Memorialist humbly Prey your Honours compassionate and equitable Interposal and to appoint some Suitable person or persons to enquire by all all [sic] proper Ways of ye Premises by examining any & all evidence to be produced as well persons suspected to have done any wrong complained of under oath or otherwise & of \_\_\_\_\_ They find with their opinion thereupon to Make report to ye Genll assembly in their Sessions at NewHaven in october next or in Some other way to aford Relief in ye Premises as your Honours in great Wisdom may think best and they as in Duty bound Shall &c Dated at Hartford this 23 Day of May Anno" (#113 PEP 1994, STATES A-2).<sup>59</sup>

The May 1749 session of the General Assembly responded to the petition by providing that a three-person committee make an on-site visit, conduct an enquiry, and report back to next next session (Hoadly 1876, 9:446). The committee did prepare an extensive report for presentation at the October 1749 session of the General Assembly (see Appendix IV of the draft technical report for the full text). This was a long report, recapitulating all prior transactions. The General Assembly's response was a resolution to appoint a second committee empowered to resolve the matter (Bassett 1938; (Hoadly 1876, 494; IP, 2<sup>nd</sup>, II:21). The Pequots, in turn, presented a second petition to the May 1750 session of the General Assembly which requested that the colony assume the expenses that they had occurred in the case (IP, II:42, 42b). The investigation had not yet been completed, however. On May 31, 1750, summonses were issued to the Sheriff of the County of New London or his deputy or to either of the constables of Stonington, on the above memorial. Summonses were also issued to the two non-Indian claimants, Williams and Crary (Bassett 1938; citing CSL, Indian Papers, Vol. 2, Doc. 43a; IP, II:43). The summonses to

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<sup>59</sup>CSL, Indian Papers Vol. 2, Doc. 40 (Bassett 1938). Memorial of . . . Sawas, Simon Sokient, Jacob Sawwas, Sampson Sou-ki-ent and Mary Mo-mo-hor all Pequod Indians of ye Tribe of Mo-mo-hor & living in ye Town of Stonington . . . request relief from those taking advantage of them . . . 23<sup>rd</sup> May. IP, II:40: typescript says that signatures and year not included, date of May 23, 1749, per index.

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Williams and Crary were served in September 1750 (typescript, Indian Papers Volume II, First Series (A), 55). On October 8, 1750, the committee that had visited Stonington the previous April sent the General Assembly a letter which gave a detailed account of the Indians' grievances not only against the two claimants, but against several of their other neighbors (see Appendix IV of the draft technical report for the full text).

The General Assembly held in October 1750 appointed another committee (Hoadly 1876, 573-574) which, after a visit to Stonington, reached a compromise settlement that was ratified by the May 1751 session (Hoadly 1877, 18). Two strips of land, one of 35 acres on the south side of the 280-acre tract and the other 20 acres on the east side of the 280-tract, were released to Williams and Crary in fee simple, with the additional proviso that they might locate the old Pequot War land warrants purchased from James Minor (see above) on any ungranted lands elsewhere in the colony. In return, Williams and Crary released all claims they might have to the balance of the 280-acre tract that had been purchased from Isaac Wheeler in 1683 to the Governor and Council for the benefit of the Indians (Hurd 1882, 33). This settlement set the boundaries of the reservation as they existed until the next sale in the 1880's (Hurd 1882, 35; Bassett 1938). The deed embodying this settlement was dated October 5, 1751 (Bassett 1938 citing Stonington Land Records 6:218-221 inc.; copy also in #35 Pet. DEEDS).

The reports made by the various committees appointed by the Connecticut General Assembly from 1749 through 1751 indicated that the English colonists in Stonington and the Eastern Pequot held differing interpretations of who had a right to residence on, and usage of, the Lantern Hill reservation. One sentence implies that some local settlers argued that only direct descendants of Momoho and the Pequots over whom he had served as governor were entitled. This may have led to the number of 38 individuals, mostly women and children, mentioned in the 1749 report: "... Who are in Number about thirty eight of old & young, & The Greatest part Females; Who are not disputed to be the proper Descendants of Sd Momohor this Compa- - of Indians- -" (IP, Series 1, II:50-52). The Indians, however, did not believe that this strict limitation should be applied: "and there are many More who Claim a right, yet The English dispute it" (IP, Series 1, II:50-52). Although not distinctly stated, the Indians' argument seems to have been that the much larger group of Pequot descendants resident in the general area of New London County had some rights to the reservation.<sup>60</sup> These probably included those Eastern Pequot who had been under Harmon Garret, and who had remained with his son Catapesset after his death.

The first set of third party comments filed by the towns of Ledyard, North Stonington, and Preston, Connecticut (Lynch 1998a) contained a number of implied assertions concerning the

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<sup>60</sup>See, for example, data concerning John Quiumps, who had resided in Preston during the 1740's, but returned to the reservation and signed petitions concerning replacement of the overseers in the mid-1760's. The difference of opinion between non-Indians and Indians may have concerned the continuing eligibility for membership of men and women who worked off-reservation and their families.

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legal status of the Lantern Hill reservation, even though the cover letter stated that, “[t]he enclosed research report addresses only the question presented by criterion (3) of the acknowledgment regulations, . . .” (Martin and Baur to Fleming 12/15/1998, [1]). Lynch’s quotations from the documents concerning the purchase of the Isaac Wheeler tract italicized certain phrases, for example that “*the land shall be for the use of Mamohoe and his company dureing the Court’s pleasure*” (Lynch 1998a 5:12; see also Lynch 1998a 5:15; Lynch 1998a 5:20; Lynch 1998a 5:22, all italicizing the word “use”).

It is not clear what, if anything, the third party comments meant by italicizing these passages. That the title to the land was held at the time of purchase by the Colony of Connecticut, and subsequently has been held by the State of Connecticut, rather than by the Eastern Pequot Indians, is clear from the historical documents. If the third parties are arguing that “during the Court’s pleasure” means that Connecticut is under no obligation to maintain the Lantern Hill land as an Indian reservation, that is a legal question that is not pertinent to this proposed finding.

*7. The Eastern Pequot from 1751 through the American Revolution.* The continuing existence of the Lantern Hill reservation throughout the 18<sup>th</sup> century is indisputable. An analysis of its constituent population is more difficult. The petitions presented to the Connecticut General Assembly contained, by and large, only the names of leaders. There are no nominal population lists, whether of reservation residents or of tribal members. While the records of local churches named numerous Indians, they did not indicate the tribal affiliation of those Indians--whether Eastern Pequot, Western Pequot, Mohegan, Narragansett, or other. Similarly, the statistical summaries that began to appear in the mid-18th century did not distinguish the tribal affiliations of the Indian residents of New London County, nor did the lists of men who served in the military (see below).

The non-Indian neighbors of the Lantern Hill reservation were well aware of its existence. A local historian wrote that in 1726,

**As a practical joke, the bride’s uncle invited Pequots from Lantern Hill Reservation to the wedding of Temperance Gallup and Rev. Wm. Worthington. They appeared at the Gallup home, Whitehall east bank of the Mystic, marching single file, resplendent with paint and beads, bringing their squaws and papooses with them. The bride’s father escorted them to the kitchen and regaled them with hard cider and cakes, inviting them to come back next week (Haynes 1949, 33; no citation of source).**

Some of the data presented by the EP #35 petition as pertaining to the 18<sup>th</sup> century was only minimally relevant to the period. For example, in 1759, Ezra Stiles visited the Eastern Pequot settlement and wrote “a lengthy description of what he learned there.” The petition asserted that, “Stiles’ remarks indicate that memories of Pequot settlement, and of their distinctiveness from other Indian groups in the region in the mid-eighteenth century were still strong” (#35 Pet. Narr.

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1998b, 30). However, while the visit did confirm the continuing existence of the reservation and the presence of a population on it, the information that Stiles recorded pertained almost entirely to the 17<sup>th</sup> century, particularly to the period of the Pequot War (#35 Pet. Narr. 1998b, 29; citing Stiles 1759). It said nothing at all about the contemporary Eastern Pequot settlement in 1759.<sup>61</sup>

In 1756, Connecticut took a census which survives only in statistical summaries. In New London County, the Town of Groton (which then included modern Ledyard) reported 2,532 whites, 179 Negroes, and 158 Indians; the Town of Lyme reported 2,762 whites, 100 Negroes, and 94 Indians;<sup>62</sup> the Town of Stonington reported 2,953 whites, 200 Negroes, and 365 Indians (Hoadly 1877, 617). None of the other counties or townships enumerated the Indian population. This estimate for Stonington was repeated by Timothy Dwight in 1822 (Dwight 1822, 35). Stiles' itineraries stated that "In 1757 were 912 Blanket Indians in Stonington exclusive Groton. Ex ore Dr. Phelps, Overseer" (#35 Pet. B-02B citing Stiles 1916, 410).

The 1761 census of Stonington, Connecticut, showed a total population of 3,900, including 254 Blacks and 309 Indians (Brown and Rose 1980, 615; citing Stonington Town Treasurer's Records, 34).<sup>63</sup> The colony census in January 1762 found 176 total Indians in Groton (Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, *Collections of the Massachusetts Historical Society. Volume X*, 102-103). This section of Stiles' Itineraries also gave the names and numbers (85) of the Western Niantic at Lyme (pages 103-104) and the numbers (248) of "King Ninigret's Tribe, A.D. 1761" with a note that the names of the adults were inserted in pencil in the original of Stiles' Itinerary (page 104), but they were not included in the printed version (Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, *Collections of the Massachusetts Historical Society. Volume X* 1809, 103-104). Unfortunately, Stiles apparently did not enumerate the Eastern Pequot, even though he visited their reservation.

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<sup>61</sup>Stiles' information was, in any case, somewhat confused: Potter wrote that, "Dr. Stiles in 1761, says, that besides Ninigret's own Nyantic tribe, which then amounted to 248, he had the Mohegans and Nyantics of Lyme under his government. (2. M. H. C. 10. ) Hence the name Nyantic has been by some writers inconsiderately appropriated to the town of Lyme, though properly belonging to the South West part of Rhode-Island" (Potter 1835, 26-27). Potter, in turn, was confusing the Eastern Niantic and the Western Niantic, but there is no evidence that Ninigret ever had either the Mohegan or the Western Niantic under his governance.

<sup>62</sup>The Western Niantic were located in Lyme.

<sup>63</sup>The BIA's 1935 report on New England Indians indicated that in 1762, there were 140 "Pequots" (Tantaquidgeon 1935, Pequot 2), but this number represented Mashantucket/Ledyard numbers only.

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In 1774, the Colony of Connecticut took an Indian census which showed 186 Indians in Groton and 237 Indians in Stonington.<sup>64</sup> The statistics for New London County as a whole showed 249 Indian males under 20, 207 Indian females under 20, 142 Indian males over 20, 244 Indian females over (*Collections of the Massachusetts Historical Society, Series 1, Volume X* 1809, 118). The numbers for New London County only were printed in in one location (*Collections of the Massachusetts Historical Society Series 1, Volume IX* 1804, 79), while those for the remainder of Connecticut, by township, were printed in the next volume (*Collections of the Massachusetts Historical Society, Series 1, Volume X* 1809, 117-118). These figures were also utilized by Dwight in 1822 (Dwight 1822, 35). DeForest, based on the 1749 figure reported by the committee of the General Assembly (see above), thought the number of Indians reported for Stonington in 1774 must be much too large (DeForest 1964, 439). However, it was not unreasonable in light of the figures given by Fish (see below).

**Table I.**  
**1774 Indian Census of New London County, Connecticut.**

Towns	Indian Males <u>Under 20</u>	Indian Females <u>Under 20</u>	Indian Males <u>Above 20</u>	Indian Females <u>Above 20</u>	Total
Groton	55	36	39	56	186
Lyme	21	18	23	42	104
Killingworth	6	2	4	2	14
New-London	64	48	35	59	206
Norwich	16	14	11	20	61
Preston	11	9	1	9	30
Saybrook	3		1		4
<u>Stonington</u>	<u>73</u>	<u>80</u>	<u>28</u>	<u>56</u>	<u>237</u>
	249	207	142	244	842

(Memoir of the Moheagans, *Collections of the Massachusetts Historical Society, Series 1, Volume IX* 1804, 79).

In 1757, Rev. Joseph Fish took charge of the Indian School at Stonington (Fish Diary, typescript, B-01). He was pastor of the Second Congregational Church of North Stonington (#35 Pet. Narr.

<sup>64</sup>Generally, it showed: four Indians in Suffield, five in Hartford, six in Windsor, six in East Windsor, 16 in Glastonbury and seven in East Haddam, making a total of 122 altogether in Hartford County. There were 71 in New Haven County, 61 in Fairfield, 19 in Tolland, and 123 in Windham County. Of the Tunxis in Farmington, in 1761 there had been some 25 families; then many moved to Stockbridge, Massachusetts. In 1774, there were 43 Indians in Farmington and 13 in New Hartford (J.R. Williams Notebook).

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1998b, 37), where he died in 1781 (#35 Pet. Narr. 1998b, 37). His assumption of responsibility for the school was followed on March 15, 1757, by a report to Boston:

... to the Hon & Revd Commissioners for Indian Affairs<sup>65</sup> in Boston. In this society about four miles from my Dwelling house and Three from our meeting House there is a small Indian town consisting of Sixteen Houses & Wigwams; in which there are seventy One persons great & Small, which are One Branch of the Pequot Tribe, Brethren of those in Groton. I formerly preached to them, at times, and have lately revived my Labours among them, Lecturing once a Fortnight, which I purpose to continue as long as it appears to be the Will of Providence. They have hitherto given a very Genll and serious Attendance - Profess Satisfaction and a desire of further Instruction. They have Twenty One Children of a Suitable Age to be put to School and the parents are very desirous of having them taught to read and wright in order to . . . it is necessary that they should have a School Master residing among them but they are poor and altogether unqual to . . . charge of a school . . . (#113 Pet. 1996, HIST DOCS III, Doc. 88).

Fish requested support for a school. "As the Indians above have increased from 7 or 8 houses to 16 within five of Six Years past So they are still growing. Two or Three Families more with eight or Ten Children are Coming to Join yr Brethren this Spring wch I forgot to Observe in its place ---" (#113 Pet. 1996, HIST DOCS III, Doc. 88). On February 22, 1758, Edward Nedson, an Indian, began to teach school in his own house at Stonington (Love 1899, 198-199). In 1760, Joseph Fish wrote to Andrew Oliver that:

some of the children read very handsomely; and if I can keep the school up, among them (which I find pretty difficult by reason of their strange disposition) I doubt not but numbers of them will in due time get well acquainted with the word of God. I am going on with my lectures, and have considerable encouragement, as the women and children (near about 30, commonly) attend and behave very decently the men are, numbers of them, dead in the [Seven Years] wars, several of them in the army this summer, so I have but few male hearers at present (#35 Pet. Narr. 1998b, 38; citing Fish 1960).

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<sup>65</sup>The persons whom Fish addressed by this title were agents of the Society for Propagating the Gospel among the Indians in New England, in London. In 1766, this organization employed Hugh Sweatingham and Jacob Johnson to teach the Pequots at Mashantuxet (Hurd 1882, 34).

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From 1762 through 1776, the correspondence, letters, and diary<sup>66</sup> of Joseph Fish relating to work with the Pequot and Narragansett Indians continued to provide some information. In 1762, he wrote:

... the Number of Indians attending, at different Lectures, is various. Sometimes a number of them was either hunting, or at a distance upon then needfull Occasions, or at home Sick, Lame, etc. While some, indeed, were absent, through sloth and Carelessness. But the principal Cause, I apprehend, has been their great Fondness for the Indian teachers and their Brethren, (Separates.) From the Narragansetts, who were frequently, if not constantly, with Our Indians, or in the neighborhood, the same day of My Lectures, unless I purposely shifted the Time. For these Narragansetts would but Seldom think it proper to hear me: Which tended to Scatter my Indians . . . . Some of them, especially the Chief speakers (from Narraganset,)<sup>67</sup> could not read a Word in the Bible. (Fish 1962) (Simmons and Simmons 1982, xxviii). [footnote added]

A 1768 account of a tour through the region by Charles Beatty noted that there were a number of Christians in the Stonington community who had communion with the Narragansett: "about 20 of the Pequot;<sup>68</sup> 30 or 40 of the Mohegan; 6 or 7 Nehentick; of the Stony Town tribe, some; of the Montauk, 15 or 16" (#35 Narr. Pet. 1998b, 39; citing Beatty 1768, 108-109).

Fish preferred to have Indian teachers at the school, but had trouble in obtaining a sufficient supply (#35 Narr. Pet. 1998b, 38; citing Fish 1762). An October 25, 1769, letter from Joseph Fish to Andw. Oliver Esqr. noted the death of the prior teacher, Edward Nedson, adding: "... As the Indian parents at Stonington are Very desirous of Learning for their Children, (About 25 of suitable age for a school) and concluding that the Honbl Commissrs would choose to have the School continued, I have been looking out for another Suitable Indn Master . . ." (#113 Pet. 1996, HIST DOCS III, Doc. 88; #35 Pet. Narr. 1998b, 38-39).

On December 16, 1771, Fish spent the whole day at the Indian town. His diary contained a description of the events. He mentioned that the Indians generally met him at "Blind Jacob's,"

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<sup>66</sup>1765-1776, Joseph Fish Diary, re: Stonington. Indian School at Stonington, which I (Joseph Fish) have taken ye whole Care of, ever since the year 1757 in the Spring or Summer, as appears from my First minute Book of Indn Affairs at Stonington of which, I now find, a Journal would have been especially serviceable.

Need for new school building; Abner, Jno. Quimpys, Jonathan Nooky. Boy of Joseph George; girl of Hanniball's. Abraham Simons, schoolmaster [Narragansett]. "Took down a list of all the heads of families belonging to this Indian town."

<sup>67</sup>Possibly Samuel Niles; about 1772, Samuel Niles, Indian minister at Narragansett, "also breaks g'd to 2 other Congs one at Groton and another at Mohegan" (Love 1899, 193).

<sup>68</sup>Presumably Mashantucket Pequot, since he later listed Stonington separately.

he tried to settle with Mary Ned about keeping school still longer, mentioning that he had previously paid her husband Edwd Nedson to fill up one of his rooms for the use of the school. However, now that Nedson was dead and Jacob Fowler was the teacher, Mary Ned had "turned us out," which would lead to the need for a new school building. He named three people. Abner, Jno Quiumps & Jonathan Nooky, who had promised to do their part, and Mary Ned had promised to do same. "Patience (her Mother) promised she wd give Ten Shillings . . . ." He had distributed blankets to several named aged and/or infirm persons (#113 Pet. 1996, HIST DOCS III, Doc. 88). Fish was again at Indian Town in Stonington on January 21, 1772, mentioning Blind Jacob's and the current schoolmaster, Charles Daniel (#113 Pet. 1996, HIST DOCS III, Doc. 88). On November 22, 1773, he again distributed blankets. In addition to the charity recipients, other names mentioned were: Blind Jacob, Sawas, Achar Sawas (wife Sarah had school in her house), Judah Moses, Mary Johnson, Mary Ned, Esther Tuguris [*sic*], Sarah Quanna, Elizabeth Paueag, Sarah Sampson, Mary Pery, Sarah Causum, Sarah Dick (#113 Pet. 1996, HIST DOCS III, Doc. 88). After the 1740's, local church records pertaining to individual Indians again became more sparse. Several of the names, however, appeared elsewhere on Lantern Hill reservation records, while others continued to reflect family names that had appeared in the records since the 1730's.

The year 1773 saw the beginning of Mohegan minister Samson Occom's plans for Brothertown, a new community for New England's Christian Indians to be located in New York on or near the Oneida reservation (Ottery and Ottery 1989, 43). In October 1774, the Brothertown project involved the Mohegan, [Western] Niantic, Pequot, "Stoningtons," Narragansett, and Montauk. It "[p]roposed removal of the Christianized and civilized Indians," discussed by Wheelock in 1775. Joseph Johnson received the deed to the necessary tract of land from the Oneida. One of the stipulations was that no Indian with Negro or mulatto blood could possess any land (Stone 1993, 58). The first migration to the Oneida country took place on June 19, 1775, and consisted of "10 Mohegans, 20 Narragansett, 17 Pequots, 13 Montauks, and 5 Nehantics . . ." (Lynch 1998a 5:25; citing CPR XIV:314).

In May 1784, a number of Christian Indian families sailed from New London, Connecticut, for Albany, New York, on their way to Brothertown (Ottery and Ottery 1989, 45; Stone 1993, 59). In May 1789, Rev. Samson Occom and his family removed to Brothertown (Ottery and Ottery 1989, 46). There is no indication that any significant number of Eastern Pequot families removed to Brothertown during this five-year period. Some did remove to Brothertown during the overall time period between its establishment and the Civil War. The intertribal nature of the Brothertown movement is well illustrated by the genealogies of the Brothertown families. However, the departure of members of the New England tribes for Brothertown did not negate the tribal entities from which these individuals separated (see Grabowski 3/15/1999 for additional arguments).

The local civil records submitted by petitioners #35 and #113 for the 18<sup>th</sup> century prior to the American Revolution contained, among others, references to numerous persons who can be

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identified, on the basis of other documents, as Eastern Pequots from the Lantern Hill reservation. The civil records did not, however, themselves provide any specific tribal identification, but merely referred to the individuals as Indians.<sup>69</sup> The identifications, however, provide additional information for estimating an Eastern Pequot population period, having the advantage over the church and missionary records that they included those persons who had not converted to Christianity.

Two seaman's protection certificates from the Port of New London (Lynch 1998a 5:25-26) contained the names of a well-known early 19<sup>th</sup> century Narragansett leader, Augustus Harry, and another man, Andrew Hill, identified as an Indian born in Stonington. The Hill name had not appeared on prior Eastern Pequot records, but would appear on 19<sup>th</sup>-century Eastern Pequot Reservation records.

An early historian of the Pequot attributed much of the population decline to this period, stating that, "A large proportion of the Pequots of both reservations entered the Connecticut forces that were raised to join the expeditions against Ticonderoga, Louisburg, and Crown Point, and suffered severely in those campaigns. So many of them were killed in battle and died of disease that the women and children at home were wellnigh reduced to starvation" (Hurd 1882, 34). The record on which Hurd was relying applied to the Mashantucket reservation. It was not possible to confirm it for the Lantern Hill reservation although, some Eastern Pequot men did enlist. Connecticut has published extensive records of men who served during the Seven Years War, or French and Indian War (Connecticut Historical Society 1903, Connecticut Historical Society 1905). In these military records, Indians were listed by name in the regular companies of the various regiments. They were neither segregated in special units nor provided with tribal identifications. In order to utilize these records, therefore, it is necessary first to make nominal identification of Indians from other records and then research each individual. For a close examination of the data from the muster rolls, see the draft technical report.

In May of 1763, Connecticut appointed Israel Hewit Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill reservation (IP, II:250). This was the first indication of appointment of overseers by the General Assembly since the 1725 act that had remanded the Indian tribes to the supervision of the governor and council (IP, I:120). At the May 1764 session of the General Assembly, the Pequot at the Lantern Hill reservation requested a change in overseers (Hoadly 1881, 276). October 6, 1766, the "Indian Inhabitants of the Town of Stonington" submitted another petition regarding a change of overseers, requesting the replacement of Ebenezer Backus by Dr. Charles Phelps of Stonington (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; see #35 Narr. Pet. 1998b, 60 for the alternate readings placed in brackets above; IP, II:250; typescript, The Indian Papers Volume II, First Series (B), 347).

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<sup>69</sup>For specific listings and identifications, consult the draft technical report.

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The General Assembly responded to the above petition by appointing Phelps at its October 1766 session (IP, II:251). The petition provided both evidence that at this date the Eastern Pequot were taking action in their own interests, and a list of adult signers.

As in the case of the Seven Years' War, Connecticut has published extensive records concerning service in the American Revolution. The BIA researcher utilized the same methodology in examining these records--namely, looking at those companies whose officers were from New London County, particularly from Stonington. In these records also, Indians were not segregated into separate companies, nor were they provided with tribal identifications. See the draft technical report for more detailed analysis.

From this period, as in prior periods, some of the civil records for Stonington pertained to Indians who could not be clearly identified as Eastern Pequot. Other documents, however, when correlated with records from other sources, clearly pertained to Eastern Pequot. In 1776, Bartlett Shelley and Samuel Shelley attended school in Stonington (Ephraim Fellows, School Journal) (Brown and Rose 1980, 370, 371; Joslyn 1996, 26).<sup>70</sup> Amos Tokus, son of Sylvia Tokus, was born May 5, 1777. Sylvia also had an unnamed daughter and possibly a son Gideon (Brown and Rose 1980, 411). On November 14, 1779, Edward Nedson married Sarah Sowas, widow of Nathaniel Suncimon (Joslyn 1996, 24; Bailey 1896, 63).

8. *From the American Revolution to the Availability of Regular Overseer's Reports in 1822.* On May 3, 1788, the residents of the Lantern Hill reservation petitioned the General Court for overseers. One 20<sup>th</sup>-century researcher described this petition as by the "Eastern Band of Pequot" (Burley 1965, 2). However, the petitioners did not use that terminology to describe themselves:

The Petition of us the Subscribers Indians of the pequod Tribe in Stonington humbly sheweth that for several years passed they have been destitute of an Overseer by reason wherof they have suffered very great inconvenience for them being no Person to proportionate the profits of the herbage &c. Some of the Indians have had double and threble [*sic*] the profits that they ought to have had while at the same time have refused to be their proportion of those expences that are general that is to say the Maintaining of the Poor supporting outside fences also a very great variety of other matters rendering it absolutely necessary that some Person be appointed to superintend our general concerns and that the profits and expences may be equallized among us We therefore pray that some suitable Person or Persons may be appointed as Overseers to us and as there are several of our white Neighbours Men of some character that only want an Opportunity to strip us of every thing we posses and as We must be supposed to know who are

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<sup>70</sup> Although Lynch questioned the Eastern Pequot identity of Bartlett Shelley based on the 1808 lawsuit (Lynch 1998a 5:44), the body of the evidence indicated that he was Eastern Pequot.

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friendly or, at least who we are willing to place confidence in could wish therefore to have the Liberty of chusing our Overseers and would propose Mr Charles Huit of Stonington and Elisha Williams Esq of Groton praying you appoint them our Overseers . . . (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, II:252, 252b; typescript, Indian Papers, Volume II, First Series (B), 349).<sup>71</sup>

In response to this petition, the same session of the General Assembly appointed Captain Stephen Billings of Groton and Mr. Charles Hewett of Stonington as overseers for the tribe of Pequot Indians living in the town of Stonington (IP, II:253; typescript, Indian Papers, Volume II, First Series (B), 351). Some years later, on October 11, 1795, the Town of Norwich petitioned the General Assembly concerning Pequot Indians from the Town of Stonington who fell ill and became chargeable on the rates (IP, 2<sup>nd</sup>, II:155, 155b, 155c, 155d; Account of expences, IP, 2<sup>nd</sup>, II:157).

Between the end of the Revolution and the turn of the 19<sup>th</sup> century, persons identifiable as Eastern Pequot Indians continued to be mentioned in local civil records. It is not clear that either petitioner #35, petitioner #113, or the third parties have made an exhaustive survey of the local records for this period, so it is possible that additional data might be available. As had been the case earlier, Stonington civil records also mentioned Indians who cannot be identified as Pequot. Church records from this period pertaining to Indians submitted by the petitioners and third parties were very sparse, and none could be identified by BIA researchers as pertaining specifically to the Eastern Pequot. The third-party comments included a few seamen's protection certificates for Indians whose birthplace was given as Stonington, but not all of these persons could be identified as Eastern Pequot through other records.<sup>72</sup> In 1807, the Town of North Stonington was separated from the Town of Stonington. From that time onward, the majority of the civil records were found in North Stonington, although some continued to be located in Stonington. The division of responsibility apparently did not occur at once. Although the North Stonington Vital Records began in 1807, the division of responsibility for paupers was not made until 1818-1819 (Lynch 1998a Ex.).

A recent standard reference work has stated concerning the Eastern Pequot that, "By the early nineteenth century, two-thirds of the tribe were living on the reservation with the rest working as

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<sup>71</sup>Signed: Jacob Sows, John Quiumps, James Neel [*sic* in transcript; should be Ned], John Kindness, James Abner, Jere Shuntups, Willard Miller, Cyrus Shelly, Elizah Waggs, Lem Shelly, Mary Sower, Mary Quiumps, Eliz Shelly, Betty Tikins, Mary Abner, Judy Moses, Tump Moses, Mary Honnabell, Eliz. Tikins, Mary Sowers, Josiah Sowers, Margt. Quiump, Hanb Paukeese, Lucy Tikens, Peter Peters, Grace Poll, Shell Sinament, Pigg Georj, Ame Tellken(?), Hannah Shelly (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, II:252, 252b; typescript, Indian Papers, Volume II, First Series (B), 349).

<sup>72</sup>For details and individual listings, consult the draft technical report.

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servants in white homes or on whaling expeditions" (Conkey, Boissevain, and Goddard 1978, 182). It provided no documentation for this conclusion.

On May 6, 1800, a petition signed only by a non-Indian, Latham Hull, was presented to the Connecticut General Assembly on behalf of the Indians of the Lantern Hill reservation, stating:

... sd tribe are the owners of About two hundred & forty Acres of land in sd Stonington, that the Whole people At pleasure turn in their Cattel, horses, & Sheep upon our lands, which eat and destroy the herbage thereon, that Other tribes of Indians, With Negroes & Molattoes, who have not any Right, move in Amongst us and improve our lands, and we Cannot turn them of, that theer is A Number of Aged & helpless people in our tribe that suffer for want of food, and their is no provision for them - - that our Overseers are Old men, one Which lives in Groton About 80 Years Old, and lives A Number of miles from us, that our Rights are infringed With impunity  
therfor we Your Memorialists humbly pray Your honours to take our Unhappy case into Your wise Considerations, and Grant us Such Releif in the premises . . . (IP, 2<sup>nd</sup>, II:105-105b).

In response, the May 1800 session of the Connecticut General Assembly appointed Major Latham Hull, along with Charles Hewit [Hewett], one of the former overseers, who was continued in office (#113 Narr. Pet., Exhibit J; IP, 2<sup>nd</sup>, II:106, 106b; Van Dusen and Van Dusen 1965, 38, 387, 389). In May 1804, Charles Hewett, deceased, was replaced by Eli Hewit<sup>73</sup> (Lipson 1986, 48).<sup>74</sup> In October 1808, James Treat and Joshua Downer [?] of Preston were appointed to audit and adjust the accounts of the overseers of the Stonington Indians and report to the General Assembly the following May (IP, 2<sup>nd</sup>, II:108, 108b).<sup>75</sup>

At the May 1814 session, Stanton Hewit [Hewett] and Joseph Hull were appointed overseers of the Indians in North Stonington (#113 Pet. Narr., Exhibit M). The following year, May 6, 1815, the new overseers, together with Ebenezer Morgan and William Williams of Groton, who were serving as overseers for the Western Pequot submitted an important petition, co-signed by numerous non-Indian neighbors, to the General Assembly concerning schools for the Indian

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<sup>73</sup>Name mis-transcribed as Eli Howes [sic] (#113 Pet. Narr., Exhibit K; IP, 2<sup>nd</sup>, II:107, 107b).

<sup>74</sup>The footnote to this item in the *Public Records of the State of Connecticut*, Volume XII, referred back to the 1788 appointment of overseers, apparently unaware of the 1800 appointment. It cited only to DeForest and Dwight for documentation; said that they "numbered about 100 or so by 1820" with no citation (Lipson 1986, 48n29).

<sup>75</sup>*Public Records of the State of Connecticut*, Volume 14, list this; footnote 24 referred to Conkey, Boissevain-& Goddard 1978, 182 (Arnold 1990, 129, 129n24).

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Children of Groton and Stonington (#113 Pet. Narr., Exhibit N; #113 Pet. A-2; IP, 2<sup>nd</sup>, I:18).<sup>76</sup> The petition stated that there were about 29 or 30 Stonington Indians in all, with 10 children; at Groton, 35 in all with about 15 children; and the Mohegan tribe, 52 in all, with about 12 children, for a total of 116. It stated that there were 14 "heads of families" at Stonington, but actually listed only seven, with two persons per household. These heads of families were:

Samuel Shelly	2	1 poor	2 children
Barrett (?) Shelly	2	1 poor	0 children
Cirus Shelly	2	0 poor	0 children
James Nead	2	1 poor	4 children
Isaac Faginys <sup>77</sup>	2	1 poor	5 children
Polly Johnson	2		
Nabby hugh	2		
Wives ---			

14 heads of family, 11 children, 4 Towns poor [*sic*], Stonington tribe 29 (IP, Second Series, I:19; Lynch 1999, Exhibit).<sup>78</sup> [internal footnote added]

There was no follow-up report because the committee reported to the May 1815 session that it had inadequate data (IP, 2<sup>nd</sup>, I:20). In May 1819, the General Assembly appointed Stanton Hewit and Charles Wheeler Esq. overseers of the North Stonington tribe of Indians (Lynch 1998a 5:41; IP, 2<sup>nd</sup>, I:109, 109b). In May 1820, the Assembly appointed Thomas Wheeler as overseer of the tribe of Indians in the Town of North Stonington (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, 2<sup>nd</sup>, I:110, 110b).

In May 1819, Connecticut enacted that the overseers of the "respective tribes of Indians in this State" should annually "settle their accounts of the concerns of said tribes with the respective County Courts in the counties in which said tribes are situated" (IP, 2<sup>nd</sup>, II:167, 167b). Shortly after that date, in 1822, annual overseers' reports for the Lantern Hill Reservation began to be recorded (see below). The 1821 act required that in the future, overseers were to be appointed to each tribe by the County Court (#113 Pet. 1996, HIST DOCS II, Doc. 48; citing STAT. LAWS CONN., TITLE 50, 278-279, "An Act for the Protection of Indians, and the Preservation of their Property").

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<sup>76</sup>The third party comments cited this document as General Assembly Papers, Record Group 7:18a, 19a, omitting the listing of names (Lynch 1998a 5:39-40).

<sup>77</sup>*Sic*, should be Fagins; transcribed Falgyns by Joslyn (Joslyn 1996, 27).

<sup>78</sup>The third-party comments interpreted this entry as meaning that all town paupers were being classified as Pequot Indians (Lynch 1999, 18). The passage does not require this interpretation: in the light of numerous other paupers named in the town records, it would appear more probable that some of the Indians were being classified among the town paupers.

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For this period, the only significant external descriptions in the record was the one which resulted from the 1820<sup>79</sup> description of a visit to Stonington<sup>80</sup> by Timothy Dwight, president of the Connecticut General Assembly<sup>81</sup> and the 1822 report by Jedediah Morse, which at least in part derived from Dwight. Dwight's descriptions of the Indians, as summarized below by DeForest in 1852, were very unflattering. On the other hand, Dwight's descriptions of the Yankees who lived in the Town of Westerly, Rhode Island,<sup>82</sup> and of the French Canadian peasantry were equally unflattering, if not more so. Perhaps he was just a curmudgeon. Certainly his statements that the Pequots did not as a rule enter into legally binding marriages is contradicted by contemporary civil and church records.

He found some residing in wigwams, others in framed houses the best of which were small, rude and almost worthless as a protection against the weather. In these wretched tenements lived about two-thirds of the tribe; the others being distributed as servants among the English families of the neighborhood. They were in poverty, misery and degradation; excessively idle, licentious and intemperate: in a single drunken frolic they would squander the earnings of a year. A small number, both of men and women, were reputed to be honest; but the rest were liars and thieves, although with too little enterprise to steal any thing of importance. There was no such thing among them as marriage, the two sexes cohabiting without ceremony or covenant, and deserting each other at pleasure. The children were sometimes placed by their parents with English farmers, and often behaved well for a time, but as they became older, grew up to be as vicious and good for nothing as their fathers. Some of those who hired out as servants were tolerably industrious; and the women among them, especially, showed a great fondness for dress, and were often seen at church. The others dozed away life in slothful inactivity; were always half-naked, and very often half-starved. This is indeed a sad account. One hundred and sixty years of contact with a Christian race had not brightened the condition of the Pequots morally or intellectually, and physically had darkened it.

Among this miserable band of human beings there was, however, one aged man, who, to considerable natural intelligence, seems to have united a sense of

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<sup>79</sup>Misdated to 1798 by the third-party comments (Lynch 1998a 5:31).

<sup>80</sup>Dwight did not distinguish between Stonington and North Stonington. Stonington; cultivated partly by tenants--Indians still remaining here--Their degraded character and situation--The perfection to which man arrives in a state of nature--General observations upon the remnants of the Indian tribes now found in New-England--Means of effecting their civilization (*Dwight's Travels*, 3:23-35; [submitted selection is incomplete]).

<sup>81</sup>Dwight, Timothy, S.T.D., D.D. (Late president of Yale College, author of *Theology Explained and Defended*). *Travels in New-England and New-York*. Published by Timothy Dwight, 1822. Letter IV. Stonington.

<sup>82</sup>Letter V, Westerly--Charlestown--South-Kingston--Aboriginal tribes . . . (*Dwight's Travels* 3:36-41).

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religion. For a series of years he had preached to the others, and sometimes, it was said, gave them very excellent exhortations. His degraded countrymen held him in much respect, and occasionally assembled very generally to listen to his discourses. This man, probably, was the sole remaining fruit of the religious interest which took place among the Pequots about 1742. The respect with which his people regarded him is a striking instance of the influence which consistent purity of character will often exert even in the most debased and abandoned communities (DeForest 1964, 441-442; citing *Dwight's Travels*, 3:27-29).

There is no indication that Jedediah Morse's "tour performed in the summer of 1820" as listed in the title of his report to the Secretary of War included a visit to the Lantern Hill reservation. Morse reported that:

In 1820, this band counted fifty individuals. Their principal men were Samuel and Cyrus Shelley, Samuel Shantup and James Ned. With few exceptions they were still intemperate and improvident; of course, poor and miserable. They made brooms, baskets and similar articles, and generally exchanged them for ardent spirits. They enjoyed the same opportunities of attending religious worship and sending their children to school, as the white people of the town, but seldom availed themselves of these privileges. A few, however, were apparently pious, and held a meeting once a month at which they all spoke in turn (DeForest 1964, 442-443; citing Morse's *Report on the Indian Tribes*; see also Burley 1965, 2).

In 1790, the Federal Government took the first decennial census of the United States. The presentation of the extracts from the 1790 Connecticut census in the third party comments (Lynch 1998a, 30) contained annotations that were not in the original, equating the column for "all other free persons" with "Negro." Such an automatically assumed equivalency is not valid. Discussion of the methodology for using Federal census records for 1790-1840 may be found under criterion 83.7(b). The only other Federal record pertaining to the Eastern Pequot from this period was the 1820 Revolutionary pension application filed by the veteran James Ned or Nedson (Joslyn 1996, 23; #35 Pet. B-02B). It provided data only concerning the individual family.

The North Stonington, Connecticut, vital records as copied in the Barbour Collection in the Connecticut State Library begin in 1807. The earlier records for this geographical territory were included in Stonington. Although there were records for persons who bore the same surnames, during this period only one record clearly pertained to an Eastern Pequot: on April 8, 1822, Cyrus Shelley married Betsey Rodgers (Joslyn 1996, 27; by Paris Hewit, J.P.; N. Stonington Records 75; Barbour. 1918a, 50). No clearly Eastern Pequot vital records were identified in Stonington between 1800 and 1822 (#113 Pet. 1996, GEN DOCS III).

Unlike the vital records, which were very sparse for the period from 1800 through 1822, numerous documents relating to Eastern Pequot were submitted from the civil records. The

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records of North Stonington and Stonington during the period were so intertwined in the submissions that they have been carried below in combined chronological order. Some documents pertained specifically to Indians, such as Willard Miller or Hannah Shelley, who can be identified as Eastern Pequot on the basis of other data. Others referred only more generally to Indians. The civil records provided some additional documentation on the interchangeable use of surnames. During this period, some individuals who in 18<sup>th</sup> century documents had been shown as Indian appeared with non-Indian ethnicity recorded. The most extensive mentions pertained to otherwise well-known Eastern Pequot families such as Shelley, Nedson, and Pawheague. The Shelley family continued to be mentioned in various southern New England Indian records through much of the 19<sup>th</sup> century. As in the case of the Nedson family, the Shelley family had documented contact with the Nipmuc Indians of Windham County, Connecticut, and Webster, Massachusetts.<sup>83</sup> Neither petitioner nor the third parties submitted, nor did BIA researchers search for, civil records from other towns of southeastern Connecticut or southwestern Rhode Island from this period pertinent to persons identified as Eastern Pequot.

The third parties submitted a considerable amount of information based on crew lists of outgoing vessels from and seamen's protection certificates issued by the port of New London, Connecticut (original copies of some, but not all, of the entries abstracted by the third parties were also submitted by petitioner #35 (#35 Pet. Vital Statistics)). Some of these were of primary interest as indicating that persons with known Eastern Pequot, or Eastern Pequot-associated, surnames, born in Stonington, were, at this time, identified as Indian. Such identification, however, was not always consistent from one voyage to another, or with information found elsewhere in the historical record. Moreover, such general identifications as "Indian" provided no data concerning an individual's tribal affiliation. Perhaps the greatest interest of the sequence of records as a whole was that these certificates indicated that there were during this period, in the region of Stonington, Connecticut, far more men identified as "Indian" than appeared on the records of any of the local tribes--Narragansett, Mohegan, Western Pequot, or Eastern Pequot.

The petitioner and third parties submitted and BIA researchers located a small amount of other miscellaneous data that possibly pertained to Indians of Eastern Pequot origin. However, the data was so general that the individuals who appeared in these records could not be tied to the population of the Lantern Hill reservation.

*9. Overseer's Reports and Petitions as Fundamental Documentation, 1822 to the End of the Civil War.* During the period between 1822, when the regular Eastern Pequot overseers' reports resumed, and the Civil War, Connecticut enacted several pieces of legislation that affected the administration of Indian tribes within the state. In 1824, Title 51. "Indians. An Act for the Protection of Indians, and the Preservation of their Property" provided that overseers must be bonded and continued the provision for annual settlements with the county court. The remainder

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<sup>83</sup>For individual listings and identifications, see the draft technical report.

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of the provisions dealt primarily with property (#113 Pet. 1996, HIST DOCS II, Doc. 49; citing STAT. CONN. Title 51, 233-234). The 1849 act of the same title made no significant changes that would impact the Lantern Hill reservation (#113 Pet. 1996, HIST DOCS II, Doc. 50; citing REV. STAT. CONN., Title 26, 441-442), but the 1850 "An Act in Addition to and in Alteration of 'An Act for the Protection of Indians, and the Preservation of their Property'" provided that the county court of each county should have jurisdiction of applications for the sale of lands belonging to members of such tribe, who, at the time of such applications, were about to remove from Connecticut or actually resided outside the boundaries of Connecticut (#113 Pet. 1996, HIST DOCS II, Doc. 51; citing PUBLIC ACTS (1850), Ch. 51, 37-38). However, the petitioners submitted no deeds that fell under this provision. The 1850 act was repealed two years later in any case. The 1852 act which repealed it (#113 Pet. 1996, HIST DOCS II, Doc. 52; citing PUBLIC ACTS, CH. 55, 66-67) established provisions under which which overseers could, under county court jurisdiction, regulate sales or exchanges of land and other property by members of the state's tribes. This was, in turn, altered in 1855, voiding any sales made by individual Indians of "conveyances of any land . . . belonging to or which have belonged to the estate of such tribe . . ." (#113 Pet. 1996, HIST DOCS II, Doc. 53; citing PUBLIC ACTS, Ch. 65, 79-80).

Lantern Hill reservation records maintained by the state-appointed Eastern Pequot overseers are available, though not always in the form of annual reports, from 1822 through the end of the Civil War. For year-by-year listings of the names that appeared on the overseers' reports from 1822 through 1865, see the draft technical report. The first two were basically accounting records, covering expenditures made by the overseers, in 1822 (#113 Pet. 1996, HIST DOCS Doc. 41) and 1823-1824 (#113 Pet. 1996, HIST DOCS Doc. 41; #35 Pet. Overseers Reports). The dating of the documents as presented by the petitioners was not always clear. For example, one had "1824" written at the top in a modern hand. However, the date on the reverse of the document in an original hand was March 1825, while the only dates within the document itself referred to amounts "Paid Pequot Indians by order of Col. Thomas Wheeler, in 1824" and a sum received "By use and improvement of Indians town pasture in summer of 1824 as per agreement . . ." indicating that this was the spring 1825 settlement of account made by Henry Chesebrough under order of Col. Wheeler (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS Doc. 41). For descriptions and analysis of those reports specifically pertinent to the genealogical background of the petitioner's members, see criterion 83.7(e), below.

Silas Chesebrough submitted a request to resign as overseer on February 13, 1834 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS Doc. 41). Consequently, on February 10, 1834:

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the selectmen of North Stonington stated in a petition to the New London court that there was in their town a "remnant"<sup>84</sup> of a tribe of Indians who continue[d] to possess certain real estate in our town and that from the destitute and helpless condition of most of these unfortunate persons, it is necessary the little esta[te] should be managed in the most judicious and economical manner." The petition also stated that inasmuch as Chesborough was about to remove from the town, a new overseer needed to be appointed for the tribe (Court Records, New London County, CSL) (Grabowski 1996, 87). [footnote added]

The selectmen recommended the appointment of Col. Ezra Hewitt as the new overseer (#35 Pet., B-02B). Possibly as a consequence of the change in overseers, the next report submitted as evidence covered the period from June 16, 1835, through January 6, 1836 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41). The next account, by Ezra Hewitt, began June 21, 1838, and continued through December 25, 1838 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41).

The next year, a petition dated February 8, 1839, signed by at least a portion of the residents of the Lantern Hill reservation was drafted for submission to the New London County Court in Norwich requesting the replacement of Ezra Hewitt as overseer. The petitioners to the Norwich County Court claimed that only twelve Pequots remained on the reserve (Lynch 1998a 1:13; Lynch 1998a 5:54). The signers did not include any members of either the Brushell or the Gardner families (Stonington Historical Society, Folder; Indian, Misc.; Lynch 1998a 5:53). It is not known whether or not the above document was actually submitted to the court. If it was, the County Court did not replace Ezra Hewitt, because the next overseer's reports, covering the period from June 19, 1839, through 1841 were submitted by him (#35 Pet. Overseers Reports). On January 27, 1841, the "Remnants of the Pequot Tribe residing in North Stonington" again petitioned to the County Court against Ezra Hewitt as overseer (Grabowski 1996, 83; citing OR Court Records, New London County, CSL), complaining that his ill management of finances had been hurtful to their welfare (LaGrave 1993, [9] (Superior Court Records, New London County 1841, Indians 54.7 (c) article 17; Lynch 1998a 5:56).

On February 1, 1841, a counter petition was filed by the selectmen of North Stonington (#35 Pet., B-02B). The County Court did not accede to the removal petition, for the next series of overseer's reports for 1842-1843 (#35 Pet. Overseers Reports) was filed by Ezra Hewitt. Beginning with the year 1844-1845, the overseer's reports were signed by Elias Hewitt. From 1844 through 1849, an otherwise unidentified woman named Molly Gardner, who had not been mentioned on any earlier documents pertaining to the Lantern Hill reservation, appeared on the

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<sup>84</sup>For precedents concerning interpretation of the word "remnant" as applied to petitioning groups in the past, see the technical report to the Cowlitz final determination (CIT FD TR 2000).

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overseer's reports. She died in July 1849. In the 1849 report, Harry Gardner was mentioned as receiving payment for caring for her during her illness (#35 Pet. Overseers Reports, typed sheet).

The report beginning June 20, 1845, headed "The Pequot Indians in North Stonington in acct. with Elias Hewitt" (#35 Pet. Overseers Reports), contained the usual mentions. That beginning June 12, 1846, was similar (#35 Pet. Overseers Reports), as was the one which began July 1, 1847 (#35 Pet. Overseers Reports). There was no report for the period from June 1848 through June 1849 in the record. The overseer's report which began June 21, 1849 (#35 Pet. Overseers Reports), added two significant pieces of information beyond the ordinary lists of payments. The first indicated "NB Sam Shuntaup has gone to the state of Wisconsin he lets his land & Recd the Rents before he left to pay his expenses." The other mentioned for the first time a woman who would appear regularly in the records for the next quarter century: "Rachel Hoxey one of the tribes a girl about 16 yrs old . . ." (#35 Pet. Overseers Reports).

Petitioner #35 asserted that in the 19<sup>th</sup> century, there was continued contact between the Lantern Hill reservation and Brothertown, asserting: "For example, in 1849-50, Samuel Shuntaup is said to have 'gone to Wisconsin,' a journey that other tribal members are known to have undertaken both before and after his departure" (#35 Pet. Narr. 1998a, 45). BIA researchers located no data in the record showing continued contact besides this one incident.

The next report filed by Elias Hewitt covered the period from June 27, 1850, through June 29, 1854. It was only one page and contained very few specific items, all of which were before June 24, 1851. There were none from then until two notations dated June 29, 1854 (#35 Pet. Overseers Reports). On April 9, 1851, Elias Hewitt had been cited to appear in court to answer the following complaint and, as he later wrote, "at which time I did not appear and of course supposed I was Removed but I understand I am not . . . wish your Honor to Excuse me from serving any longer as overseer to said Indians . . ." (#35 Pet. Petitions). It is apparent from the following petition, dated March 13, 1851, from the selectment of the Town of North Stonington to the New London County Court, that Elias Hewitt's tenure as overseer had not been satisfactory:

**. . . there is in said town a small remnant or part of a tribe of the Pequot Indians, tht said Indians have in same town a Reservation or tract of about 400 acres of valuable land, & that Elias Hewitt Esq of said town is ofer [sic] about four years past, has been overseer - to said Indians & has the care of their said Lands, & that complaints are frequently made of late that said Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the rects & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer - - Wherefore we pray . . . John D. Gallup, Isaac M. Minor, Wm. Vincent jr, Chas. P. White, Luke C. Reynolds, Selectmen (#35 Pet. Petitions).**

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In regard to the use of the word "remnant," the plain language of "remnant" or of descriptions of tribe and being in a "state of decline" is identifying an existing entity, one that may not be as strong and easily identified as in previous years, but an entity, nonetheless, is being identified. It is apparent from the next sequence of overseer's reports that Elias Hewitt had, in fact, been replaced in 1851 by Isaac W. Miner. Miner's reports over the next several years were very succinct and mentioned only a few of the persons who were previously, and would be subsequently, identified as Eastern Pequot. They did record the return of Thankful Ned and her son Leonard Brown to the reservation, and the first residence of Eunice (Fagins) Cottrell (#35 Pet. Overseers Reports). Miner was also more active than his predecessors in overseeing the leasing of the Indians' pasture land and accounting for the resulting income. "A lease concluded in 1853 stipulated that the 'said Stantons are to improve said pasture in a good husbandlike manner.' The Indiantown pasture belonging to the Pequot tribe was leased out, excluding the 'yards that the said Indians had plowed last year.'" (LaGrave 1993, [9-10]; no citation). The lease was renewed three years later (North Stonington Records 8:46).

On September 9, 1857, Miner, as overseer, compiled the first census of the tribe that had been attempted. He headed it: "The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge -" (#35 Pet. Overseers Reports). The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins & two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marinda Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson & one child, Thomas Ned, Leonard Brown, Ezra Ned [dead], Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill. New London. Isaac W. Miner Overseer (#35 Pet. Overseers Reports). The census was clearly up to date, for on September 1, 1857, Samuel Shantup, one of the tribe's oldest members and a long-time listee on various overseers' reports, had died unmarried in North Stonington, age 78 (Brown and Rose 1980, 368). It was also more extensive than the list of persons on the overseer's report for the following year (#35 Pet. Overseers Reports), but was essentially consistent with Miner's subsequent censuses, through the end of the Civil War (#35 Pet. Overseers Reports).

The record as submitted contained very little in the way of external descriptions of the Pequot during the period from 1822 through the end of the Civil War. Schoolcraft's *Indians of the United States* contained a "Plan of Colonization, or Removal of the Indian Tribes of the United States West of the Mississippi in 1825" (Schoolcraft 3:573-576, 583; NP 1978, App. 3). The portion of it headed "Statement, Showing the Names and Numbers of the different Tribes of Indians now remaining withing the Limits of the several States and Territories, and the quantity of Land claimed by them respectively. (1825.\*)" indicated that in Stonington, Connecticut, 50 persons claimed 300 acres, while in Groton, Connecticut, there were 50 persons, but no information as to their lands (Schoolcraft 3:583). The chart did not indicate the source of the information.

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Approximately a quarter-century later, DeForest indicated that: "the following facts concerning their situation at the present day were collected in North Stonington during the fall of 1848" but did not indicate their source. The data that he gave, though much quoted in subsequent secondary works, is not in accordance with the data recorded in the contemporary overseers' reports:

Their land amounts to about two hundred and forty acres, originally as good as most in the vicinity, but long used chiefly for pasturage, and now much worn down. Some years since, several lots were cultivated by the Indians themselves; at present not one. The number of families living on the tract is reduced to three, of which one consists of three individuals, another of the parents and nine children, and the third of a single man who lives alone. There is a very aged woman, likewise, who lives a little off from the reservation. The others of the tribe have scattered because the heads of the families are dead. Some are in Ledyard, some in Preston, others in Providence, and thus throughout various parts of the country. A few lately came from some part of new York, to see if there was anything accruing to them from the property of the tribe. The land rents, annually, for about one hundred dollars, which by no means supports even those few who remain on it. Only one, Sam Shantup, lives in a house; the rest occupy huts. Some of the children have been taught a little at school. Others have been put to service, but, owing to their idleness and improvidence, with very little result. None of them work; they are all extravagant and intemperate; and in morals they are as miserable as miserable can be" (DeForest 1964, 443-444).<sup>85</sup>

In 1851, Schoolcraft apparently identified the Eastern Pequot as 50 "Mohegans at Stonington" (Schoolcraft 1851, 524). The various editions of DeForest's *Indians of Connecticut*, which appeared in 1851, 1852, and 1853, contained extensive additional information, both historical and contemporary.

Federal census records, vital records, seamen's records, and similar civil records and church records from this period that pertained to the family complexes of Brushell/Sebastian and Fagins/Watson for petitioner #35 and Gardner/Wheeler and Hoxie/Jackson for petitioner #113 have been incorporated in the accompanying charts pertaining to those families. There continued to be mentions of the Lantern Hill reservation families such as the Neds, the Shelleys, and Shantups in local civil records. That these persons appeared in local civil records is not, in itself, evidence that they were not maintaining tribal affiliation, as argued in the third party comments (Lynch 1998a). Rather, it must be evaluated in light of the contemporary overseers' reports and

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<sup>85</sup>Most subsequent descriptions were apparently based on DeForest's summation (Caulkins 1895, 605; Britton 1930, 60; Williams 1941, unpaginated [4]; Conkey, Boissevain, and Goddard 1978, 182). Caulkins specified that she had obtained additional data on Mashantucket from the 1895 overseer, but provided no specific source for her statements concerning Stonington (Caulkins 1895, 604, 604n10).

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other data which indicated the existence of an ongoing entity which existed under state supervision.

Additionally, during this period, as earlier, the local civil records of the towns of southeastern Connecticut contained references to individuals bearing the same surnames as persons who appeared in the records of the Lantern Hill reservation's overseers (for example Nedson and Fagins), but who could not, on the basis of the evidence submitted, be directly linked to those families. Other families who later claimed to be Pequot, such as Crosley, have not been located in any contemporary records submitted.

PEP submitted several military and pension records (#113 Pet. GEN DOCS I). None of the military records applied directly to pre-Civil War Lantern Hill reservation Eastern Pequot families. John Noyes Hoxie was a brother of Rachel, but he was never on the overseers' lists. Amasa Lawrence was a Western Pequot, not Eastern--so was Austin George, though he was at one point married to Eunice Wheeler, the future wife of Marlboro Gardner. Neither Calvin Williams, Ammon Potter, nor Marlboro Gardner appeared on Eastern Pequot lists until the 1870's (see the accompanying charts for the military documentation on Marlboro Gardner). The record submitted for a man named Calvin Williams was not for the same man who later resided on the Lantern Hill reservation.

### SUMMARY UNDER THE CRITERIA 83.7(a-g)

*Executive Summary.* The Department has before it petitions from two groups, the Eastern Pequot Indians of Connecticut (#35) and the Paucatuck Eastern Pequot Indians of Connecticut (#113) both of which have evolved in recent times from the historical Eastern Pequot tribe. I am issuing a positive proposed finding for both petitioners, but for the period 1973 to the present, under criteria 83.7(b) and 83.7(c), the Department finds that there is not sufficient information to determine that there is only one tribe with political factions.

The two petitioners derive from a single historical tribe with a continuous state relationship since colonial times. As such, the modern conflicts between the two, which have focused on their relationship with the State of Connecticut, are relevant evidence for political influence, although it is unclear if it is as one tribe, or as two. Petitioner #35 (EP) has taken the position that there was only one tribe, but has not presented sufficient evidence to demonstrate that this was the case after 1973, although there is some evidence that only one tribe exists within the meaning of the regulations. Petitioner #113 (PEP) has taken the position that the EP families were not of Eastern Pequot ancestry and were never part of the tribe. The proposed finding for EP concludes that the PEP position is not correct. Both groups derive from the historical Eastern Pequot tribe which was recognized by the State of Connecticut. The State continues to recognize a successor to the historical Eastern Pequot tribe, but has not taken a position as to the leaders of that successor.

In addition to evidence and argument on the proposed findings in general, petitioners and interested parties, and informed parties may submit comments as to the Secretary's authority, under the circumstances of recent separation of the two petitioners, to acknowledge two tribes or only one tribe which encompasses them both as the continuation of the historic tribe. On the basis of the evidence currently before the Department, the petitioners may be able to present a stronger case as one entity rather than as two. However, for the proposed finding, neither petitioner presented an analysis of the conflict between the two groups, focused around the relationship with the state, which might provide useful evidence of a political conflict between two parts of one group or mobilization of political sentiment within two separate groups.

The 25 CFR Part 83 regulations provide that: "A petitioner may be denied acknowledgment if the evidence available demonstrates that it does not meet one or more criteria. A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). The reason that this provision of the regulations is not now resulting in two proposed negative findings is that the major question currently remaining to be decided does not pertain to the availability of evidence that the petitioners meet the criteria, but to the nature of the potentially acknowledgeable entity for the period from 1973 to the present. Following an evaluation of

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evidence and arguments submitted during the comment period, the Department will complete the analysis under criteria 83.7(b) and 83.7(c) from 1973 to the present.

The proposed positive findings for both petitioners do not prevent the Department, in the final determination stage, from recognizing a combined entity, or both petitioners, or either one of the current petitioners but not the other, or neither of the current petitioners, depending upon the evidence developed during the comment periods by both petitioners and all interested and informed parties, as verified and evaluated by BIA staff.

- Criterion 83.7(a). The Eastern Pequot tribe is regularly identified as an American Indian entity from 1900 through 1973. Since 1973, there are regular identifications of the Eastern Pequot tribe, the overwhelming majority of which simultaneously mention both the Eastern Pequot Indians of Connecticut (petitioner #35) and the Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113) as subgroups of that historical tribe. The petitioner meets this criterion.

- Criterion 83.7(b). The historical Eastern Pequot tribe, including the antecedents of both petitioners, meets the criterion through 1973.

For the period since 1973, the evidence now in the record is not sufficient to determine whether there is one tribe with two factions (these being the Eastern Pequot Indians of Connecticut (petitioner #35) and the Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113)), or whether the dissensions of the period since 1973 have resulted in the evolution of two separate bands from the historical tribe.

- Criterion 83.7(c). The historical Eastern Pequot tribe, including the antecedents of both petitioners, meets the criterion through 1973.

For the period since 1973, the evidence now in the record is not sufficient to determine whether there is one tribe with two factions (these being the Eastern Pequot Indians of Connecticut (petitioner #35) and the Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113)), or whether the dissensions of the period since 1973 have resulted in the evolution of two separate bands from the historical tribe.

- Criterion 83.7(d). The petitioner meets this criterion.

- Criterion 83.7(e). The evidence indicates that the ancestors of both petitioners, using essentially parallel documentation acceptable to the Secretary, were members of the historical Eastern Pequot tribe in the 19<sup>th</sup> century, and that the current members of both petitioners thus descend from the historical Eastern Pequot tribe. In many cases, Connecticut's state records, overseer's reports, petitions, and similar records carried the names of direct and collateral ancestors of both petitioners on the same documents. The petitioner meets this criterion.

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- Criterion 83.7(f). The petitioner meets this criterion.
- Criterion 83.7(g). The petitioner meets this criterion.

*Impact of Continuous Historical State Acknowledgment since Colonial Times upon the Evaluation of the Evidence.* Because the petitioners are, singly and together, the continuation of a historically state-recognized tribe whose relationship with the state of Connecticut goes back to the early 1600's, possessing a common reservation, this evidence provides a common backbone and consistent backdrop for interpreting the evidence of continued tribal existence. When weighed in combination with this historical and continuous circumstance, evidence on community and political influence carries greater weight that would be the case under circumstances where there was not evidence of a longstanding continuous relationship with the state based on being a distinct political community. Members of the tribe occupied a somewhat different status than non-Indians within Connecticut. The greater weight is assigned for the following reasons in combination:

- The historical Eastern Pequot tribe has maintained a continuous historical government-to-government relationship with the State of Connecticut since colonial times;
- The historical Eastern Pequot tribe had a state reservation established in colonial times, and has retained its land area to the present;
- The historical Eastern Pequot tribe had members enumerated specifically as tribal members on the Federal Census, Special Indian Population Schedules, for 1900 and 1910.

Past Federal acknowledgment decisions under 25 CFR Part 83 provide no precedents for dealing with a tribe which is presently state recognized with a state recognized reservation and has been so continuously since early colonial times. The closest parallel is Maine, where the Federal government in the Passamaquoddy case stipulated to tribal existence, based on the historical state relationship. That precedent provides guidance in this matter. The Department is not applying a different standard of tribal existence. Rather, the evidence, when weighed in the context of this continuous strong historical relationship, carries greater weight.

*Procedures.* This is a proposed finding based on available evidence, and, as such, does not preclude the submission of other evidence to the contrary during the 180-day comment period which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. The final determination, which will be published separately after the receipt of the comments, will be based on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

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In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria.

**83.7(a)      The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met.**

From 1900 to the present, the petitioner's antecedent group, the Eastern Pequot tribe based on the reservation at Lantern Hill in North Stonington, New London County, Connecticut, has regularly been identified as an Indian entity. The majority of the identifications specifically included the petitioner's direct or collateral ancestors as members of that entity. There were no identifications of the entity as other than Indian or other than Eastern Pequot.

From 1900 through the early 1970's, identifications indicated the presence of a single entity, although sometimes mentioning the presence of tensions and conflicts within that entity. From the early 1970's to the present, identifications have noted the existence of two groups (under various names), the petitioner (Eastern Pequot Indians of Connecticut, #35) and its predecessor organizations, and petitioner #113 (Paucatuck Eastern Pequot Indians) and its predecessor organizations. However, from the 1970's through the present, almost no external identifications mentioned the existence of only one or the other of these organizations. Almost every identification, aside from coverage of such functions as powwows sponsored by one or the other, mentioned both, and described them as rival groups within the context of the Lantern Hill reservation and the historical Eastern Pequot tribe.

Precedent has defined identification as an Indian entity on a "substantially continuous" basis to comprise the existence of at least one identification per decade, taken from any of the five possible forms of evidence listed. In this case, identifications exist much more frequently, and occur in multiple forms of evidence. Since the regulations require only that there be sufficient evidence that the petitioner meets the criterion, the following does not summarize every document submitted, but introduces the major forms of evidence demonstrating that the petitioner meets the criterion. Throughout the period to 1989, the Lantern Hill reservation was administered under the provisions of State legislation. For more detailed descriptions of the individual items, see the accompanying charts. There were no identifications of the petitioner as other than Indian.

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1900-1909. There is a Federal identification (1900 Census, New London County) of the reservation and its inhabitants on the 1900 special Indian Population schedules and a field visit by an anthropologist (Speck 1917). It is known that there was a state-appointed overseer during this period, but the overseer's reports from 1892-1909 are missing.

1910-1919. There is a Federal identification (1910 Census, New London County) of the reservation and its inhabitants on the 1910 special Indian Population schedules. State records resume in 1910 in the form of reports by the overseer and continue throughout the decade.

1920-1929. Reports by the state-appointed overseer continue throughout the decade; a 1924 newspaper article, "Last of Pequot Tribe of Indians Live on Lantern Hill reservation," identified not just individuals descended from the historical Eastern Pequot Indians, but a contemporary entity.

1930-1939. A Federal identification exists in the form of a report on New England Indians prepared by Gladys Tantaquidgeon (Tantaquidgeon 1934, Tantaquidgeon 1935); reports by the state-appointed overseer continued through 1935, supplemented by a June 9, 1933, order from the Superior Court of New London County, Connecticut, which defined the tribal membership and regulated residency on the Lantern Hill reservation (*In re Ledyard Tribe* 1933). After transfer of authority to the Connecticut State Park and Forest Commission, there were published annual reports on the status of the reservation from 1936 through 1939. There was, additionally, a wide variety of newspaper coverage which described the contemporary entity (70 Members Now in Two Pequot Indian Tribes 6/30/1931; Poor But Proud 7/9/1933; Founders of Norwich 6/10/1937; On Connecticut's Pequot Indian Reservation at North Stonington 3/26/1938).

1940-1949. There were two Federal identifications of an entity during this period in the form of reports compiled by a Library of Congress researcher and published by the Government Printing Office (Gilbert 1947, Gilbert 1948). As of 1941, responsibility for Connecticut's Indian reservations was transferred to the Office of the Commissioner of Welfare, which generated numerous records pertaining to the Lantern Hill reservation throughout the decade, including specific descriptions (J.R. Williams Notebook c. 1941). There was, additionally, some newspaper coverage (Two of 3 Connecticut Indian Reservations Near Lantern Hill 2/8/1945).

1950-1959. Records of the Connecticut Welfare Department identifying the Lantern Hill reservation and its residents as Eastern Pequot continued. These were supplemented by newspaper coverage (Nizza, Connecticut Indians 1/22/1956; Stone, Pequot Tribe of Indians and their Reservation part Four, Lantern Hill . . . 3/26/1946; State's Four Indian Reservations 8/29/1957).

1960-1969. Records of the Connecticut Welfare Department identifying the Lantern Hill reservation and its residents as Eastern Pequot continued. These were supplemented by newspaper coverage (New Haven Register 1/28/1960; New London Day 1/29/1960 and 8/4/1960;

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Pequots Still Dislike "White Eyes," Profile of a Vanishing American 9/30/1964; The Courant Magazine 9/5/1965).

1970-1979. Records of the Connecticut Welfare Department identifying the Lantern Hill reservation and its residents as Eastern Pequot continued. In 1973, with establishment of the Connecticut Indian Affairs Commission (CIAC), the Eastern Pequot were one of the tribes legislatively assigned to have a delegate on this state board. The controversy over CIAC representation generated repeated identifications of both of the contending groups within that entity in CIAC records. The Eastern Pequot were additionally identified in a report prepared by a researcher for the state (Guillette 1979). Controversy between the groups antecedent to the petitioner and to petitioner #113 generated extensive newspaper coverage throughout the decade (Hartford Courant 9/4/1976; Norwich Bulletin 9/13/1976; The News 9/13/1976; Norwich bulletin 1/19/1977, 4/26/1977).

1980-1989. Records of the CIAC continued to identify an Eastern Pequot entity, and both of the contending groups within that entity, as did, at the end of the decade, the records of Connecticut's Legislative Task Force on Indian Affairs 1989-1990. Throughout this decade, newspaper articles provided extensive coverage of the CIAC disputes and decisions and the resulting litigation, proposed and actual elections by both contending organizations, and some feature articles on the reservation which described the Eastern Pequot as comprising both groups (see detailed listing in the accompanying charts).

1990-1999. There was Federal identification of an entity, including both contending groups, in correspondence from the Department of Housing and Urban Development (HUD) concerning the proposed establishment of a housing authority for the reservation. There was further state documentation from the Legislative Task Force on Indian Affairs, and extensive newspaper coverage (see detailed listing in the accompanying charts). Most of the newspaper coverage was generated by the disputes between the two contending groups.

The combination of the various forms of evidence, taken in historical context, provide sufficient external identification of the Eastern Pequot as an American Indian entity from 1900 until the present, and of the petitioner as a group which has existed within that entity. Therefore, the petitioner meets criterion 83.7(a).

**83.7(b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

*Petition Review Process.* This finding was completed under the terms of the Assistant Secretary's directive of February 7, 2000 (ASIA 2000). The directive applied to all future

proposed findings, including those in progress, except the Little Shell Chippewa, which was close to completion. BAR staff was directed orally by the acting Director, Office of Tribal Services, in December 1999 to make a change in internal procedures for review of acknowledgment petitions. This preliminary direction encompassed the major tenets of the final, written directive. In particular, this finding focuses on evaluating the petitioner's specific conclusions and description of the group concerning maintenance of a tribal community up until the present. Because evaluation of this petition was begun under the previous internal procedures, this finding includes some analyses which go beyond evaluation of the specific positions of the petitioner.

*Petitioner's General Arguments.* The petitioner, in addition to the specific descriptions of tribal structure, presented more general positions in support of the petition. These included that the membership in the 20<sup>th</sup> century continues to reside within the area of its traditional territories, that it has maintained continuity with the historic tribe, and that the Eastern Pequot tribe has had continuous recognition by the state of Connecticut. The petitioner states the general position in support of community that there is strong evidence of descent<sup>86</sup> and continuity from the historical Eastern Pequot Tribe (see the Eastern Pequot Tribe genealogies, Appendix F) (EPNarr. 7/98, 77).

*Historical Community: Methodology.* The regulations provide that, "*Community* must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). Prior decisions indicated that for the time span from the colonial period to the 19<sup>th</sup> century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather was evaluated more generally, under the provisions of the definition of community in 83.1. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations:

saw [the 1994 25 CFR Part 83] revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden . . . A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here . . . further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account (59 FR 38, 2/25/1994, 9287).

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<sup>86</sup>Descent is addressed specifically under criterion 83.7(e). Descent from a tribe is not in itself sufficient evidence to show community, since socially unaffiliated descendants of a tribe may remain in some numbers among the general population in the area where a tribe was once located (see Miami FD, Chinook PF, Principal Creek Nation).

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The relevant language follows:

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . . " (83.6(e)).

For the period from first contact through the end of the Civil War, the evidence pertaining to the Eastern Pequot has been summarized above in the historical orientation. This approach was chosen because, although evidence primarily applicable to 83.7(b) and 83.7(c) has been discussed separately below in the evaluation under the criteria, the essential requirement of the Federal acknowledgment regulations under 83.7 is that of tribal continuity. Tribal continuity is evaluated by examination of evidence of existence of community and political processes over time and descent from the historic tribe. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets a specific criterion at a certain date. This summary discussion of some of the evidence for community between first sustained contact and 1883 draws on the historical overview, presenting selected "high points" in more or less chronological order to show how the evidence is being evaluated. It is to be read together with the overview, which describes the overall evidence for continuity of tribal existence. It is also to be read together with the summary discussion of criterion 83.7(c), which describes some of the evidence for political influence, because much of the specific evidence cited provides evidence for both community and political influence. Under the regulations, evidence about historical political influence can be used as evidence to establish historical community (83.7(b)(1)(ix)) and vice versa (83.7(c)(1)(iv)).

In this case, the evaluation pertains to an Indian group which has had both continuous recognition by the State of Connecticut and continuous existence of a reservation since the colonial period. These provide a defined thread of continuity through periods when other forms of documentation are sparse or do not pertain directly to a specific criterion. To some extent, state recognition is more directly applicable to criterion 83.7(a) than to criteria 83.7(b) and 83.7(c), but here it is more than the identification of an entity, because it reflects the existence of a tribe and a political relationship with the state. The general body of evidence has been interpreted in the context of the tribe's relationship to the colony and state.

*First Contact through the Establishment of the Lantern Hill Reservation in 1683.* The following very succinct summary is the result of detailed analysis of the material from the early period to

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1683 by the BIA research staff (see draft technical report, pages 9-127). The material after the 1685 establishment of the Lantern Hill reservation will be discussed in more detail.

Records of colony actions and actions of other tribes from first contact through 1637 clearly identify a distinct Pequot tribal body, which occupied a defined territory and acted in concert in opposing or making alliances with other tribes and the English through the end of the Pequot War (Williams, *Complete Writings*; *Winthrop Papers* 3; Gookin 1792; Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Starna 1990; O'Connell 1992; Grumet 1995; Bragdon 1996; Cave 1996; McBride 1996). Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural and political changes had occurred ((Narragansett PF 1982, 1; Mohegan PF 1989, 2), this is sufficient evidence to demonstrate that 83.7(b) is met or the undifferentiated historic Pequot tribe as a whole, predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637.

From 1638 through 1654, the records of the United Colonies referred to the Pequots frequently, and specifically referred to the Pequots assigned to the custody of the Eastern Niantic sachem Ninigret as a body (Potter 1835; Hoadly 1850; Denison 1878; Chapin 1931; Haynes 1949; *Winthrop Papers* 1949; Williams 1963; Pulsifer 1968; Sehr 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; *Winthrop Papers* 1992; Vaughn 1995; *Papers of John Winthrop* 4; *Acts of the Commissioners of the United Colonies*). The Commissioners of the United Colonies removed them from Ninigret as a body in 1654 and assigned Harmon Garret as governor over that body in 1655. After the death of Harmon Garret, colonial authorities appointed Momoho as his successor over a specific, named, group, "Momohoe [*sic*] and the Pequots with him in those parts," which then undertook efforts<sup>87</sup> to have a specific piece of land set aside for its use (Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 8n, 81-82 117n, 809). Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural changes had occurred, even after tribes had become politically subject to colonial authorities, the material cited is sufficient evidence to show that criterion 83.7(b) is met.

*Establishment of the Lantern Hill Reservation to the American Revolution.* From establishment of the Lantern Hill reservation (purchase 1683; survey 1685), the Eastern Pequot tribe had a distinct land base. Occupation of a distinct territory by a portion of a group provides evidence for community, even where it is not demonstrated that more than 50 per cent of the total group resides thereon (Snoqualmie PF). From 1685 to the end of the Civil War, the documents show a continuous reservation community with an essentially continuous population, allowing for normal processes of inmarriage, outmarriage, off-reservation work, and interaction with neighboring tribes (see the draft technical report, Table 2, Tabulation of Identified Eastern Pequot Population, 1722-1788). The documentation throughout this period contributes to a

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<sup>87</sup>May 13, 1678, petition by Momoho and the Pequots to the Court of Election at Hartford "That they may have land assigned to them as their own to plant on, and not that they be allwayes forced to hire . . ." Minutes of Committee for hearing Indian complaints; Indians I.36 (Trumbull 1859, 8n).

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showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes of name," since it clearly refers to the same group of Indians, whether they are called Momoho's band, or the Pequots at Stonington, or by other phrases.

The fact that the petitions and civil records from the 1700's show that some members of the tribe, for various reasons such as the binding out of children mentioned in the 1723 petition (IP, 2<sup>nd</sup>, II:22.; Bassett 1938; citing CSL, Indian papers, Loose Index, Doc. 22 a b), seeking gainful employment, etc. lived in the towns surrounding the reservation, rather than on the reservation, is not evidence that a tribe no longer existed. Rather, the descriptions in 1749-1751 indicate specifically that the tribal affiliation of these individuals was recognized by the tribe itself, which protested that rights should not be limited to the direct descendants of Momoho and the Pequots over whom he had served as governor (IP, Series 1, II:50-52). That off-reservation residency does not negate the existence of community has been accepted in prior findings (Narragansett PF 1982, 9; Gay Head PF 1985, 2). The petitions of 1723 and 1749 reflected both the existence of an ongoing residential community of Eastern Pequot Indians on the Lantern Hill reservation and a broader community of off-reservation Eastern Pequot: "and there are many More who Claim a right, yet The English dispute it" (IP, Series 1, II:50-52).

A Connecticut Indian reservation in the colonial and early Federal period was not a prison, to which the tribe's population was confined. Neither was it a gated community, to which all access by outsiders was prohibited. By comparing a wide variety of documents, it does not appear that the Eastern Pequot tribe, or its overseers, added to the membership lists any persons who were not qualified to be included and who were not accepted by the continuing tribal population.<sup>88</sup> While the data was not included in the material submitted by the petitioners, the BIA researcher compared the available information on Eastern Pequot membership with information on Narragansett families known to have lived in the Stonington and North Stonington areas from the 1780's onward. There was no indication that the members of such families were included on the Eastern Pequot records unless they had married into the Eastern Pequot. Neither was there indication that miscellaneous non-Indians were included on the Eastern Pequot records and petitions (see working paper, draft of Table 3 for the draft technical report).

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<sup>88</sup>Methodologically, it should be noted that the third party comments (Lynch 1998a) generally assumed that if a surname appeared in Mohegan, Mashantucket, Narragansett, or other tribal data as well as Lantern Hill reservation records, this signified that the family in question should not be identified as Eastern Pequot, either for purposes of showing descent or for purposes of showing community (e.g. Lynch 1998a, 5:24, 5:26). Because of intermarriage and because the 25 CFR Part 83 regulations allow for the movement of individuals and families between tribes, the BIA's analysis below does not accept this assumption, either for criterion 83.7(b) or for criterion 83.7(e).

There is evidence in the 18<sup>th</sup> and 19<sup>th</sup> century records that the population of the Lantern Hill reservation did not constitute a totally endogamous group, but intermarried with neighboring Indian tribes. However, this did not constitute an innovation. Rather, all data concerning Indian genealogy of southern New England prior to first sustained contact with non-Indian settlers and during the early contact period (Potter 1835, 171-174; Wheeler 1886-1887, Chapin 1931) indicated that at least the ruling families of the Pequot, Mohegan, Narragansett, Eastern Niantic, Western Niantic, and Montauk sustained a regular practice of patterned out-marriage, while there were early occurrences of marriage into other tribes on the geographical margins of the southern New England region (Wampanoag, Massachusetts, Nipmuc, and Connecticut River Indians). In the cultural context of the region, therefore, the persistence of intertribal marriage did not constitute a change which would bring the persistence of the identity of the individual tribal groupings into question. The 25 CFR Part 83 regulations specifically allow for the movement of individuals and families between tribes, while patterned outmarriage with other tribes is interpreted as evidence in favor of community. The data available for the 18<sup>th</sup> century prior to the American Revolution indicated only minimal intermarriage between the Eastern Pequot and non-Indians, although this practice became more common in the 19<sup>th</sup> century (see also the discussion under criterion 83.7(e)). Marriage to non-Indians does not indicate either that there has been dissolution of tribal relations or that there is no tribal community.<sup>89</sup>

The petitions concerning the appointments of overseers in 1763-1766 are discussed in more detail under criterion 83.7(c). The presentation of the petition reflects the continuing existence of an identifiable tribal community. The reservation was at this time in the jurisdiction of the Town of Stonington, that of North Stonington not yet having been separated from it. There is no requirement that all members of the community sign such a petition. In regard to criterion 83.7(b), the political material is greatly strengthened for the period from 1769 through the 1770's by the descriptive materials produced by the Reverend Joseph Fish in regard to his missionary efforts on the Lantern Hill reservation (#35 Pet. Narr. 1998b, 37; #113 Pet. 1996, HIST DOCS III, Doc. 88). He referred to the settlement as "Indian Town," visited it, focused on the need to locate space for the school, the amount of contributions promised by various of the Indian families, and arrangements for providing school space in the home of a tribal member, as well as arranging for contributions to the needy. The Fish material is useful throughout as describing the continuing existence of a historical Eastern Pequot community on the Lantern Hill reservation in the period 1757-1773, and indicates also that the tribe included off-reservation residents, such as an elderly woman who was still living on the coast.

The third parties asserted that the adherence of several Eastern Pequot families to the Brothertown movement, resulting in their migration to New York and, ultimately, to Wisconsin, dissolved Eastern Pequot tribal relations (Lynch 1998a; see response # 113 Pet., Grabowski

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<sup>89</sup>"Narragansett marriage to Non-Indians, black and white, became an issue in the 19<sup>th</sup> century . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, . . ." (Narragansett PF 1982, 3).

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3/15/1999). The participation of some members of the Eastern Pequot in an intertribal movement, although those individuals may have severed their relations with the Eastern Pequot, neither dissolved tribal relations of the remaining Eastern Pequot nor negated the existence of tribal community. Both the Mohegan and the Narragansett, both of whom have received Federal acknowledgment through 25 CFR Part 87, also had extensive participation in the Brothertown initiative and a portion of their tribal members also migrated to Brothertown.<sup>90</sup>

On the basis of precedent, the available material is sufficient to meet 83.7(b) for a tribe during the colonial period.

*From the American Revolution to 1883.* The documentation throughout this period contributes to a showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes of name." The several petitions are discussed in detail under criterion 83.7(c). In 1788, the tribe identified itself as "us the Subscribers Indians of the pequod Tribe in Stonington" pointed out specific inconveniences caused by the absence of an overseer in regard to such necessary community functions as maintaining the poor and keeping up the "outside fences," and stated that in choosing an overseer, "We must be supposed to know who are friendly or, at least who we are willing to place confidence in, . . ." (Burley 1965, 2; IP II:252, 252b, 253; typescript IP, II, First Series (b), 349, 351). This statement indicates that the Indian population constituted a group who recognized a common identity, consulted with one another, and reached a consensus on items of interest to them.

The May 6, 1800, petition from the Indians of the Lantern Hill reservation pointed out that non-Indians were infringing on the reservation, that their overseers were elderly men, one of whom lived some distance away, and requested relief (IP, 2<sup>nd</sup>, II:105-105b; 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389; Lynch 1998a, 5:24, 5:26). The third parties argued that such a petition complaining about infringements on the reservation by persons not legally entitled to reside indicated a loss of tribal relations (Martin and Baur to Fleming 12/15/1998, 5), but cited in support a similar petition filed by the Mohegan Indians in 1778 (Lynch 1998a, 5:27). The Mohegan tribe has been recognized through the 25 CFR Part 83 process. Contrary to the third parties' argument, a protest from the tribe itself against infringements on its lands by the local non-Indian population clearly reflects the existence of an ongoing tribal community, rather than its absence.

The combined petition submitted by the Eastern Pequot, Western Pequot, and Mohegan overseers, co-signed by numerous non-Indian neighbors, to the General Assembly on May 6, 1815, concerning schools for the Indian children of Groton and Stonington provided considerably

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<sup>90</sup>The emigration of substantial numbers of persons from other countries to the United States in the past four centuries has not resulted in the legal or social termination of the national entities that they left.

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more descriptive data in regard to community (number of adults, number of households, number of children, number of poor<sup>91</sup>) than in regard to political authority or influence. The petition stated that there were about 29 or 30 Stonington Indians in all, with 10 or 11 children. It stated that there were 14 "heads of families" at Stonington, but actually listed only seven, with two adults per household. These heads of families were: Samuel Shelly, Barrett [?] Shelly, Cyrus Shelly, James Nead, Isaac Faginys, Polly Johnson, Nabby Hugh (IP, 2<sup>nd</sup>, I: 18, 19, 20; #113 Pet. Narr., Exhibit N; #113 Pet. A-2).

The limited amount of data concerning community in Connecticut's Indian Papers may be extended by the use of other types of documentation. In 1820, Timothy Dwight, president of the Connecticut General Assembly, visited the reservation. He described the housing (some wigwams and some framed houses), and indicated that about two-thirds of the tribe were living on the reservation, the others being distributed as servants among the English families of the neighborhood. His generally unflattering description emphasized poverty and degradation, but also mentioned industriousness and church attendance, particularly by the women (DeForest 1964, 441-442; citing *Dwight's Travels*, 3:27-29). Dwight provided no data concerning off-reservation Eastern Pequot Indians. Jedediah Morse's 1822 description, not based on a personal visit, was also general, although it contained more names and details than Dwight. Morse also described an existing community, indicating that the Eastern Pequot made brooms, baskets and similar articles, had the same opportunities of attending religious worship and sending their children to school, as the white people of the town, and that some were apparently pious and held a meeting once a month at which they all spoke in turn (DeForest 1964, 442-443; citing Morse's *Report on the Indian Tribes*; see also Burley 1965, 2). Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)

In examining the Federal census records from 1790-1840, the BIA researcher did not analyze those families which were not, through other documents, identified at some time in the historical record as part of the Eastern Pequot group with ties to the Lantern Hill reservation. Thus, the analysis in the draft technical report excluded not only those families other documents identify as solely of African-American origin, but also those of Western (Mashantucket) Pequot, Mohegan, and Narragansett origin unless they had some documented familial relationship with the Eastern Pequot. In the census records prior to 1850, only the head of household was listed. Listing of a head of household in the category of "other free persons" (or variants thereof) does not provide *a priori* evidence either that the household was African-American, as indicated by the third-party comments (Lynch 1998a, 5:36) or that the household, if otherwise documented as Indian,

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<sup>91</sup>The third parties were mistaken in asserting that the petition included the "Town's poor" as part of the "Stonington Tribe" (Lynch 1999, 18), since town records indicate that there were many more poor than the few noted in this petition.

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consisted of persons who had abandoned tribal relations. Rather, the census evidence must be correlated with all other documentation and evaluated in context in order to reach a conclusion.

When households were listed in residential order on the early censuses, the records can be of some use in determining the geographical relationship of households of interest. In those cases such as the 1810 census of most towns in Connecticut, however, where the enumerator grouped all "other free" households together in a separate section, the census cannot be used for that purpose.<sup>92</sup> For 1850 through 1880, the census was of more use for criterion 83.7(e), because the entries included the names of household members other than the head, ages, and places of birth. While the information cannot be regarded as 100 percent reliable, it can nonetheless be utilized for purposes of analysis. The listing of ethnicity on the censuses for these years must be correlated with other available documentation.

The third-party comments made the following assertions concerning the last years of Moses Brushell:

*It appears that Moses Brushel and Hannah (Shelly) Brushel were no longer together circa 1842/1843. The fact that he was put in the care of both Peter Waukaus [sic] and Theodore Mans (a non-Indian town resident) and not his wife is indicative of this. The fact that a non-Indian resident of North Stonington was hired to care for him is also evidence of his non-integration into the local Indian community* (Lynch 1998a, 1:7). [italics and underlining in original]

This interpretation is not necessary on the basis of the documentation, nor necessarily valid.<sup>93</sup> Throughout the years, as can be seen from the overall documentation, the overseers regularly paid Indians from other tribes (such as Betsy Wheeler, a Western Pequot), and non-Indians, to care for Eastern Pequot Indians; conversely, the town records indicate that Eastern Pequot Indians were paid to care for Indians from other tribes and non-Indians on occasion. These were contractual relations based on the need for care and no single set of transactions provided significant, much less definitive, data concerning the nature of the community.

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<sup>92</sup>As of the preparation of the proposed finding, both petitioners and third parties had submitted excerpts and selected photocopies from the census for this period, but it was not clear whether the material submitted constituted a complete survey. The records submitted contained some names that occurred in other documents as Eastern Pequot, but the majority of known Eastern Pequot did not appear as heads of household. The data was not sufficient to permit analyzing geographical distribution. Under the new procedures, the BIA researcher did not obtain the missing material. The complete census data was submitted after April 5, 1999, and will be considered for the final determination. For identifications of those Eastern Pequot household heads listed on the 1800-1840 census material in the record, see the draft technical report.

<sup>93</sup>The placement of an invalid in a nursing home, even today, is not necessarily evidence of abandonment of marital relations by the spouse.

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Overall, the records from this period reflect a single community. The entries on the 1842/1843 Indian Overseer reports indicated an acquaintanceship between the Brushell and Gardner families in the 1840's. On October 9, 1843, the overseer paid Harry Gardner for keeping Moses Brushel, paid David Holmes for making a coffin for M.B. and paid Primus Wheeler for digging his grave; on November 15, 1843, he paid Harry Gardner for keeping M Brushel (#35 Pet. Overseers Reports). The absence of signers from the Brushell and Gardner family lines on the petitions may or may not be of significance. For example, Thankful Nedson signed in 1839, but not in 1841. She was, however, still a member of the tribe, because North Stonington wrote to the overseer concerning support for her and her son in 1850, and her name reappeared on later records of the reservation. Similarly, although Clarry [Clarissa] Shelley signed this petition, she was rarely mentioned in the overseer's reports. No extant document for this period can be regarded as equivalent to a tribal roll or tribal census, and the possibility remains that not all tribal members agreed with the removal request.

On September 9, 1857, Isaac W. Miner, as overseer, compiled the first census of the tribe that had been attempted. He headed it: "The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge -" The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins & two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marinda Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson & one child, Thomas Ned, Leonard Brown, Ezra Ned [dead], Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill (#35 Pet. Overseers Reports). Miner did not limit himself to persons who resided on the reservation (Thankful Ned and Leonard Brown had resided off-reservation in the past; the 1850 and 1860 census indicated that Laura Fagins and Abby Fagins may have been residing off reservation currently). While the record does not show the basis of this compilation, it appears, when compared to the full body of the documentation in the record, to have included only those Eastern Pequot who were either currently residing on the reservation (even if they were self-supporting), or currently receiving benefits from the tribal funds (even if they resided off-reservation). These benefits were at this time paid only to families in need of assistance. It omitted the ancestors of the two largest family lines in both current petitioners (Gardner/Wheeler descendants and Brushell/Sebastian descendants), both of which in 1857 were living off-reservation and were self-supporting. This does not mean that they were not regarded as tribal members, either by the tribe or by the state--Laura Fagins, for example, was not listed between her marriage in 1843 and the 1857 census, but was included again when she began drawing benefits for her children.

For the the post-Civil War era, the BIA researcher has not attempted to determine what became of pre-Civil War families of Eastern Pequot descent which gradually ceased to maintain contact with the reservation. For evaluating petitions #35, EP, and #113, PEP, the crucial issue for the post-Civil War era is determining the nature of the association between the major modern descent lines and the remainder of the ongoing community of the Lantern Hill reservation and the wider membership of the Eastern Pequot tribe. Specifically, these descent lines consisted of the

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descendants of Tamar (Brushell) Sebastian, Marlborough and Eunice (Wheeler) Gardner, Rachel (Hoxie) Ned Anderson Orchard/Jackson, Laura (Fagins) Watson, and Abby (Fagins) Randall. The reservation, through much of this period, contained individuals from other families, such as Shelley and Ned, which have left no descendants in the current membership of either petitioner. They were, nonetheless, part of the historical community, and therefore the nature of the historical community must be evaluated by including them, and particularly the nature of the association of the petitioner's ancestral families with them.

From the end of the Civil War through 1875, the overseer's reports were highly consistent in their listing of Eastern Pequot individuals associated with the Lantern Hill reservation, allowing for variants in spelling. Essentially, the following were named, here grouped by surname:

Eunice (Fagins) Cottrell  
Lucy Ann Fagins  
Abby (Fagins) Randall/Jack, with five children  
Laura (Fagins) Watson, deceased, leaving five children  
Charity Fagins  
Joseph Fagins  
Marinda (Ned/Nedson) Douglas Williams  
Leonard Ned aka Brown  
Calvin Ned  
Caroline Nedson  
James Kindness  
Rachel Hoxie aka Ned aka Anderson aka Orchard/Jackson with five children  
George W. Hill  
Andrew Hill  
Lucy Hill aka Lucy Reynolds (#35 Pet. Overseers Reports).

Aside from the annual listings, the major events reflected in the state documents were efforts to sell parts of the Lantern Hill reservation land. These efforts, which resulted in counter-petitions, indicated a considerably larger group of individuals who considered themselves to have rights in the Lantern Hill property than those who were listed on the overseers' reports for the same era (see the discussion of these petitions under criterion 83.7(c)). These additional persons signed the petitions together with the persons listed by the overseers (see more detailed discussion under criterion 83.7(c)).

Neither petitioner nor the third parties submitted a systematic survey of the 1870 Federal census (NARA M-593, Roll 113): Rather, there were only incomplete extracts (Lynch 1998a 5:77-78; #113 Pet. 1996, GEN DOCS III). The records submitted that pertained to individual families have been incorporated into the accompanying charts for criterion 83.7(e). The North Stonington records indicated the existence of a residential cluster, although not all of the key ancestors

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asserted by the petitioner were included in the cluster. The following persons were grouped together as "Indians in North Stonington," all shown as born in Connecticut):

1/1 Colvin,<sup>94</sup> George, 61, m, Ind, farm hand; Eunice, 65, f, I, keeping house;  
2/2 Williams, Calvin, 40, m, I, farm hand; Amanda, 41, f, I, keeping house; Hill,  
George, 50, m, I, farm hand;  
#3 omitted;  
4/4 Jackson, Henry, 45, m, I, farm hand; Rachel, 39, f, I, keeping house; Isaac, 20,  
m, I, farm hand; Fannie, 8, f, I; Jennie, 6, f, I; Phebe E., 4, f, I; Lydia, 2, f, I; Anry,  
8/12, m, I;  
5/5 Andrew, Isaac, 20, m, I, farm hand;  
6/6 Congdon, Lee, 49, m, I, blacksmith, \$500 personal property; Catherine, 48, f,  
I, keeping house; George, 19, m, I; Lorin [?], 18, m, I; Frank, 17, m, I; Anna, 14, f,  
I; Osma, 5, m, I; Irvin, 4, m, I; Susan E., 1, f, I;  
7/7 Gray, Issac, 20, m, I, farm hand; Boswick, Charles, 11, m, I, farm hand; Baker,  
George, 35, m, I, laborer; Baker, Phebe, 28, f, I, domestic servant; Brown,  
Leonard, [age illegible], m, I, farm hand (1870 U.S. Census, North Stonington,  
New London County, Connecticut; NARA M-593, Roll 113, 436).

While some of the group, such as Eunice (Fagins) Cottrell and Leonard Brown [Ned], were clearly associated with the Eastern Pequot tribe on the basis of other documents in the records, such families as the Congdons and the Bakers had never been identified as Eastern Pequot by the Connecticut overseers and never signed tribal petitions.<sup>95</sup> Not all were Indian, for example the husband of Rachel (Hoxie) Jackson, and not all were in fact born in Connecticut. Both petitioners have asserted that Calvin Williams was present by virtue of his marriage to Amanda (Marinda) Ned. This has not been documented. He was paid from tribal funds to serve as a preacher on the reservation, and several of his collateral relatives were also listed on petitions and lists prepared in the 1870's. His two children, born in the early 1860's, were by Eunice Wheeler, who would later marry Marlboro Gardner. After the death of Amanda Ned, he married a daughter of Tamar (Brushell) Sebastian. While he has not been documented to have ties of genealogical descent from an identified Eastern Pequot, his biography indicates a closer involvement with the community than would result solely from his 1869 marriage.

Writing retrospectively much later, a local resident described recollections of the Lantern Hill reservation in the 1870's:

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<sup>94</sup>Sic. This name should have been Cottrell. He was a Western Pequot, widower of Rhoda Sunsimon.

<sup>95</sup>The Bakers appear on Western Pequot overseer's reports. There were Congdon families in both the Mohegan and the Narragansett. The BIA researcher did not determine the ancestry of this particular family, but it had been residing in Rhode Island in 1860.

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From Old Mystic the road to Lantern Hill follows the floor of a narrow, rather level, sparsely settled valley. About a mile south of the hill the highway passes through Indian Town, the reservation set aside by the colonists for the remnants of the Pequot Indians after their crushing defeat by Major John Mason in 1637. Here as late as 1870 dwelt a few Indians, mostly half breeds, who made a precarious living by a pretense of farming, basket weaving and picking berries, but among them was one woman undoubtedly of pure Indian blood, who claimed to be the last of the Pequots. She was the wife of Calvin Williams a full blooded negro<sup>96</sup> who, by his marriage had acquired the right to a residence on the reservation, where he made a comfortable living by farming. The couple lived in a neat, well kept cabin which I visited several times in my boyhood. I remember vividly that the most conspicuous article of furniture was a large illustrated family bible which was displayed on the center table of the little sitting room. Both husband and wife were members of the Baptist church in Old Mystic, at which they were regular attendants" (Harris and Harris n.d. [c. 1930?], 73-74). [footnote added]

In the early 1880's, a local historian wrote that: "It is wellnigh impossible to ascertain at the present time how many Pequots belong to or have an interest in these reservations. The Indian towns of the olden time have run down to two small houses on each reservation, which are now occupied by four families. How many are living elsewhere cannot be determined" (Hurd 1882, 35). This statement was not valid. The petitions and overseers' reports from the post-Civil War period indicate clearly how many persons were receiving assistance, how many were classified by the overseers as tribal members, and how many asserted an interest in or right to the land when sales were proposed.

The 1880 census contained only one small group which might indicate a settlement on the Lantern Hill reservation. Again, all birthplaces were given as Connecticut:

#370/410, Cottrell, George, I, m, 66; Eunice B., I, f, 72, wife;  
#371/415, Brown, Leonard, I, M, 62, works on fr; Sunfun [?], Eliza A., F, 57;  
#372/416, Reynold, Lucy, I, f, 64  
#373/417, Williams, Calvin, I, M, 48, farming; Amanda, I, f, 53, wife, keeping house (NARA T-9, Roll 109, 1880 census, North Stonington, New London County, Connecticut [page omitted]).

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<sup>96</sup>For discussion of this issue, see the background file on the Quash Williams family (BAR). The ancestry of Calvin Williams is known only by the names of his father and grandfather; the maiden names of his mother and paternal grandmother have not been identified. He signed Eastern Pequot petitions from 1873 onward, and was carried on the overseer's records as Eastern Pequot in the latter 19<sup>th</sup> century, as were several of his collateral relatives. His obituary in 1913 identified him as Pequot.

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The remainder of the Eastern Pequot families identifiable on the basis of overseer's reports and petitions were enumerated separately in 1880, among the general population of New London County.

Because the community as a whole, throughout this period, had a residential focus on the reservation, and still maintained a very high rate of intermarriage and patterned outmarriage,<sup>97</sup> particularly with the Western Pequot and with the Narragansett, the Eastern Pequot tribe meets criterion 83.7(b) for the period through 1883.

*Sources Reviewed for the Petitioner's Position that it Meets Criteria 83.7(b) and 83.7(c) since 1883.* The sources for statements of the position of the EP petitioner are primarily the July 1998 Eastern Pequot narrative (EPNarr. 7/98) and a working paper by petitioner researcher Kimberly Burgess (Burgess 1998), submitted at the same time as the narrative. The working paper forms part of the basis for the July 1998 petition narrative but contains other descriptions and analysis as well. The materials in an earlier petition narrative, dated February 1998, are repeated in the July 1998 narrative, with little change but substantial additions. A limited petition narrative was submitted in 1989. Its descriptions and positions have been reviewed as well.

Consistent with the directive, BAR field interview data was utilized only for purposes of evaluation of the petitioner's data and position and not to develop alternative positions which might demonstrate the petitioner met the requirements of the regulations. Completion of the finding within the expected time frames meant that detailed transcripts were not made of the tapes of most of the field interviews. The interviews contain additional information which may, based on a detailed analysis of complete transcripts, and supplementation by additional interviews and documentation, help demonstrate past and present community and political process not found to have been shown by the petitioner. Alternatively, there may be data in the field interviews which conflicts with the petitioner's data.

On the other hand, since much of the technical report had been drafted prior to issuance of the directive, the following analysis does include description and evaluation of written documentation which was in the record, but which was not specifically included in the petitioner's narrative and argumentation. This material falls particularly into the category of evidence pertaining to the nature of the Eastern Pequot tribe as a whole between 1883 and 1973, rather than to the specific subgroups of the Eastern Pequot tribe antecedent to each of the current petitioners.

*From 1883 to the 1920's.* The documentation throughout this period contributes to a showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian identity

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<sup>97</sup>The use of this type of evidence under the criteria is discussed in more detail below under "marriage patterns and community" for the later period.

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continuously over a period of more than 50 years, notwithstanding changes of name." In 1887, Richard Anson Wheeler published a "historical sketch" of the Pequot (Wheeler 1887). The privately published pamphlet represented Wheeler's speech at the groundbreaking for the monument to Major John Mason in Groton in June 1887. This booklet did not differ in any significant way from the chapter on the Pequots published five years earlier in a local history (Hurd 1882), being an almost word-for-word repetition. The BIA did not receive information as to whether Wheeler had originally written it for Hurd.

On January 5, 1889, *The Day*, New London, Connecticut, published an article which mentioned Eunice Cottrell, Eastern Pequot, recently deceased, believed to be age 115. This contained no description of the tribe (Female Longevity, *The Day*, 1/5/1889). Three days later, *The Day* published a brief notice concerning a minister who had refused to perform a proposed marriage between a Pequot woman and an elderly local man at North Stonington (Compliment Paid to the Pequots, *The Day*, 1/8/1889). This contained no description of the tribe, but implied that local people were well aware of its existence.

The Eastern Pequot account covering the period from July 2, 1889, through 1890, showed Gilbert Billings as overseer. He stated that, "[d]uring the last year I have been called upon for help by one family that has not been helped before" (#113 Pet. 1996, HIST DOCS I, Doc. 41; #35 Pet. Overseers Reports). It listed the following names, which, it should be noted, include direct and collateral ancestors claimed by both of the current petitioners:

Members of Tribe: Abby Randall, John J. Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Munroe Watson, Molbro [?] Gardiner, Phebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson, [Three pages later in the photocopied document in the #113 petition, but apparently a continuation of the list: follows immediately in #35 Pet., Overseers Reports] Maria Simons, Mary Simons, Herman Simons, Lucy A. Sawant [Lawant?], Russel Simons, Dwight Gardiner, Calvin Williams, Tamar Sebastian, Leonard Nedson, Mary Ann Potter. Account of provisions furnished each family: Molbro Gardiner, Calvin Williams, Tamar Sebastian (#113 Pet. 1996, HIST DOCS I Doc. 41; #35 Pet. Overseers Reports).

The 1890-1891 report, "Eastern Tribe Pequot Indians North Stonington in account with Gilbert Billings overseer," showed goods furnished to Molbro Gardner, Calvin Williams, Tamar Sebastian, Leonard Nedson, Jesse Williams, and Mary Ann Potter. The overseer stated: "In the last year I have been called upon for help by three family's [sic] that have not been helped before" (#35 Pet. Overseers Reports). The list of "Members of Tribe" was essentially the same as the prior year. No overseer's reports were submitted by either petitioner or by the third parties

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for the period from 1891 through 1910, and none were in the records provided by the State of Connecticut (CT FOIA).<sup>98</sup>

No further newspaper or local historians' mentions of the Eastern Pequot were submitted by petitioners #35 or #113 until the 1900 publication of Richard Anson Wheeler's history of Stonington, which stated that:

The Pequot reservations in Ledyard and North Stonington do not at the present time contain a single wigwam house, nor a residence of any Pequot descendants . . . The North Stonington reservation remains intact and is leased as pasture land and the yearly income of both reservations is applied by the overseers thereof for the benefit of the sick and feeble old men and women of both of the clans of the Pequots, wherever they may reside" (Wheeler 1900,195; cited in Lynch 1998a, 5:96).

Wheeler's assertion that there were no residents on the reservation was not confirmed by more reliable contemporary records, such as the Federal census. The 1900 special Indian Population schedules for North Stonington (NARA T-623, Roll 149, Roll 150; Lynch 1998a 5:96-98; #113 Pet. 1996, GEN DOCS III) listed several non-Eastern Pequot families, such as Wilcox (Narragansett) and Henry and Josephine (Lawrence) Wheeler (Mashantucket Pequot), as living on the Lantern Hill reservation, which was confirmed by anthropologist Frank Speck in his 1903 visit (Speck 1917). The remaining listees included the majority of the Eastern Pequot population that had appeared on the last preceding and next succeeding overseer's reports, comprising direct and collateral ancestors of both petitioners in addition to surviving members of the Ned and Hill family lines.

Neither petitioner submitted a systematic survey of the 1910 census entries for the ancestors of the petitioners (NARA T-624, Roll 142). The third parties submitted some extracts (Lynch 1998a 5:100-102), but they also were not complete: for example, there was no data from Groton, Connecticut. The material from Ledyard included the special Indian Population schedules for the Mashantucket Pequot reservation. The material from North Stonington, Connecticut, included

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<sup>98</sup>The June 30, 1905, annual account (Final Acc't), Superior Court, Norwich, Connecticut, included in the submission was for the "Pequot Tribe of Ledyard" --i.e., for the Mashantucket Pequot (#35 Pet. Overseers Reports).

Charles L. Stewart was appointed overseer of the Eastern Tribe of Pequot Indians about 1908, according to the final account he submitted. However, the appointment may have taken place a year or so later than his 1929 estimate, for the first account that he submitted covered the period from January 1, 1910, through June 22, 1911 (#35 Pet. Overseers Reports). It indicated that there were 500 [sic] acres of land, which had never been the case, and stated that there were three houses on the reservation (#35 Pet. Overseers Reports).

A 1924 newspaper article stated that the immediate predecessor of attorney Charles L. Stewart of Norwich as overseer was Calvin Snyder, "who now resides in Westerly" (Last of Pequot Tribe, *The Evening Day*, New London, Connecticut, 8/5/1924). Snyder's records, if they survive, have not been submitted by either petitioner or by the third parties.

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the special Indian Population schedules for the Eastern Pequot reservation (NARA T-624, Roll 142, ED 525, Sheet 13A: 1910, Thirteenth Census of the United States, New London County, Connecticut, Indian Population, North Stonington Reservation), which again showed direct and collateral ancestors of both petitioners. The data indicated that not all of the petitioner's ancestors who were residing in the town were included on the special schedules.

Because of the missing overseer's reports from 1891-1909, it is not clear when other members of the Sebastian family -- in addition to Tamar (Brushell) Sebastian and her daughter, Tamer Emeline (Sebastian) Williams -- began to appear in the records pertaining to the reservation. In 1915-1916, the overseer's report mentioned the death of a child of Clarence Sebastian. In 1919, the overseer's report listed Clarence Sebastian as member of the Eastern Pequot tribe, as did the 1922-23 overseer's report. His name was omitted from the 1929 overseer's report, but included again in 1933. During this period, since the overseer had the supervision of both the Western Pequot and Eastern Pequot reservations, it was not clear from the documents that he always distinguished precisely between members of the two groups.

*1920's to 1973: Introduction.* The petitioner's position on the existence of community between the 1920's and the present rests on a series of descriptive propositions. The primary ones are a description of three geographic "enclaves" and a variety of social gatherings of members. The petitioner also describes kinship links as remaining important. The petitioner asserts as well that there are cultural differences from non-Indians and that there has been marriage within the membership and with other New England Indians which provide evidence for community. Almost all of the descriptions of the gatherings and enclaves are based on interview/oral history. The adequacy of this material varied substantially from instance to instance.

The petitioner also presented general arguments for demonstrating the maintenance of community. These included the statement that membership in the 20th century continues to reside within the area of its traditional territories, has maintained continuity with the historic tribe, and has had continuous recognition by the State of Connecticut.

*Composition of the Eastern Pequots in Relation to Community.* The composition of the Eastern Pequot has changed over time in the 20th century. Older Pequot lines, dating from the 19th century, dropped out after about 1930, either not reproducing or not remaining with the tribe (see draft technical report). The Marlboro Gardner and Jackson lines continued, but gradually separated socially, and in the 1970's organized separately from the Sebastians (see discussion of "factionalism" as well as the proposed finding for petitioner #113).

The number of Eastern Pequots has expanded from approximately 50 in the mid- to late 19th century, to well over 600 today, in four generations (over 700 if the Paucatuck lines are included in the count). Much of the expansion has been in the Sebastian line. Consequently, even though various Pequot lines have ended or separated, there is still a large body of members. Of the petitioner's current membership, 93 percent are in the Tamar Sebastian family line. Of these,

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about 70 percent are descendants of Francisco Sebastian, one of the nine children of Tamar Sebastian, born between 1849 and 1869, who survived to adulthood. Two of the nine had no children, two others have died out and the descendants of one are entirely enrolled with the Mashantucket tribe.

A small portion of the Sebastians were descendants of marriages with Mashantucket Pequots. This caused some tensions, which are reflected in the written records. By 1929, Franklin Cleveland Williams (who was a Western Pequot through his father, but also was a son of Sarah Sebastian, a brother-in-law of Clarence Williams, and a brother-in-law of Paul Spellman) applied to build a house on the Lantern Hill reservation. The overseer approved the application over the objections of Atwood I. Williams, a Marlboro Gardner descendant. The record does not indicate, however, that this controversy specifically involved the right of the descendants of Tamar (Brushell) Sebastian as Eastern Pequots, but rather the issue was that the applicant was enrolled as a Western Pequot. The overseer wrote:

During the year I made the following [illegible]. [illegible] Williams of Stonington, Connecticut, admittedly a Pequot Indian, who had been duly enrolled as a member of the Western Branch Pequot Indians appealed to me for permission to erect a dwelling upon the Reservation of the Eastern Branch at North Stonington. Oral permission was given him by the overseer. Williams' right to occupy lands of the Eastern Branch of Pequot Indians was challenged by the chief of both tribes, Mr. Atwood I. Williams of 388 Cranston Street, Providence, Rhode Island. The chief of the tribe is known as "Chief Silver Star." I fixed a time for a hearing, at which Franklin C. Williams appeared in person and also by his counsel . . . chief Silver Star appeared in person. At the conclusion of the hearing I sought the advice of the Honorable Allyn L. Brown of the Superior Court and thereafter ruled that Section 5167 of the General Statutes, Revision of 1918, makes no distinction whatever between several branches of the same tribe, and that a recognized member of this tribe is not debarred from the occupational right of the Reservation simply because either for convenience, or expediency, or other reasons, the tribe may have been divided into separate branches. My conclusion was that the petitioner, Franklin C. Williams, had the right, with the approval of the overseer, to erect a dwelling on the lands belonging to the Eastern Branch of Pequot Indians (#113 Pet. 1996, HIST DOCS I, Doc. 41).

Records indicate that the Sebastian descendants who also had Western Pequot ancestry enrolled with the Mashantucket Pequot in the 1980's after that tribe became federally recognized. All of the descendants of one of Tamar Sebastian's children, and portions of the descendants of two others changed membership. These members of the Sebastian line are reported to have been participating in the Eastern Pequot tribe until the organization of the Mashantucket tribe (BAR 1999, Flowers interview, submission).

*Controversy over the Sebastian Family's Residential Rights on the Reservation.* Much of the context for the petitioner during the past 75 years has been provided by a continuing controversy over the rights of the descendants of Tamar (Brushell) Sebastian to reside on the Lantern Hill reservation. The State Parks and Forest Commission distinguished between reservation residency and tribal membership on the basis of the June 9, 1933, Superior Court decision that had defined the tribe's membership. On August 22, 1938, the Commission authorized Arthur Sebastian Jr. to reside on the Eastern Pequot Reservation, North Stonington, Connecticut ("a person of Pequot blood, but not a member of the tribe," . . . "provided, however, that no tribal rights are hereby conferred, . . ." (Lynch 1998a 5:125-126). Through the later 1930's, Atwood I. Williams continued to object to residency by the Sebastians (see the letter from Allen B. Cook, State Park and Forest Commission, to Ellsworth C. Gray re: genealogy of Benjamin Sebastian 12/12/1938; Lynch 1938, 5:126).

The first extensive discussion of the genealogical objections raised by Atwood I. Williams to the residence of Tamar (Brushell) Sebastian's descendants on the Lantern Hill reservation appeared in 1937 as part of a talk by the overseer, Gilbert S. Raymond, on Pequot history, made to a civic group. He stated:

#### **The Disputed Strain<sup>99</sup>**

In 1849, an African Islander, dark complexioned, was married to an Indian maiden named Tamer Brussels. This marriage took place at the Road church, in the town of Stonington, and appears in the records of that church. The result of this marriage has been more than 150 descendants of different shades of color from blackest black to what appears to be pure white, most of them living in southeastern Connecticut and southwestern Rhode Island. They are very prolific, many of them having ten children or more. Over 40 years ago, I well remember seeing this Islander supervising the making of a clam chowder at a Sunday school picnic of St. Mark's church, Mystic, which was held in a grove not far from Fort Hill on the Mystic road. He was a dark, squatty man, thickset, who always wore a large broad brimmed hat, and with rings in his ears. Some of his children are still alive and one of them is a very estimable woman, Mrs. Calvin C. Williams, who lives with her daughter, in a small house in the middle of the eastern reservation, over half a mile from the highway. Her husband, many years deceased, was a Negro preacher. The right of this strain to the tribal privileges is denied by Chief Silver Star who claims that the Indian girl, Tamer Brussels, was not a Pequot Indian, but as members of this family have been entered on the records of both tribes for over 40 years I have never taken steps to have these names removed. Eighty-eight years have passed since that marriage and it is rather late in the day

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<sup>99</sup>See also: "Disputed strain of Portuguese-Pequito [sic] marriage" (J.R. Williams Spiral notebook, ETH DOCS III, Doc. 65).

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to find out very much about it (Founders of Norwich Re-Elect Reginald Reynolds President. Norwich Bulletin 6/10/1937).

At approximately the same period of time, perhaps between 1936 and 1938, the following comments were written by the compiler of genealogies for the Connecticut State Parks and Forest Commission:

Tamer Brashel was without doubt a full blood Indian but there is a difference of opinion about her being a Pequot. There seems to be no doubt that she was found on the street in New London when about five years old, apparently lost. She was taken home and brought up by Capt. Elam Eldridge and his wife and after she married Manuel Sebastian they lived on the Eastern or Lantern Hill Reservation. Her children claim that she was born on the reservation in a house which stood east of the road and north of the brook, so the tract which was sold in 1879 to Sarah H. Mallory, that she lived there until about five years old when she was taken and brought up by a white family. In her later years she was recognized by the court as a member of the tribe and received assistance from the tribal funds (#35 Pet., Genealogy).

That these genealogical objections were raised by Atwood I. Williams is at least implied by a December 12, 1938, letter from Allen B. Cook, State Park and Forest Commission, to Ellsworth C. Gray concerning the genealogy of Benjamin Sebastian:

Other families on the Reservation claim that she was not a Pequot and therefore her descendants have no rights there. However, before the State Park and Forest Commission was appointed as Overseer the Superior Court had recognize some of her descendants as members of the tribe and so there seems to be nothing for the Commission to do but to assume that members of this family have rights in the tribe (Cook to Gray 12/12/1938; CT FOIA #18; Lynch 1938, 5:126).

A State Parks and Forest Commission researcher wrote in his notes a few years later that, "Tanner was probably a Pequot brought up in white family or else found, lost on street and accepted" (J.R. Williams Notebook c. 1941). There is no indication that the writers of any of these comments had researched the overseers' reports from the first half of the 19<sup>th</sup> century which showed her presence on the reservation as a child. She died in 1915; the Welfare Department did not assume responsibility for the Lantern Hill reservation until 1941.

The BIA notes in particular that there is no evidence whatsoever in the record to support the allegation made for publication by PEP Chairman Agnes Cunha that "Brashel was a prostitute placed on the reservation by a state-appointed white overseer" (Libby, Sam, Pequot Feud May Doom Federal Housing Grant. *The Hartford Courant* 10/28/1991; #35 Pet. B-03; #35 Pet. SECOND, Misc.; #113 Pet. 1996, HIST DOCS III, Doc. 120; see also, Libby, Sam, [newspaper

article, title missing]. *The New York Times*, 12/8/1991; CT FOIA #2). In other places, Ms. Cunha herself has made statements concerning Tamar Brushell's life which were not consistent with that claim (Cunha to Blumenthal 6/11/1991, [1-2]). On the contrary, there is an extensive concatenation of evidence which indicates that Tamar (Brushel) Sebastian was, throughout her lifetime, a respectable Baptist woman (see the accompanying charts for an overview of the documentation). Neither is there any data in the record to substantiate the allegation that Mrs. Cunha made at the same time that the Eastern Pequots had falsified the wedding and death certificates of Tamar (Brushel) Sebastian (Libby, Sam, Pequot Feud May Doom Federal Housing Grant. *The Hartford Courant* 10/28/1991; #35 Pet. B-03; #35 Pet. SECOND, Misc.; #113 Pet. 1996, HIST DOCS III, Doc. 120).

*Factionalism Argument.* The petitioner asserts that the conflicts with the PEP, and with members of the Gardner family before that group was organized represent an instance of factionalism and is thus "evidence of the longstanding political reality of the Eastern Pequots" (EPNarr 7/98, 121, 133-4). The petitioner also contends that the dispute was not "factional" before the 1970's, because in their view, it was only a dispute between families up until that point in time (EPNarr. 7/98, 127). At that point, the petition concludes, the families that make up PEP separated from the tribe and organized as a distinct group (for more data on this argument, see the appendix). A review of the evidence indicates that this description is substantially correct, insofar as only certain families and individuals were involved in the disputes before the 1970's. Further, even in the 1970's, there was not, initially, the current alignment. In particular, the Jackson line descendants were then not aligned with the Gardners nor with the Sebastians.

An interview provided by #113 with a member of the Jackson family, a half-sister of Atwood Williams Sr., born 1906, gives strong evidence that an internal dispute over the status of the Sebastians as Pequot goes back well before Atwood Williams' action in the 1920's. The Paucatuck petition quotes the interviewee as stating that her uncle William Jackson had "betrayed" the tribe by agreeing to a request by Emeline Sebastian to swear she was Pequot (Moore 1991; Grabowski stated that it was Jackson's wife who swore the affidavit, Grabowski 1996, 181, 206).<sup>100</sup> According to the interviewee, the statement was an affidavit sworn in Norwich for the overseer (Moore 1991). The interviewee stated her mother, Phoebe Jackson (mother of Atwood Williams Sr.) was greatly against the Sebastians, noting that her mother and other older members expressed anger several times at Liney Sebastian's presence (Moore 1991). However, the interviewee stated that William Jackson made the statement at the behest of his wife Fannie, not Liney (Moore 1991). Fannie was a step daughter of Moses Sebastian. This interview material indicating the dispute existed in the first decade of the 20th century and implicitly earlier, is consistent with a report by an older Sebastian, born 1910, who said that his grandfather, Solomon Sebastian (born 1858) had told that family dissension had existed before

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<sup>100</sup>No documents were found in the record which corresponded to a possible sworn statement by William Jackson.

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he [Solomon] was born. Solomon Sebastian reportedly stated "We've always argued, they claimed we were not Indian" (Burgess 1998, 3-4). The dispute between the Jacksons and the Sebastians would probably not have had the racial overtones that characterized Helen LeGault's opposition, judging by the non-Indian ancestry of Phoebe Jackson. Significantly, the same interviewee who was cited in the PEP petition concerning the Sebastians, denied in the same interview that LeGault was Indian, notwithstanding that her sister-in-law was from the same family (Moore 1991). A similar position was taken in 1973, by Arlene (Jackson) Brown, in addressing the CIAC. She denied that the Gardner line was Indian, claiming that Marlboro Gardner was West Indian.

These reports don't provide information that would show that the dispute was a factional one that far back, under the definition used here, but the seeming permanence of this membership issue does provide evidence against the #35 petitioner's claim that the conflict was only between a few individual families. The historical depth of disputes over membership legitimacy tends to support a conclusion that the various sides of the Eastern Pequot are still somewhat united by this political issue.

*External Evidence for Historical Community through the 1930's.* Other external, descriptive material in the record that might contribute to an understanding of community is very sparse. On August 5, 1924, *The Evening Day* of New London, Connecticut, published a somewhat more extensive article, "Last of Pequot Tribe of Indians Live on Lantern Hill Reservation. Origin of Tribe is Mystery. Intermarried with Narragansetts--Little Colony Numbers 25."<sup>101</sup> The historical aspects were taken from either Hurd (Hurd 1882) or Wheeler's pamphlet (Wheeler 1887) which, as mentioned above, were basically identical. The article mentioned William Jackson as a member of the tribe and appears to have been connected to Thomas W. Bicknell's project for placing historical markers at New England's Indian historical sites (Last of Pequot Tribe, *The Evening Day*, New London, Connecticut, 8/5/1924). *The Day* of New London, Connecticut, published an article which considered both the Eastern and Western Pequot tribes (70 Members Now in Two Pequot Indian Tribes 6/30/1931). A local resident, writing retrospectively at a later date concerning the 1930's, described that at Lantern Hill, he met a boy who lived on the reservation, giving the name as Paul Leroy Stacy [Spellman?] (Harris and Harris n.d., 76-77). In 1933, a newspaper article stated, concerning contemporary conditions on the reservation, that the, "inhabitants of the North Stonington reservation gain a livelihood by working at odd jobs. The reservation borders Long Pond, and a few of the Indians eke out an existence by taking care of the summer cottages which dot the shore" (Poor But Proud 7/9/1933). These descriptions from the 1920's and early 1930's did not focus on tensions among the Eastern Pequot or between the various Eastern Pequot family lines.

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<sup>101</sup> All copies of this item submitted to the BIA were either incomplete, partially illegible because of bad photocopying, or both.

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Until 1929, overseer Charles L. Stewart's reports continued to be informative concerning circumstances of the reservation residents, whether they resided permanently or worked off-reservation (#35 Pet. Overseers Reports). During the period from 1932 through 1937, overseer Gilbert Raymond maintained a ledger, which is located at the Connecticut State Library (Raymond Ledger 1932-1937). This was in addition to his annual accounts, and contained annotations such as that concerning Mary E. Davis and Abigail E. Davis of Providence, Rhode Island: "Never have seen these two or heard from them" (Raymond Ledger 1932-37). These individuals have no descendants in either current petitioner, indicating that although they were descendants, they were socially separating from the tribe. Leaving the tribe, by individuals or by families, does not provide negative evidence under criterion 83.7(b) about social community among those tribal members who remain.

On June 10, 1937, Gilbert Raymond, the former overseer and current liaison between the State Park and Forest Commission and the Pequot reservations, gave an extensive talk on Pequot history to the Founders of Norwich (Founders of Norwich, *Norwich Bulletin* 6/10/1937). Concerning the Lantern Hill reservation, he stated:

#### **The Eastern Reservation**

This reservation now consists of about 270 acres of wood, brush and pasture land, probably not over ten acres of which can be cultivated, in the western part of the town of North Stonington southerly of Lantern Hill and on the eastern shore of Long pond. This is about the same size as when established, except for about 60 acres which have been sold. The last sale was made about 1880 when the state legislature authorized a sale of 30 acres to Mrs. Sarah Mallory, who later sold the land to William L. Main. On this reservation there are six or seven houses, small frame shacks occupied by members of the tribe, about 15 living there, the number varying from time to time. The children who go to school from there attend the country school on the Westerly road about one and one-half miles this side of North Stonington village. There are also three cottages on the shore of the pond, the sites being leased by residents of Mystic, and which are used during the summer (Founders of Norwich, *Norwich Bulletin* 6/10/1937).

*External Evidence for Historical Community after the 1930's.* The last state records pertaining to Eastern Pequot membership, as such, were created in the mid-1930's. Gilbert's annual account dated May 22, 1934, including "a list of members of the tribe (as near as can be ascertained)" (#35 Pet, Second Submission, Sources Cited; CT FOIA #69) was basically the same as the June 1, 1934, list of "Members of the Eastern Tribe of Pequot Indians. Filed and Allowed in the New London County Superior Court," which contained the names of 39 members, with addresses (New London County, Connecticut, Superior Court; typed copy, #35 Pet., Litigation 1980s; different typescript, #113 Pet. 1996, HIST DOCS I, Doc. 41).

Throughout the mid-20<sup>th</sup> century, from transfer of jurisdiction to the Welfare Department in 1941 to eruption of the CIAC controversy in 1973, there is no evidence in the record that the State of Connecticut was looking at "membership" in the Eastern Pequot tribe in any meaningful sense. Therefore, the records from this period provide no direct evidence concerning political authority and/or influence, or community. The state's definition of eligibility to reside went entirely by descent, on the basis of the lists transferred to them from the State Park and Forest Commission. Connecticut paid no attention to anyone who didn't apply for reservation residency, and evaluated that simply on the basis of being able to show descent and 1/8 blood (very vaguely defined and certainly not scientifically computed). Unless an individual applied to reside on the reservation, which from at least 1936-1970's was being administered as state-owned lands on which certain defined individuals were rather grudgingly permitted to live, the state apparently had no interest in the tribes and certainly didn't keep track of potential "membership" in any meaningful sense after the compilation of the genealogies of the late 1930's and the J.R. Williams Notebook c. 1941. At the same time, since the Welfare Department limited payment from tribal funds to reservation residents, it no longer maintained data on tribal members who were not resident, while the majority of the records on actual residents pertained only to those who were elderly, infirm, ill, or otherwise in need of assistance.

*Kinship Patterns within the Current Petitioner.* In part because of the concentration of membership on the part of the Sebastians, most of the current membership is relatively closely related. Adult members in their 20's and 30's are generally fourth cousins if they descend from different children of Tamar, though some older ones are only second cousins. Within the dominant Francisco Sebastian subline, adults are cousins or second cousins. The BIA interview and petition interview data indicates that kinship links have been maintained well beyond immediate, first degree kin (i.e., first cousin, aunts and uncles). And the previous generations, to whom the historical discussion relates, were even more closely related.

While this degree of genealogical relationship is not close enough to assume without further evidence that social connections are maintained, they are close enough to provide a strong basis for kinship relations to be maintained. The evidence in this case is that the Eastern Pequot have maintained kinship relationships well beyond primary kin (BAR 1999, Burgess 1998).

*Kinship Ties as a Basis for Community.* The petitioner's description of community from 1920 to the present asserts that kinship is and was an important component of community. This position included a general statement that community was demonstrated in part by the "interconnectedness of the Eastern Pequot community through time" and "the extensive and persistent kinship networks that link individuals and families of the tribe" (EP Narr. 7/98, 77). The evidence cited was the overseer's lists and the genealogies submitted (EP Narr. 7/98, 77). No actual, systematic description of the kinship links among the members established by marriages between different family lines is provided.

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The petitioner does not consistently provide an analysis of what the kinship relationship is between individuals described as living in the enclaves discussed below or at the social gatherings discussed below. The descriptions generally do not describe how the named individuals are related. Thus the discussion of these forms of evidence for community does not present an analysis which shows what the kin links are and were between the named individuals and whether they were immediate family or distant relatives. BAR staff have analyzed the composition of attendees at the social gatherings because this is a task which does not require substantial staff time. An equivalent analysis of the enclaves was not made because such an analysis by the BAR staff would have required more time than is now permitted.

Kinship ties within the Eastern Pequot have been generated both by marriages between lines and also result from the continuing ties within lines that are large but closely related, especially the Sebastians. The latter is discussed above, the former, below.

*Marriage Patterns and Community.* The petition also states as evidence for community, that there were marriages within the Eastern Pequot as well as continuing marriages to neighboring tribes. The petitioner presented an extended discussion of the context of inter and intratribal marriage among the tribes in the region historically (EPNarr. 7/98, 42-44).

The regulations also provide for measurement of rates of marriage within the group and "patterned out-marriages" with other Indian populations (83.7(b)(1)(i)). The petitioner presented a chart of intermarriages of one line (Brushell/Sebastian) but no complete measurement of rates of marriages within the group and with neighboring Indians. Creation of an analysis of marriage rates for the entire group historically would require considerable BIA staff time and amount to conducting a new analysis. However, a partial reconstruction and analysis was possible, based on the materials prepared in evaluating tribal ancestry for criterion 83.7(e). This counted the marriages extant in the years between 1883 and 1936 for all of the Eastern Pequots that could be identified. It thus includes ancestors of the present Eastern Pequot petitioner as well as the ancestors of the Paucatuck. This count found that of 167 total marriages, 54 (39 percent) were with other Eastern Pequot. Another 17 were with Western Pequot (10 percent). Narragansett spouses accounted for 25 marriages (15 percent) and marriages with miscellaneous other Indians or Indian descendants was six percent. The balance of 61 (36 percent) were with non-Indians. This count substantiates the petitioner's position that marriages within the tribe and with neighboring tribes were common, and provides good evidence to demonstrate community. However, it does not reach the 50% rate of endogamous marriage sufficient in itself to demonstrate community under 83.7(b)(2)(ii).

Marriages within a group may also be approached from the point of view of analyzing the kinship ties which are established by such marriages. Marriages establish kinship links which in small tribal societies are an important part of community. Particularly in a small group such as these, a description of the resulting network of kin relationships provides good evidence for

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community, without calculating marriage rates. Indeed, marriage rates are a means of quantifying kinship ties within a group, which may be evaluated by other means.

The ancestors of the Eastern Pequot are few enough and the reconstruction of family genealogies for this finding complete enough to provide the basis for a description of marriage-based kinship ties. An analysis was made of the interlinking of Eastern Pequot family lines as a result of marriages between the 1850's and 1930's (see Snoqualmie proposed finding for a similar analysis). The number of available marriage partners who were Pequot was limited to no more than two dozen at a given point in time. This analysis showed that the Jackson family, the line with the most consistent reservation residence between 1880 and 1920, was linked to both the Sebastians and the Gardners. The Sebastians were linked with both the Laura Fagins and the Abby Fagins lines. There were also marriage links, from the 19th century, to lines which later died out (e.g., the Ned or Nedson line). An additional set of ties developed because in some cases, the same individual had been married first to a member of one line, and then to another (e.g., John Randall). This analysis does not address the marriages to Narragansetts and Western Pequots, although these provide additional kinship links through those family lines--of particular significance in indicating the existence of a single community are such marriages as that between one of the Sebastians and a daughter of Eunice (Wheeler) Gardner's oldest son, Cyrus George.

In summary, the main family lines between 1880 and 1920 were linked together both by extant marriages and by ties from marriages in the preceding two generations. They formed a set of families linked by many different kinship ties. In addition, because marriages occurred between Pequot individuals who were not living in the same town, this provides evidence that social contact was being maintained, and was the basis for locating marriage partners.

Under the regulations, "patterned outmarriages" are evidence for community. More specifically, where there is evidence that there are regular social relationships among neighboring Indian groups, including intermarriage, this is evidence for community (see for comparison Snoqualmie marriages and other relationships with other Puget Sound Salish tribes). Such is the case for southern New England, where the Eastern and Western Pequot, Narragansett, Shinnecock and others have intermarried and maintained other social relationships. Marriages to Narragansetts remained common in the late 19th and into the 20th century and there are some among the current membership. Interview materials indicated that, at least in some families, children were encouraged to seek Narragansetts as marriage partners (Burgess 1998, 5-6). The interview data for these statements pertained to approximately 1920 to 1960.

***Relationship with Other Tribes.*** The EP petition states that the Eastern Pequot had social relationships with other tribes in the region, especially Narragansett and Western (now Mashantucket) Pequot, citing this as evidence for tribal existence of the Eastern Pequot. Only the evidence for the late 19th century forward is evaluated here. The petitioner describes continuing relationships with the neighboring Western Pequot (now Mashantucket). In addition to kinship deriving from intermarriages, there were social relationships such as visiting. Oral

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histories consistently describe that a substantial number of adults regularly attended the Narragansett's annual August Homecoming, a two day event in Charlestown, Rhode Island. This occurred from at least as early as the 1920's until approximately the 1970's (Burgess 1998, 8; BAR 1999).

A substantial number of Eastern Pequot attended a church in Westerly, Rhode Island, which is between Charlestown and the Eastern Pequot Reservation. The church, founded in 1884, was a sister church to the Narragansett Indian Church in Charlestown, Rhode Island, and had many Narragansett members (Flowers 1999, BAR 1999). A report prepared by the petitioner lists Eastern Pequots who attended and participated in the church (Flowers 1999). Eastern Pequot attendance was shown from the early 1900's and is stated to have continued until the 1980's. No measurement was offered of what proportion of the Eastern Pequots attended in any given time period. However, attendees were drawn from the descendants of most of the children of Tamar Sebastian, including Francisco, Mary Marillo, Solomon, Moses, Sarah and Jesse. Others included descendants of the Williams, Hoxie and Laura Fagins and Abby Fagins lines. Attendees included Sebastians who subsequently joined the Mashantucket tribe. The report did not identify attendees from the Jackson and Gardner lines except for Paul Spellman, son of Phoebe Jackson.

Both the church participation and the attendance at the August homecoming are consistent with the fact that Narragansetts were commonly marriage partners of the Eastern Pequot in the 19th and 20th centuries. Generally, there is continuing evidence of social relationships with other Indian groups in the area, up until the present.

*Enclaves.* The petitioner describes the Eastern Pequot's settlement patterns as "being concentrated in" three locations it characterized as "distinct enclaves" (EPNarr. 7/98, 48; Burgess 1998, 9). One is Mystic (EPNarr. 7/98). The second is Old Mystic with which Burgess includes Stonington (Burgess 1998, 9). Third is the "North Stonington/Norwich areas" which included the reservation residents. All of the mentioned towns are adjacent to the Lantern Hill reservation.<sup>102</sup> The description reviewed here refers to the period from the early 20<sup>th</sup> century to the present although the petition notes these as areas of Pequot residence before the 20<sup>th</sup> century. There is no analysis presented by the EP petitioner to show how it defined each "enclave" area and differentiated its inhabitants from the others, other than by locality. No citation is made to records. A set of tables described as a "residence locator," gives birth and death locations for many members, but is not organized as an analysis to define enclaves (EPNarr. 7/98, Appendix G). Names of some specific individuals are mentioned in the text description, but there is no

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<sup>102</sup>The petition's discussion of enclaves under criterion 83.7(c) varies from that under criterion 83.7(b), stating in the former case that there were "three or more," (emphasis added) "one on the reservation and others in core area neighborhoods in Stonington, Mystic and New London" suggesting more enclaves in additional areas. It also states that the reservation enclave centered on the reservation "included families from North Stonington, Mystic and New London." These variations further suggest that the petitioner may not have based these descriptions on an adequate assembly of data and analysis.

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indication in the limited descriptions of the enclaves of an analysis which would exhaust the Pequot residents of any of these areas at a given point in the time period covered, early 1900's to the present.

The "enclaves" composition as described by petitioner #35 never includes individuals from the Marlboro Gardner family line. It does not consistently include members of the Jackson line, except as intermarried, even on the reservation, where the Jacksons were a strong presence in the first three decades of the 20th century (see Grabowski 1996, 138, 149-157, 159-160, 162-165).

The term "enclave" is inaccurate in that what is described are not territorially separate communities of Eastern Pequots. The petitioner's descriptions only state that there were petitioner families in each of these fairly small areas. The descriptions and supporting interview data indicate that while some members (excluding immediate relatives) may have lived near each other, they did not live in segregated areas of Pequots alone in the towns.

Thus the "enclaves" as described do not provide substantial evidence of community in themselves. What descriptions do show are that many of the petitioner's members between 1900 and the present lived near enough to each other to interact. As evidence, this geographic data must be interpreted together with the other evidence about community, particularly the evidence of social gatherings and the context of the kinship relationships between residents of the different areas (which has not been systematically described) and within the tribe more generally.

There is no systematic discussion in the Eastern Pequot petition of who or how many were living elsewhere than in these locations at this time period. It is clear from overseers records, birthplaces and oral histories that not all of the members lived in one of these areas between 1920 and the present but that at least a few families had moved to Providence and Hartford (BIA interviews; Burgess 1997 and 1998 interviews; Connecticut lists of members). It is also clear that some, at least, returned from these areas to visit relatives, and in some instances, returned to live. A clearer picture of this portion of the historic membership would support the petitioner's position concerning community, that social and other ties were responsible for the continued concentration of members in the immediate region.

The petition also describes the "enclaves" as "linked" and that there was consistent communication among them (Burgess 1998, 7). Burgess states that "news spread very quickly by word of mouth," that the few Eastern Pequot who owned automobiles in the first half of the 20th century were known for packing their cars full of tribal members and going to various social events and that the footpath between the reservation and Old Mystic and the road between Mystic and Old Mystic were well traveled by Eastern Pequots as they went to visit other tribal members. Overall, there are a number of accounts of visiting (aside from the social gatherings discussed below) (BAR 1999, Burgess 1997, 1998). Most of the descriptions are of visiting between fairly close relatives or do not differentiate between visiting among immediate kin, and visiting with other Pequots. Only the latter is good evidence for community. Thus the descriptions are of

limited value. In addition, only a few examples are offered to cover the span of years between the early 1900's and the 1960's, the apparent span of time intended to be covered. This limited evidence must be weighed together with other evidence for community.

To evaluate whether the claimed "enclaves" corresponded to actual social subgroupings would require considerable staff time to assemble all the necessary data about residence patterns and kinship and other social relationships in the 20th century and analyze it in relation to the claimed enclave pattern. The description and analysis presented by the petitioner is incomplete and claimed subgroupings not well defined. Creation of a new analysis is not required under BAR procedures. Demonstration that the claimed enclaves were social subgroupings is not necessary to demonstrate that the community criterion is met, since this may be demonstrated by other means.

*Social Gatherings.* The EP petition describes a variety of different forms of social gatherings as evidence for community between the 1920's and the present.

*"Fourth Sunday" Meetings.* The first of these were referred to as "4th Sunday Meetings," gatherings which were "both religious and social in nature"(EPNarr. 7/98, 50-51). These were prayer meetings, at which families gathered for religious ceremonies, followed by a social gathering and a meal. According to the petition, the adults "discussed tribal matters and gossiped." The reported topics of discussion were any problems residents or other members were having with State or local officials regarding either reservation land use or assistance, trespassers on the reservation, and problems with the "LeGault faction." The meetings took place for the most part on the reservation, at the home of "Aunt Liney," Tamer Emeline (Sebastian) Williams, daughter of Tamar (Brushell) Sebastian.

The meetings are described by the EP petition as beginning "sometime prior to 1921," with the precise date not known. According to the petition text, the meetings were first held on High Street in Mystic, at the home of Sylvia (Sebastian) Stedman and then shifted to the reservation. There are some inconsistencies in the reported date of this shift, the main petition narrative saying 1921, while Burgess says "towards the end of the 1920's" (Burgess 1998, 11). The oral history accounts of the High Street meetings which reportedly preceded those on the reservation do not indicate whether they were as large as those on the reservation (BAR/Lillian Sebastian; Burgess 1998, 11). The available descriptions suggest they were smaller, and more limited in character to religious services. They may have changed in character with the shift in location and in "sponsorship" between the two sisters, or there may not be a connection between the two. Thus it is not established that the High Street meetings were as important gatherings to demonstrate community as the Fourth Sunday meetings on the reservation.

According to the petition, the Fourth Sunday meetings continued until 1937, when Tamer Emeline Williams was too old to hold them, or had died (EPNarr. 7/98, 50-51). Documentary support for these meetings is found in an 1941 overseer's report, which noted that she held

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religious meetings quarterly (Williams Notebook c.1941).<sup>103</sup> The attendees were mostly Eastern Pequots, along with a few Western Pequots who were related, and two non-Indian women who were followers of the form of Baptist religion practiced. The petition is unclear about the size of the attendance, stating at one point that it was about a dozen adults and elsewhere that it ranged from 40 to as many as 150. The higher figure may refer to the meeting held in July, which was larger (see below). It is inconsistent with and much higher than other petition statements and oral histories of these meetings and appears to be not verifiable. The accounts named specific families that attended. The listing indicated that the attendance was drawn from different branches of the Sebastians as well as other Eastern and some Western Pequots.

The oral histories of these meetings are generally consistent in their descriptions of the basic character of the meetings on the reservation, even with the noted differences in detail. The petitioner presented several different accounts, by different individuals. BIA interviews confirmed the basic description presented in the petition. The size of the gatherings would have represented a substantial portion of the membership resident in the area (if the Gardners are excluded).

According to the petition, there was a larger "fourth Sunday" meeting in July, attended by about 40 people (EPNarr. 7/98, 50). The petition characterizes this as about 20 to 25 percent of the membership. No source was given for this figure. The available oral histories were too limited to establish the character of this meeting as different than the other meetings. BIA interviews did not provide information to support this.

*PEP Assertions Concerning the "Fourth Sunday" Meetings.* PEP indicates that before the time of Emeline Williams' meetings, reservation religious meetings were held first by Calvin Williams (Emeline's husband), who is noted as having been a paid preacher for the tribe (see discussion under criterion 83.7(c)). Subsequently a Narragansett preacher named Samuel Dixon is reported to have taken over running the meetings (see also Moore 1991). PEP quotes a contemporary account of pre-Emeline meetings as not being limited to Indians, but including various non-Indians (citing Stone 1985:77). One PEP interviewee gave an indication that the attendees were drawn from the area, without limiting it to tribal members or even Indians (Moore 1991). This material would tend to undercut the claim also made by the petitioner that the successor meetings were secretly tribal meetings (see below).

PEP identifies what appear to be the same "fourth Sunday meetings" that the EP petition did, indicating them to have been a part of their antecedent group's political processes (Grabowski 1996, 154-155). The petition researcher (Grabowski 1996) states that the "religious meetings" in the 1930's were:

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<sup>103</sup>The Paucatuck petitioner notes the report but does not comment beyond saying that this was "uncorroborated" (Grabowski 1996, 191n210).

held in tribal members' homes, sometimes out of doors, weather permitting. In earlier years, the Sunday meetings were rotated from house to house and afterwards would be followed by a general potluck picnic (Moore 1991; Jackson 1995; Potter 1995; A. Cunha, personal communication). Children would play while the grownups discussed tribal business (Grabowski 1996, 191).

The PEP petition also claimed that those meetings concealed the purpose of the meeting, to conduct "tribal business," from outsiders, including the overseer (Grabowski 1996, 191). PEP held further that:

Tribal members from off the reservation came to these meetings as was practical, depending upon where they lived. Since the religious meetings were held regularly, off reservation tribal members were well aware when they took place. Moreover, as part of the same social (kin) network as on reservation members, they were also well informed regarding topical issues and new developments concerning the tribe (Grabowski 1996, 191).

There was not substantial information in the Moore interview (Moore 1991) to validate this part of the description. That the PEP sources also refer to the "fourth Sunday" meetings is consistent with this finding's conclusion that at this point in time, 1920 to 1940, the Eastern Pequots were not significantly divided, although there were some internal conflicts concerning the Sebastians. However, the PEP petition's description does not indicate that the Gardner/Edwards line members, who were not directly related to the Jacksons, were participating in these meetings, nor does it provide any explicit indication that members of the Gardner/Williams line (linked to the Jacksons by marriage) attended them.

*Alden Wilson Picnics.* From approximately 1940 to 1960, annual summer picnics were held in Mystic at a farm owned by Alden Wilson, a relatively prosperous individual who was one of the Pequot leaders. The petition at one point describes these events as "purely social" (EPNarr. 7/98, 51). Wilson was a descendant of Mary Marillo Sebastian, one of Tamar Sebastian's children. His picnic were attended by individuals from several branches of the Francisco Franco branch, and members of the Solomon Sebastian branch, as well as his own.

Attendance was not limited to those living in Mystic. The petition states that the number of participants ranged between 80 and 150 people, a figure which included non-Pequots and non-Indians. This attendance was estimated to be "one-third or more" of the total members. Given the present membership of 600 plus, the membership forty or more years ago would have been much smaller, making these estimated percentages plausible. However, no specific calculation has been made for this finding of the size of the membership in past decades.

One account included in the petition narrative suggested that there was substantial cooperative effort among different tribal members in organizing these picnics (Hockeo statement). It stated

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that all of the men and boys fished and clammed, etc., as part of the preparation. This characterization of the picnic as involving the cooperation of many families was not substantiated by other petitioner interviews submitted nor by BIA interviews.

The petition contained substantial interview/oral history materials concerning these gatherings (Burgess 1997 and 1998, specific interviews). BIA interviews largely substantiated the occurrence and character of these events as drawing broadly from the different branches of the Sebastian family. The petition characterizes these events as a "replacement" for the fourth Sunday meetings (EPNarr. 7/98, 51) although it notes the interviewees did not characterize it as such. The picnics varied significantly in character, since the earlier meetings were organized around a prayer service (although being a social event) and having at least partly a political character. Neither characteristic applied to the picnics.

*Other Gatherings.* As evidence for historical community, the petition gives brief descriptions of other social events between the 1930's and the present that may have brought together members of different families. Burgess states that, before the 1950's, Eastern Pequot "gathered at many spots in Connecticut and Rhode Island, and food would be shared and tribal events discussed" (Burgess 1998, 11). Burgess also notes "tribal gatherings" in the 1950's and 1960's in New London, hosted by now-chairman Roy Sebastian Jr. (Burgess 1998, 11). In neither instance is sufficient detail available in the description or interviews submitted to evaluate these events under this criterion. BIA interviews gave some indication in support of these as events not limited to immediate families, but did not, as analyzed, provide sufficient information for them to be significant evidence for community.

The evidence was strongest for dances at "Little Rest," near Old Mystic, which are described as occurring from the 1920's up until the Depression. These were organized by Alden Wilson, who later organized the tribal picnic gatherings (Burgess 1998, 11). Wilson was economically successful, and is widely reported to have used his resources to aid members and, thus to hold these social events. BIA interviews provided evidence consistent with the petitioner's description, but not enough detail to further evaluate them and conclude that they were held consistently enough and with a substantial enough attendance to be good evidence for community.

The other examples of events, as described, either did not provide evidence that the participants extended beyond immediate family or they were not frequent enough to be substantial evidence for community. There was little data available concerning these.

*Identity as Indian.* The petitioner presents a number of accounts by older living individuals, whose ages ranged from 50's to 90's, that when they were young they "went as colored," or otherwise were viewed as colored and did not publicly assert Indian identity (EPNarr. 7/98, Burgess 1998). The point of the position is that Indian identity existed even though it was, in this era, not necessarily asserted or recognized in some everyday social contexts. Under the

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regulations, self-identity is evidence of the existence of community, of distinctness as defined from within. The evidence from oral histories does not indicate a lack of self-identity as Indian, even though individuals may not have always asserted that identity.

*Other Evidence for 20<sup>th</sup>-Century Historical Community.* The petition at several spots describes assistance between Pequots, sharing of food and resources or finding each other jobs. It especially notes bringing food or other aid to reservation residents (EPNarr. 7/98, 52; Burgess 1998, 13-14). The descriptions were too limited to allow an evaluation of whether help was regularly extended beyond immediate family. The descriptions did not cover all time periods, appearing to relate primarily to the 1930's and 1940's. This information was too incomplete to evaluate.

The petition describes burial locations of Eastern Pequot after 1900. The position taken was that they continued to be buried in the same area as they had historically. Because people tend to be buried where they were living, the burial practices analysis adds nothing to the more fundamental analysis of residence patterns and whether these reflect continuing existence of a community or not.

*Evaluation of the Evidence under Criterion 83.7(b).* The historical Eastern Pequot tribe, and the EP petitioner as a component of that tribe, meet the requirements of criterion 83.7(b) from the colonial period to 1973. Important evidence for this is the kinship based social ties which derive from the substantial number of marriages in existence in this time period which linked the several family lines as late as the 1920's. This evidence is supplemented by the substantial number of marriages with neighboring tribes, particularly the Narragansett. These provide additional evidence that the group was part of the Indian society of the region.

Supporting evidence to that based on kinship is the geographical concentration of much of the membership on or near the reservation at Lantern Hill. While not forming a distinct settlement, except for the small proportion living on the reservation, much of the membership was close enough that, consistent with past decisions, social interaction was easily possible. This geographical pattern thus supports more direct evidence of social ties.

Additional evidence for community is found in the overseers' reports, although these were not available for the years between 1891 and 1910. The overseers were knowledgeable observers of the group, because of their interaction with it. Allegations by petitioner #113 and the third parties that the overseers were not knowledgeable, or were corrupt, were not sustained by the body of data in the record. Although their reports provide few details, they are premised, particularly the identification of who was and who was not a member, on knowledge that a social group existed.

A final factor in support of a demonstration of community is the consistency of the group's membership, as reported by the overseers, before, after and during the period between 1883 and

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1920. Consistency of membership by itself does not demonstrate community but provides supporting evidence when weighed together, as here, with other factors.

*1920-1940.* The historical Eastern Pequot tribe as a whole meets the requirements of criterion 83.7(b) for the time period between 1920 and 1940. There continued to be kinship based social ties which derived from the number of marriages in existence in this time period which linked the several family lines and from marriages in the previous generations. In this period also, that evidence is supplemented by the substantial number of marriages with neighboring tribes, particularly the Narragansett. These provide additional evidence that the group was part of the Indian society of the region. There was also substantial solidarity within the two segments which may have subsequently separated into the two petitioners with the Jacksons, to a considerable extent, constituting a bridge between the Sebastians and the Gardners in the 1930's and early 1940's, as evidenced by Harold Jackson's having lived for a time with George and Helen LeGault, while his aunt Grace (Jackson) Boss, widow of a Gardner, stayed with Tamer Emeline (Sebastian) Williams and later with her daughter when she came to the reservation for the weekend.

Important additional evidence for EP community were the "Fourth Sunday" gatherings on the reservation. These were held regularly, and drew a substantial number of members, from different parts of the several family lines. They were both social and political gatherings.

Supporting evidence to that based on kinship and the "Fourth Sunday" gatherings is that there continued to be a geographical concentration of much of the membership on or near the reservation at Lantern Hill. While not forming a distinct settlement, except for the small proportion living on the reservation, much of the membership was close enough that, consistent with past decisions, social interaction was easily possible. This geographical pattern thus supports more direct evidence of social ties.

Additional evidence for community is found in the overseers' reports, which were useful evidence until 1936, when the overseer system ended, and to a lesser extent through the end of the 1930's, as the former overseer continued to act as agent for the State Park and Forests Commission. Although their reports provide few details, they are premised, particularly the identification of who was and who was not a member, on knowledge that a social group existed.

*1940-1973.* Important evidence for specifically EP community for the period from 1940 to 1960 is annual social gatherings hosted and organized by informal leader Alden Wilson. This gathering drew a substantial proportion of the membership. In addition, there remained, to a somewhat diminished degree, social ties based on past marriages between family lines and intertribal marriages. In addition, changes in the overall composition of the group, as some older lines died out or left the tribe, and the Sebastian line expanded rapidly, meant that a substantial portion of the membership were closely related on the basis of descent from that line. Interview

evidence indicates that the EP remained a tightly knit kinship group which maintained social ties well beyond immediate kinsmen

The petitioner provided little information concerning community from 1960 to 1973. No data was provided concerning social gatherings. In this era, the membership became less geographically concentrated, as expanding work opportunities led to migration to New London and other area cities. The most substantial evidence for community was that the predominance of the Sebastian line, which had expanded rapidly, meant that a substantial portion of the membership were closely related on the basis of descent from that line. Interview evidence indicates that this remained a tightly knit kinship group which maintained social ties well beyond immediate kinsmen

The evidence in the record indicates that the Eastern Pequots as a whole, including the family lines of both petitioners, remained essentially a single social group in this time period. There remained, to a somewhat diminished degree, social ties based on past marriages between family lines and intertribal marriages. There was substantial solidarity within the two segments which may have subsequently separated into the two petitioners. However, this finding does not reach a conclusion that the families ancestral to the petitioning groups had separated into two communities before 1973. The available interview data is insufficient to establish at what point in time they may have become two separate communities. Many individuals who grew up in the era when there was clearly a single tribal community were still alive between 1940 and 1973, and a few are still alive today. Available interview data from the petitioners and BIA interview data do not indicate any informal social interaction between the Sebastians and the Gardners among members in their 60's or younger (born after 1940). Further, there was no substantial data found in the available interviews to indicate significant social connections of the Jacksons in recent eras with either the Gardners or the Sebastians, notwithstanding the marriages of both Atwood Williams and his aunt, Grace Jackson, in the previous generation, with Gardners (see Moore 1991).

As evaluated under the standard articulated for a historical state recognized tribe, the petitioner meets criterion 83.7(b) from 1940 to 1973, based on the conclusion that there was a single tribal community, including but not exclusively composed of, the Sebastian descendants.

*1973 to the Present.* There is insufficient evidence in the record to enable the Department to determine that the petitioners formed a single tribe after 1973. The Department consequently makes no specific finding for the period 1973 to the present because there was not sufficient information to determine that there is only one tribe with political factions (see for example, *Paucatuck Eastern Pequot Indians of Connecticut et al. v. Connecticut Indian Affairs Council et al.* No. 6292, Appellate Court of Connecticut, decided March 28, 1989, which describes each current petitioner as a "faction of the tribe"). This reflects in part the apparent recentness of the political alignments reflected in the petitioners after their formal organization in the early 1970's. A finding concerning community in this time period will be presented in the final determination

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This question of whether there are one or two tribes since 1973, evaluated in the context of the preceding history, should be addressed by petitioners and interested parties during the comment period (see the appendix)

The historical Eastern Pequot tribe, which includes the petitioner as one of its component subgroups, meets criterion 83.7(b) through 1973

A decision on the period subsequent to 1973 is deferred to the final determination

**83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**

This petitioner, or the historic Eastern Pequot tribe, the predecessor group from which it evolved, has been in sustained contact with non-Indian settlers since the 1630's — a period of 370 years. The historic Eastern Pequot tribe was located in southeastern Connecticut, in the geographical region of New England. This is a location in which, since colonial times, a substantial number of written records, whether colonial or local, state or Federal, civil or ecclesiastical, have been both generated and preserved. The materials submitted in evidence in regard to criterion 83.7(c) are extensive, but cannot be said to be comprehensive for all time periods. The preamble to the 25 CFR Part 83 regulations noted that in acknowledgment cases:

the primary question is usually whether the level of evidence is high enough, even in the absence of negative evidence, to demonstrate meeting a criterion, for example, showing that political authority has been exercised. In many cases, evidence is too fragmentary to reach a conclusion or is absent entirely. Language has been added to § 83.6 codifying current practices by stating that facts are considered established if the available evidence demonstrates a reasonable likelihood of their validity. The section further indicates that a criterion is not met if the available evidence is too limited to establish it, even if there is no evidence contradicting the facts asserted by the petitioner. . . . It has been the Department's experience that claimed "gaps" in the historical record often represent deficiencies in the petitioner's research even in easily accessible records (59 FR 38 2/25/1994, 9280-9281).

The regulations provide that political process "is to be understood in the context of the history, culture, and social organization of the group" (25 CFR 83.1, 59 FR 9293). The precedents in prior Federal acknowledgment decisions indicated that for the time span from the colonial period to the 19<sup>th</sup> century, evaluation of political influence or authority had not been tied to the specific forms of evidence listed in 83.7(c), but rather was evaluated much more briefly, and generally.

under the provisions of the definition of political influence or authority in 83.1. The relevant language in follows:

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . . (83.6(e)).

In many instances, for the pre-20<sup>th</sup> century portion of the historical development of the Eastern Pequot tribe, the individual documents can be interpreted only in the broader and more general context of the existence of a reservation which was administered, first by the colony, and then by the state. Throughout its history, the context for administration of the Lantern Hill reservation has been set by the legislation passed by Connecticut and the administrative systems established by that legislation. The documents generated, by their very nature and purpose, showed less about the internal structure of the tribe's politics and/or leadership than they showed about the tribe's external relationships with the non-Indian administrative authorities. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. The isolated political documents must also be interpreted in light of the general continuity of the reservation population as shown by a wide variety of other documents (see draft technical report).

For the period from first contact through the end of the Civil War, the broader evidence pertaining to the Eastern Pequot has been summarized above, in the historical orientation. This approach was chosen because, although the primarily applicable evidence for 83.7(c) through 1883 is evaluated here, the essential requirement of the Federal acknowledgment regulations under 83.7 is that of tribal continuity. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets the criterion at a certain date. For some periods, one kind of evidence is available; for other periods, other types of evidence. This summary discussion of the major evidence for political authority or influence between first sustained contact and 1883 draws on the historical overview, presenting selected "high points" in more or less chronological order to show how the evidence is being evaluated. It is to be read together with the overview, which describes the overall evidence of tribal existence. It is also to be read together with the summary discussion of criterion 83.7(b), which describes some of the evidence for community, because much of the specific documentation cited provides evidence for both community and political influence.

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*Early Contact 1620-1637.* The evidence submitted for the early contact period, 1620-1637, consisted primarily of historical narratives, written mainly by modern anthropologists, pertaining to colonial contact with the Pequot prior to the Pequot War of 1637-1638 (Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Starna 1990; O'Connell 1992; Grumet 1995; Bragdon 1996; Cave 1996; McBride 1996), and some limited extracts from contemporary documents such as the writings of Roger Williams and the papers of John Winthrop (Williams, Complete Writings; Winthrop Papers 3) or later colonial narratives (Gookin 1792). These described dealings with the tribe by the colonial authorities, listed some leaders, and gave limited information, only from an external viewpoint, concerning the aboriginal political structure. Precedent does not require detailed information concerning the internal political processes of the historic tribes which were predecessors of petitioners in the early contact period (Narragansett PF 1982, 11; Gay Head PF 1987, 10; Mohegan PF 1989, 5). This material meets 83.7(c) for the undifferentiated historic Pequot tribe as a whole, predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637.

*Pequot War to 1654.* The evidence submitted for the period of the Pequot War and its aftermath consisted of historical records and narratives indicating that by decision of the colonial authorities, the Pequot survivors were subjected to the Mohegan and Narragansett after the Pequot War (1637-1638). The evidence indicates that the modern Eastern Pequot evolved primarily from those Pequot subject neither to neither of the two larger tribes, but rather those who were placed in charge of the Eastern Niantic head sachem Ninigret, as well as those who found refuge with a minor Eastern Niantic sachem, Wequashcuck I. The future of "Ninigret's Pequots," who did not acquiesce to a status of docile subjection, remained a matter of dispute among the colonial authorities from the mid-1640's until 1655, when colonial authorities, having removed them from Ninigret in 1654, assigned Harmon Garrett, a younger half-brother of Wequashcuck I, as their governor and provided them a temporary residential site within what is now Connecticut (Potter 1835; Hoadly 1850; Denison 1878; Chapin 1931; Haynes 1949; Winthrop Papers 1949; Williams 1963; Pulsifer 1968; Sehr 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; *Winthrop Papers* 1992; Vaughn 1995; *Papers of John Winthrop* 4; *Acts of the Commissioners of the United Colonies*). Between 1655 and 1677, after the death of Wequashcuck I, the specific group of Pequots removed from Ninigret in 1654 may have been joined by at least some of the unassigned Pequot survivors who had found refuge with him, but the documents do not suffice to show exactly how such a combination took place. The precedents clearly indicate that the acknowledgment process allows for the historical combination and division of tribal subgroups and bands, and that temporary subjection to another Indian tribe does not result in a permanent cessation of tribal autonomy (Mohegan PF 1989, 26-27; Narragansett FD, 48 Federal Register 29 2/10/1983, 6177; Narragansett PF 1982, 2). The events of this period do not indicate that the petitioner fails to meet the "autonomous entity" requirement under 83.7(c).

*Autonomy vis-a-vis Connecticut, 1655-1989.* Historical records and narratives indicate that for approximately 330 years, the predecessors of the Eastern Pequot tribe antecedent to the current

petitioners (under the appointed Indian governors Harmon Garret from 1655 to 1677 and Momoho from 1678 to 1695; under colony-appointed and state-appointed non-Indian overseers through much of the 18<sup>th</sup> through the 20<sup>th</sup> centuries) were under supervision of non-Indian authorities. From its establishment in 1683 until 1989, the Eastern Pequot reservation was under the direct administration of Connecticut, first as a British colony and then, after the American Revolution, as a state. In the Mohegan case, the Attorney General of the State of Connecticut argued that this indicated the petitioner did not meet the requirement that: "The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)), saying that ". . . the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c" (Mohegan PF 1989, 26). The AS-IA concluded: "[T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut . . ." (Mohegan PF 1989, 26-27; for related precedents, see Narragansett PF 1982, 11; Narragansett PF 1982, 2; Gay Head PF, 4). As long as the state was dealing with a group as a group which had named leaders or the evidence shows that the group was acting in concert, thus exercising political influence internally, the petitioners meet the "autonomy" requirement of 83.7(c).

*Establishment of the Lantern Hill Reservation.* A considerable amount of the documentation submitted concerned the purchase of "a tract of land that may be suitable for the accommodation of Momohoe [*sic*] and the Pequots with him in those parts, as comodious as may be" (Trumbull 1859, 81-82; Trumbull 1859, 117n; Stiles 1759; Trumbull 1852; Hurd 1882; Wheeler 1887). The evidence indicated that the Eastern Pequot predecessor band was not passive in the initiative. On May 13, 1678, Momoho and the Pequots submitted a petition to the Court of Election at Hartford "That they may have land assigned to them as their own to plant on, and not that they be allways forced to hire . . ." Minutes of Committee for hearing Indian complaints; Indians I.36 (Trumbull 1859, 8n; see also Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 809). The Connecticut General Assembly's action stated that, "the land shall be for the use of Mamohoe [*sic*] and his company dureing the Court's pleasure," identifying both a leader and the existence of a group.<sup>104</sup> The evidence also showed that Momoho was "representing the group in dealing with outsiders in matters of consequence" (83.1). Other documents from the period through 1701 named the leaders with whom the colony of Connecticut was dealing and provided limited information concerning internal political processes (McBride 1996, 88; Connecticut Records, IP 1<sup>st</sup> Series [1]:44; IP I:48; Hoadly 1868, 202, 280; *Winthrop Papers* 147; Hoadly 1868, 140-141, 326; Col. Rec. 4:326). On the basis of precedent, this material is sufficient to meet 83.7(c) for a tribe during the colonial period. There are no records showing the appointment of an Indian governor after Momoho's death about 1695, and the 1723-1751 petitions discussed below

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<sup>104</sup>This proposed finding does not address the question of the current title to or legal status of the Lantern Hill reservation.

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indicate that the tribe coalesced around his widow. This material is sufficient to show the petitioner meets 83.7(c) for the later 17<sup>th</sup> century.

*Attempts by Non-Indians to Disestablish the Lantern Hill Reservation and Resistance by the Tribe, 1723-1750.* This documentation consists primarily of petitions submitted in 1723 and 1749-1751 from the Eastern Pequot to Connecticut colonial authorities, resulting from two disputes with non-Indians, one connected with the laying out of land warrants to Pequot War veterans on the reservation tract, and the other from the provisions of the will of son of the man who had sold the land for the Lantern Hill reservation to Connecticut. The petitions are supplemented by material concerning the responses by the Connecticut General Assembly.

The 1723 petitions were signed by Momoho's widow and other councilors "in behalf of ye rest of Mo-mo-hoe's men & their Posterity" (IP, series 1, Vol. I, Doc. 73; Basset 1938; IP, series 1, Vol. I, Doc. 74; CSL Towns & Lands, Series 1, Vol. 3, doc. 227 a b; CSL IP, Loose Index, Doc. 22 a b; IP 2<sup>nd</sup> series Vol. II, Doc. 23); those from 1749-1751 by "Mary Mo mo har, Samson Sokient &c all Indian Natives of ye Tribe of Momohor" (CSL IP Vol. 2, Doc. 40; Hoadly 1876, 9:446; Bassett 1938; IP 1<sup>st</sup> series, Vol. II (A), 53-54, 65; IP, II, Doc. 42 a, 50; Hoadly 1876, 574; Hoadly 1877, 18). The 1749 petition resulted in an extensive committee investigation by the Connecticut General Assembly, which generated a lengthy report. The associated documents included a bill of expenses by which the two named Eastern Pequot leaders, Mary Momoho and Samson Sociant, and the counsel they employed documented their efforts to obtain testimony on behalf of the tribe, trips to various sites such as Voluntown, Preston, and Plainfield to obtain copies of relevant documents, etc.

Such occasional petitions have been accepted in prior acknowledgment decisions as providing sufficient documentation concerning political leadership and influence and internal political processes for the later 17<sup>th</sup> and 18<sup>th</sup> centuries (Mohegan PF 1989, 6). Precedents also indicate that the defense of a tribe's economic position is a significant indicator of political processes (Snoqualmie PF 1993, 25; Tunica-Biloxi PF 1980, 4). On the basis of precedent, this material is sufficient to meet 83.7(c) during the colonial period.

*Appointment of Non-Indian Overseers, 1763-1765.* Mary Momoho appears to have died between 1751 and 1763 (since she had been a married woman in 1695, her death can scarcely be considered premature). From this time forward, there is no evidence in Eastern Pequot petitions that any one individual held the position of sachem, or a comparable office. Precedent indicates no requirement under the regulations that such a formal office have been maintained (Mohegan PF 1989, 5), and the following petitions indicate that the tribe did maintain some type of political structure capable of representing its wishes in dealing with colonial authorities. In 1763, the Eastern Pequot on the Lantern Hill reservation petitioned the colony of Connecticut for the appointment of overseers, to which the Assembly responded by appointing Israel Hewit Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill Reservation. In May 1764, the Assembly changed the appointment of overseers "upon the

memorial of '11 named "Pequot Indians living at Stonington, in behalf of themselves and the rest of said Pequots, . . ." Two years later, October 6, 1766, the "Indian inhabitants of the Town of Stonington" (nine signers) petitioned again, requesting replacement of Ebenezer Backus as overseer by Dr. Charles Phelps of Stonington. The General Assembly appointed Phelps in response to the petition (IP, II:250; IP, I:120; Hoadly 1881, 276; IP, II:250; typescript IP II, first Series (B), 347; Hoadly 1881, 526).

The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers, combined with the signatures on the petitions, indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes. On the basis of precedent, this material is sufficient to meet 83.7(c) for a tribe during the second half of the 18<sup>th</sup> century.

*Petitions and Overseers' Appointments, 1788-1822.* During the period of the American Revolution, documentation from New England colonial authorities in regard to Indian tribes within their borders is generally sparse. In 1788, the Connecticut General Assembly received a petition from "us the Subscribers Indians of the pequod Tribe in Stonington" pointing out that for several years they had been "destitute of an overseer by reason wherof they have suffered very great inconvenience for them being no Person to proportionate the profits of the herbage &c." and proposing Charles Hewitt of Stonington and Elisha Williams of Groton. The General Assembly in response appointed Stephen Billings of Groton and Charles Hewitt of Stonington (Burley 1965, 2; IP II:252, 252b, 253; typescript IP, II, First Series (b), 349, 351). The 1788 initiative of the Indians in requesting the appointment of overseers after the lapse of several years indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes, and that they utilized the overseers appointed by the state to serve certain purposes which they themselves desired.

On May 6, 1800, the Indians of the Lantern Hill reservation submitted a petition to the Connecticut General Assembly pointing out that non-Indians were infringing on the reservation, that their overseers were elderly men, one of whom lived some distance away, and requesting relief. In response, the May 1800 session of the General Assembly appointed Latham Hull to replace Stephen Billings (IP, 2<sup>nd</sup>, II:105-105b; 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389). The 1800 initiative of the Indians in requesting the replacement of inadequate overseers, while listing specific grievances (that non-Indian neighbors turned their cattle and sheep in on reservation lands, and non-Indians who had no legal rights moved onto the reservation), indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. As of its date, the tribe had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it. The 1788 and 1800 petitions indicate that there were tribal leaders who were ". . . representing the group in dealing with outsiders in matters of consequence" (83.1 see also

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precedents in Mohegan PF 1989), specifically of economic consequence (Snoqualmie PF 1993, 25; Tunica-Biloxi PF 1980, 4). On the basis of precedent, this material is sufficient to meet 83.7(c) for a tribe during the early Federal period (Miami PF 1990, 8).

The state made subsequent appointments of overseers in May 1804, October 1808, and May 1814, May 1819, and May 1820. The overseers presented a petition concerning education for the Indian children<sup>105</sup> on May 6, 1815 (IP 2<sup>nd</sup>, II:107, 107b; Lipson 1986, 48n29; IP 2<sup>nd</sup> I:18, 19, 20; IP 2<sup>nd</sup> I:109, 109b; IP 2<sup>nd</sup>, I:110, 110b). The appointments provide some data concerning background tribal continuity, but do not meet (c) for 1804-1820, since they do not include information concerning or indicating internal political authority or influence. The May 6, 1815, petition concerned the establishment of schools for the Pequot Indian children at Groton and Stonington, as well as the Mohegan Indians children, but it was signed by the overseers only and did not give any indication that it was submitted at the wish of the Indians of the Lantern Hill reservation themselves, and thus does not meet 83.7(c)(2)(iii). However, the above evidence can be used in conjunction with the next two items as implying the existence of internal leadership. In 1820, Timothy Dwight, president of the Connecticut General Assembly, visited and described the Lantern Hill reservation, indicating the presence of a well-respected indigenous preacher (Dwight's Letter IV. Stonington; Dwight 1822; Morse 1822; see also Burley 1965, 2). Two years later, Jedediah Morse published a report on the Lantern Hill reservation which was possibly in part derived from Dwight, but which contained more names and details, and specifically named the "principal men" as Samuel and Cyrus Shelley, Samuel Shantup and James Ned (DeForest 1964, 441-443; citing Dwight's Travels 3:27-29; citing Morse's Report on the Indian Tribes). Three of these "principal men," omitting Samuel Shantup, had also been listed as household heads in the 1815 overseers' petition concerning education. Precedent does not require that there have been either a single named leader or a formally designated leader (Mohegan PF 1989, 6). The evidence, in the context of a group with a distinct territory, is sufficient to show that the petitioner meets criterion 83.7(c) for the period from 1800 to 1822.

*Overseers and Petitions, 1822-1883.* The surviving series of reports and accounts submitted by the overseers of the Eastern Pequot reservation begins in 1822 and continues, with occasional minor gaps, until 1875. There are no overseer's reports in the record from 1875 until 1889,<sup>106</sup> though there is quite a bit of other documentation for that period. The final petition in the record is dated 1883.

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<sup>105</sup>See discussion under criterion 83.7(b).

<sup>106</sup>A letter from the North Stonington Town Clerk's Office to Connecticut Secretary of State Charles E. Searls, dated February 4, 1881, stated that his office had received no report from the overseer of the Indians residing in the town since that filed by Leonard Williams in 1875: Mr. Charles P. Chipman, the present overseer, had never made any return to that office (Hillard to Searls 2/4/1881; #35 Pet., B-02B).

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On February 8, 1839, the "Pequot Tribe of Indians in the town of North Stonington" submitted a petition to the County Court at Norwich, New London County, Connecticut, requesting the replacement of an overseer "who lives at some distance from us & it is very difficult to get him to attend his duties as overseer, especially for the year last past, he has been absent from home some three months at a time" . . . and requesting the appointment of Charles Wheeler "who lives near to us & is well qualified to assist us & whose location renders him well acquainted with our necessities & our situation . . ." (Stonington Historical Society, Folder; Indian, Misc.). Two years later, July 27, 1841, the "undersigned Indians being remnants of the Pequot Tribe of Indians resident in North Stonington" again submitted a petition objecting to the existing overseer and requesting the appointment of Charles Wheeler or Gordon S. Crandall (Superior Court Records, New London County 1841, Indians; Court Records, New London County, CSL; LaGrave 1993; Grabowski 1996).

The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves still, as in the later 18<sup>th</sup> century, expected the state-appointed overseers as agents to carry out their wishes in some matters. Although the court did not respond to the petition favorably, but rather continued the prior overseer in office, the presentation of the petition, signed by six women and four men, indicated that the group had internal organization. Of the four men who signed, two (Cyrus Shelly and Samuel Shuntaup) had been identified as "principal men" of the Eastern Pequot by Jedediah Morse nearly 20 years earlier. In 1841, the Indians protested that the overseer lived about three miles from the reservation, rarely came to see them, and did not obtain fair rents for their land. It was signed by five men and five women (#35 Pet. B-02B). The regulations do not require that in order to demonstrate political process, a petition must be signed by the entire tribe. Petitions which show a portion of the tribe expressing an opinion or preference on issues of importance or consequence are also evidence of political process (Mohegan PF 1989, 6). In 1841, a counter-petition was submitted by the selectmen of the Town of North Stonington (#35 Pet. B-02B) commending the current overseer for his frugality, and the County Court did not accede to the Indians' petition. That the State did not act upon the petitions does not diminish their value in showing that, as of 1839-1841, the Eastern Pequot tribe had sufficient internal political organization to decide upon its preference as to a nominee for overseer, create a formal document, and present it (" . . . representing the group-in dealing with outsiders in matters of consequence" (83.1)).

On March 13, 1851, the Selectmen of the Town of North Stonington petitioned the New London County Court, stating that, "complaints are frequently made of late that said [Eastern Pequot] Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the refts [*sic*] & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer, . . ." (#35 Pet. Petitions; source not cited). On the basis of the document submitted, there is no evidence that the selectmen of the Town of North Stonington submitted this document at the request of the Eastern Pequot Indians, nor is there any parallel document in the record signed by representatives of the Eastern Pequot Indians. This provides documentation concerning the continuing presence of an

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identifiable Indian entity, but does not provide evidence sufficient to demonstrate that the petitioner meets 83.7(c) for 1851.

On May 19, 1873, Leonard C. Williams of Stonington, Overseer, petitioned the General Assembly for permission to sell a portion of the Lantern Hill reservation (Bassett 1938; #35 Pet. Petitions). The bill empowering him to do so was considered at the May session (#35 Pet. Laws). The legislature enabled the overseer to survey and sell all of the Lantern Hill reservation but 100 acres and invest the money for the benefit of the Indians (Bassett 1938; June 17, 1873, action on Petition of Leonard C. Williams, Overseer. Conn. Special Acts. 1873-01877, 8:53 - 54). Nine years later, a local history stated that owing to the great depression in real estate, nothing had been done on the premises (Hurd 1882, 35). The passage must have been written some time prior to the publication of the book, as the sale had taken place in 1880 (see below). It was also an oversimplification.

The proposed sale engendered protests by the Indians who would be affected by it. On June 26, 1873, the "members of the Pequot tribe of Indians of North Stonington" remonstrated against the sale of lands and requested removal of Leonard C. Williams as overseer (Lynch 1998a 5:81-82; Grabowski 1996, 114). The names of signers on photocopy submitted to the BIA (#35 Pet. Petitions) were nearly illegible. Combining the transcriptions in petition #35, petition #113, and by the BIA researchers, the names appear to be:

Calvin Williams, Amanda Williams, E. Cottrell, Rachel M. Jackson, Fanny ", Irean ", Phebe ", Lucy ", Wm. H ", Jane M J, Leanard Brown, [illegible], [illegible], Janes [James?] M Watson, Sarah J Watson;<sup>107</sup> [following page, may or may not represent a continuation] Mercy Williams her mark, [illegible], [illegible], [illegible] Hill ( (#35 Pet. Petitions; Lynch 1998a 5:81-82; Grabowski 1996, 114).

This 1873 petition contained for the first time the name of Calvin Williams. Possibly, he signed in right of his wife, Amanda (Nedson) Douglas, but this is not a necessary conclusion, as subsequent petitions also contained the names of some of his collateral relatives. The legible portions of the document did not contain the names of Tamar (Brushell) Sebastian or of any of her older children; or of Marlborough or Eunice (Wheeler) Gardner or any of their collateral relatives. The BIA is not prepared to reach any conclusion on what may have been contained in the illegible portions.

It was also not fully consistent with another document, dated June 27, 1873, "A list of the names of those belonging to the Pequot tribe of Indians of North Stonington. On file in Superior Court

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<sup>107</sup>The third party comments identified this signer as Sarah (Niles) Watson, second wife of Albert Watson, the widower of Laura Fagins (Lynch 1999). However, it was more probably Laura's youngest child, Sarah Jane Watson.

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Records, New London County, located in the State Library, Hartford" (#35 Pet. Overseers Reports), which contained the following names:

Francis \_\_. Watson, Mary C. Watson [?], Edgar Ross,<sup>108</sup> Mary A. Potter, Harriet Merriman, Jesse I. [L.] Potter, Amman Potter, Wm. Merriman, John Brushel, Calvin Nedson, Lucy [?urey E., Percy?] Williams, Harriet Williams, Wm Williams, Emily Brushel,<sup>109</sup> John Randall, Charity Fagins, Hannah Brushel, Joseph Nedson, Caroline Nedson, Fanny Sherley, Lucy George, Lucy A. George, Harriet Simon, Eunice Gardner, Marlboro Gardner, Dwight Gardner, Martin Nedson, Lucy Hill, Thomas S. Skesux, [Gusey?] Skesux. "These are the names and their is others may the Lord have mercy and healp us and give for Jesus Sake" (#35 Pet. Overseers Reports; Lynch 1998a 5:83-84).

This second document from the summer of 1873 included representatives of both the Brushell and the Gardner families, as well as several collateral relatives of Calvin Williams. A near-contemporary letter to the Honorable Superior Court for the County of New London, dated July 1, 1873, was signed by non-Indians and the North Stonington selectmen (Lynch 1998a 5:82).

The documents from the summer of 1873 were followed up by a March 31, 1874, "Remonstrance to Superior Court, New London, against sale of land" which stated: "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington" and again requested the removal of Leonard O. Williams as overseer. Signers were:

Calvin Williams, Amanda Williams, Mercy Williams her X, Eunice Cottrell her X, Leanard Brownne, Abby Randall, Florance Randall, Ellice Randall, John Randall Jr., Jesse L. Williams, Sophia Williams, Elizabeth Williams, Harriet E. Williams, William L Williams, Jane M. [James M.?] Watson, Agustus E. Watson, \_\_\_ Watson, Francis Watson, Mary A Potter X, Emily Ross?, Rachel Jackson X, Issac Tracy X, Fannie Jacson X, Ireine Jackson, X, Phebe Jackson X, Lucy Jackson X, Wily Jackson X, Permic? Jackson X, Fansos Jackson X, Molbrow Gardner X. (#35 Pet. Petitions; Lynch 1998a 5:82-83).

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<sup>108</sup>There was a Narragansett Ross family in Stonington, Connecticut, for many years, but this is the only appearance of the surname in Eastern Pequot records. For further identifications and comments on the various signers, see the draft technical report.

<sup>109</sup>Lynch identified her tentatively as Emeline Brushel, who was, he said, a daughter of Lucinda Brushel (Lynch 1998a, 49). The BIA researcher could not verify such a relationship, there being no mention of an Emeline Brushel on the overseer's report cited by Lynch.

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An investigator for the Connecticut Welfare Department wrote in the early 1940's that in 1880, the overseers and successors were empowered to sell all land reserved for Indians except 100 acres, first giving notice three weeks ahead in two weekly newspapers of New London County, and sold 30 acres (Williams 1941, [24]). The act permitting this sale had been passed in 1873 (see above) and did not occur in 1880. The sale, from Charles P. Chipman, overseer, to Sarah H. Mallory, was dated March 30, 1880 (Bassett 1938; Lynch 1998a 5:86-87; citing Warranty Deed, North Stonington Land Records, 11:353-354). The same year, the overseer issued a 99 year lease to William Main for wood cutting rights, \$1.00 *per annum* (Williams 1941, [24]).

The next petition signed by the Eastern Pequot was not a direct response to the 1880 sales, as it mentioned that Chipman was deceased. On December 3, 1883:

To the Hon John D. Park Chief Justice of the Supreme and Superior Courts of Connecticut. We the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington would respectfully represent to your honor that Mr. Chipman our former overseer being dead We would request your honor to appoint Charles H. Brown of North Stonington for overseer . . . . Signed: Eunice Cottrel her mark, Calvin Williams, Molbro Garner, Mrs. Rachel Jackson, Phebe Jackson, Fannie Jackson, Irene Jackson, Henry Jackson, William Jackson, Jennie P. Jackson, Mrs. Abby X Randall, Mrs. Amanda Williams, Mrs. Mary E. Bastian, Wm. A. Bastian, Ella J. Bastian, Edgar W. Watson, Amon Potter, Harriet Potter, Ned [Sesos?] Williams, Francis Watson (#35 Pet. Petitions; Lynch 1998a 5:91-92).

This petition was not a complete listing of the Eastern Pequot at the time: Leonard Ned, for example, did not sign. It was not signed by Tamar Brushell or by any of her children. It did, however, include one of her daughters-in-law, Mary E. (Watson) Sebastian, oldest daughter of the late Laura (Fagins) Watson, and two of Tamar's grandchildren through that marriage. It again included not only Calvin Williams, but one of his nephews, Ammon Potter. Marlborough Gardner signed, but his wife did not. Abby (Fagins) Randall signed, but her children did not; however, Rachel (Hoxie) Ned Anderson Orchard/Jackson's children signed with her. It was in the tradition of Eastern Pequot petitions concerning overseers, in that it nominated a specific individual as a replacement, thus indicating that the tribe was participating in a common political process.

The petitions and lists generated by the proposed land sale are evidence indicating that from 1873 through 1883, the tribe was able to generate organized protests against a governmental initiative which they regarded as contrary to its economic interests, and to present documents to this effect to the non-Indian authorities. This evidence shows that the petitioner meets 83.7(c) for the period from 1873-1883.

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*Absence of Documentation Pertaining to Political Authority or Influence, 1884-1920.* During this period, under the provisions of the existing Connecticut legislation, the Eastern Pequot continued to be a state-recognized tribe with overseers reporting to the County Court. However, after the 1883 petition, the records submitted in evidence for the next 50 years contained almost no documentation concerning leadership or political process among the Eastern Pequot. The obituary of Calvin Williams, who died July 8, 1913, stated: "He was a Pequot Indian and . . . was living with his wife and stepdaughter on what is known as the eastern reservation . . . Rev. Mr. Williams was well known in southern New London county where he had preached for a long time." The obituary indicated that he had been "ill and bedridden" for "several years" (Aged Pequot Indian Minister is Dead, #113 Pet. GEN DOCS I; #35 Pet.). He had been a reservation resident since at least 1870, and according to one PEP researcher was paid \$2.00 per week from tribal funds for preaching (Grabowski 1996, 176). Williams had been the first signer of the petitions of June 26, 1873, and March 31, 1874; the second signer of the petition of December 3, 1883. During his adulthood, he had been successively married to women from three Eastern Pequot families (Wheeler, Nedson, Sebastian). In connection with other documentation, this can be used as evidence that the leadership that Williams exercised in the 1870's and 1880's may have continued into the early 20<sup>th</sup> century. The overseer's reports after 1910 and the 1900 and 1910 Federal censuses do verify Williams and his wife as residents of the reservation until his death.

Charles L. Stewart served as overseer from 1910 until 1929. No reports were submitted for the years 1924-1928 by either petitioner or the third parties. Stewart's final report, dated June 14, 1929, was headed: "Eastern Tribe of Pequot Indians, In account with Charles L. Stewart, Overseer, from June 25, 1928 to June 14, 1929. Final Account. Inventory of assets. Disbursements." He stated that he had served for 20 years, and tendered his resignation (#35 Pet. Overseers Reports). Stewart's 1929 final report indicated two items of significance: first, the appearance of Atwood I. Williams, described by Stewart as "(Chief Silver Star) Providence R.I." and as "the chief of both tribes, Mr. Atwood I. Williams of 388 Cranston Street, Providence, Rhode Island." This was the first appearance of Atwood I. Williams as an Eastern Pequot member on any overseer's list included in the record.

*Petitioner's Claim to Meet Political leadership and Influence through Atwood I. Williams.* The petition describes Atwood I. Williams Sr., as leader from the 1930's until his death in 1955 (EPNarr. 7/98, 1xx), but also states that he may have shared the leadership with Franklin Williams in the 1930 and 1940's and might have been replaced by the latter. Franklin Williams was a leader of the Western Pequots (see elsewhere in this finding). The petition also states that Atwood Williams "may have been" succeeded by his son, but does not describe that person's leadership nor give a source for this beyond his obituary. There was no evidence to support this position. For details, see the proposed finding for petition #113.

The appearance of Atwood I. Williams as an Eastern Pequot leader in the overseer's accounts in the late 1920's, when he had not been mentioned in prior Lantern Hill reservation records, is not

clearly explained. At the same time he first became prominent in Eastern Pequot records, he was active in broader New England pan-Indian activities. For discussion of his activities in this context, see the draft technical report for petition #113. During the subsequent years, the state did recognize his position and did assign to him certain decision-making authority (see below), which created an ambivalent or ambiguous situation in which he exercised some leadership over the tribal body as a whole. However, since he also during this period explicitly opposed the residence of the descendants of Tamar (Brushell) Sebastian on the reservation, he was not specifically a leader for the Sebastian grouping when it is defined as distinct from the tribe as a whole. In regard to the group antecedent to PEP, he appears to have been a subgroup leader in addition to his state-appointed position.

In 1929, Judge Allyn L. Brown, Judge of the Superior Court, New London County, Connecticut, appointed Gilbert Raymond overseer of both the Western Pequot and Eastern Pequot reservations. According to the newspaper article, before that time there were separate overseers for each tribe (Founders of Norwich 1937, [3]). Raymond's first report was dated June 24, 1930 (#35 Pet. Overseers Reports). The 1931 overseer's report reflected Atwood I. Williams' objection to the residence of Sebastian family members at Lantern Hill. Raymond's list of "Members of the Eastern Tribe of Pequot Indians (As near as can be ascertained)" contained 41 persons. Several were marked ">" and a handwritten note in the margin stated, "Chief Silver Star objected to these names members [*sic*]." They were [as best as the BIA researcher could determine amid all the other markings on the list] >Mrs. Sadie Holland, >Mrs. Sylvia Sebastian Stedman, >Clarence Sebastian, >Mrs. Peter Harris, >Albert E. Carpenter, >Mrs. Catherine Carpenter Lewis, >Franklin Williams (#113 Pet. 1996, HIST DOCS I, Doc. 41). The 1931 report was approved by the New London County Superior Court (Annual Accounts of Overseer, *Norwich Bulletin* 6/28/1931).

According to Gilbert Raymond's ledger for 1932, "Chief Silver Star objected to Raymond's account, his reappointment and to leases for more than a year. (Accounts and reappointment accepted but leases for more than year disallowed)" (Williams 1941, [24]). One researcher for #113 misidentified the overseer at this date, stating that in 1932, Atwood Williams objected to the reappointment of the overseer George Reynolds [*sic*] (Grabowski 1996, 183). In 1933, according to Gilbert Raymond's ledger, Atwood I. Williams (Silver Star) again objected to accounts and reappointment, which the judge did not accept. Raymond's annual report, dated May 25, 1933, was filed in court and allowed on June 9, 1933 (#113 Pet. 1996, HIST DOCS I, Doc. 41).

On June 9, 1933, the Superior Court, New London County, Connecticut, issued an order: In re Ledyard Tribe of Pequot Indians, Eastern Tribe of Pequot Indians. It was:

Ordered and decreed that the persons whose names are listed as members of the respective tribes as they appear in the Annual Reports of the Overseer on file herein, and this day allowed, are hereby recognized by the Court as members of

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said Tribes at this date. Applicants apply to overseer and to Atwood I. Williams of Westerly, R.I. for the Eastern Tribe and Mr. John George of Stonington, Conn. for the Ledyard Tribe (In re Ledyard Tribe 1933).

The ruling listed forty members of the Eastern Pequot tribe (In re Ledyard Tribe 1933), and also stated:

Ordered and decreed that any person who may hereafter claim to be listed as a member of either tribe shall present his or her application in writing to the Overseer who shall mail copies thereof to the recognized leaders of the tribes, or their successors, the present leader of the Eastern Tribe being Mr. Atwood I. Williams of Westerly, R.I., and the present leader of the Ledyard Tribe being Mr. John George of Stonington, Conn. (In re Ledyard Tribe 1933).

It generated extensive newspaper coverage, some of which publicly printed the list of tribal members. On the same date, "Chief Silver Star on June 9<sup>th</sup> 1933 announced to Court that he had apptd John George chief of Ledyard Tribe. Silver Star is 'Chief Sachem'" (Raymond Ledger 1933-1937).

In June 1934, the Superior Court renamed Raymond as Pequot overseer for another year (Renamed Overseer of Pequot Indians, *The Day*, New London, Connecticut, 6/5/1934). In November of the same year, he met with the State Park and Forest Commission:

Pequot Indians. Mr. Peale introduced their Overseer, Mr. Raymond, who outlined in some detail the present condition of the tribe, domiciled on two reservations and in other towns of Connecticut and Rhode Island, with complicating circumstances. Their dwindling funds and increasing need for assistance, refused by the towns affected, obviously call for the attention of the coming Assembly, and after some discussion Mr. Peale was requested to take up the matter with Judge Allyn Brown, of the Superior Court, for further investigation and report (Connecticut, State of. State Park and Forest Commission. Minutes 11/14/1934; #113 Pet., Folder A-2).

Gilbert's final account to the New London County Superior Court, dated November 6, 1935, was the same as the June account, giving a list of 43 tribal members, but the version submitted to the BIA omitted the handwritten notations that were on the June account (#113 Pet. 1996, HIST DOCS I, Doc. 41). On November 8, 1935, Raymond wrote to a Mr. Parker, of the State Park and Forest Commission, concerning his close-out of Eastern Pequot accounts (#35 Pet., Second Submission, Criterion (a) Folder).

On December 6, 1935, the New London County Superior Court issued an order discharging Gilbert S. Raymond as Eastern Pequot Overseer (New London County, Connecticut, Superior

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Court 12/6/1935; CT FOIA, #64). In spite of the above order, the Park and Forest Commission continued Raymond in office as "liaison" between it and the Pequot tribes at least until 1937. He was still serving in what was essentially the overseer's capacity as late as 1938. In practice, therefore, the administrative alteration that occurred as a result of the 1935 legislation did not create a dramatic change in the local circumstances.

The EP petition provides no description of what Atwood Williams Sr.'s leadership activities may have been and cites to no documentary or interview data. None of the interview materials submitted by EP mention him in this role nor do the BIA interviews. Documentary and interview materials submitted by PEP concerning Williams refer only to possible leadership activities in relation to the Gardner family line (see that finding). Williams is recorded as opposing allowing the Sebastians to live on the reservation, indicating he was not their leader. Consequently, there is no evidence that Atwood I. Williams was a political leader of the tribal subgroup antecedent to the present EP petitioner #35. However, insofar as there was only one tribe in existence at the time, Williams' activities as a state-recognized leader indicate that the petitioner meets criterion 83.7(c) for the 1930's.

*Internal EP Leaders.* Calvin Williams' widow, a daughter of Tamar (Brushell) Sebastian, identified as one of the last of the Eastern Pequot basket-makers by Eva L. Butler in 1947 (Butler 1947, 41; in Speck 1947), lived on the reservation until her death in 1942.<sup>110</sup> About 1941, a researcher for the state wrote:

Mrs. Calvin Williams. Father was Sebastian the Portuguese Negro. Her mother Tanner Brussels, a Pequot. She is 72 years old, lives with her daughter a Mrs. Holland, widow. Mrs. William's first husband was Swan "from Cuby". She has prayer meeting in her house three or four times a year. Anybody comes that wants to. Mentioned Will Jackson who had quite a lot of children. Franklin Williams her sisters son, is a good boy, caretaker of a club in Stonington (Williams Notebook c. 1941). Born in Lower Mystic, mother born here. Father arrived in this country in 1840's with Capt. Wheeler, a sea captain. Pictures on wall of mother and father. She typical Indian, he a proud looking man with lots of white hair and Horace Greeley whiskers and slightly negroid features (Williams Notebook c. 1941).

This provides some confirmation of the oral history that she exercised informal leadership, as does her 1936 endorsement of an application for reservation residence. In 1935, the right to approve residence became vested in the Connecticut State Parks and Forest Commission. On March 6, 1936, a Sebastian descendant, Ralph F. Powers, wrote from Noank, Connecticut, to the

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<sup>110</sup>In light of this published identification of Tamar's daughter, the basis is not clear for a statement by Mrs. Butler's secretary, provided to the CIAC for its 1977 hearing, that the research center had no documentation that Tamar Brushell was Pequot (Goodman 1/17/1977; #113 Pet. NARR. 1994, A-1).

State Parks Superintendent asking that his name be put on the Eastern Pequot tribal membership (Lynch 1998a 5:123-124). His application for membership, dated December 1, 1936, was endorsed by Ernest F. Saunders [unidentified], Mrs. Grace Boss [Hoxie/Jackson], Mrs. Sarah Holland [Brushell/Sebastian], and Mrs. Calvin Williams [Brushell/Sebastian]. The researcher for the third parties objected that the application was not endorsed by Arwood I. Williams, which it should have been according to the 1933 court order (Lynch 1998a). However, given Williams' expressed opposition to residency by Sebastian family members (see below), this provides some indication that the other group had leadership of its own to which it could turn.

*EP Enclave Leaders.* The EP petition states that there were enclave leaders. It states that "on a daily basis at least" each of the enclaves "looked to leaders or elders, whose experience, social ties, economic resources, or leadership skills made them the most suitable people to solve family disputes, [and] straighten out problems with the State Parks and Welfare Department representatives . . ." (EPNarr. 7/98, 1xxx). The specific time periods for this leadership were not stated in the petition. Judging by the age of the individuals mentioned, the time period referred to began as early as the 1920's and extended to the 1960's when, according to the petition, leadership patterns changed.

The petition identifies Emeline Sebastian (Aunt Liney) as the leader of the reservation enclave. According to the petition, she was succeeded by Catherine Harris, while Burgess has her successor by her daughter, Sarah Holland (Burgess 1998, 9-11). Frank Sebastian Sr. is identified as the leader of the Old Mystic enclave, followed by his son Royal Sebastian Sr., and then grandson, Roy Sebastian Jr. the current chief of the Eastern Pequot. Alden Wilson is identified as leader of the Mystic "enclave." Burgess states further that political interaction between the three enclaves was "constant" (Burgess 1998, 9-11).

Emeline Sebastian is described as influential in the spiritual life of the group, by organizing the fourth Sunday meetings, as matriarch of the tribe (Burgess 1998, 9-11), as meeting with the overseers and as the primary contact person and conveyor of tribal news. The fourth Sunday meetings, from sometime prior to 1921 to the late 1930's, were political, judging from available accounts, in that problems and topics of concern to the membership were discussed. To the extent she organized these, Emeline Sebastian can be considered an informal tribal leader. There was insufficient information to evaluate her posited role as contact person and conveyor of tribal news. There was insufficient information concerning who may have succeeded her. However, Catherine Harris is more frequently mentioned in interviews and is shown in state records as endorsing recommendations of requests for residence on the reservation. Thus it is possible that further information and analysis could establish her as an informal leader.

The fourth Sunday meetings to this extent may be considered part of a political process within the Eastern Pequot, or at least the Sebastian side of them at the time (EPNarr. 7/98, 50). There is interview evidence that the meetings did not have a solely religious purpose, but rather were part of a political process. The problems of the group with the overseers regarding the land or

assistance, trespassers, and similar matters of common concern were discussed. These meetings occurred from some time before 1921 until about 1940.

There was not sufficient data to know whether the described functions of Frank Sebastian Sr. (b. 1874), and his successors in Old Mystic enclave occurred or not. He is described as organizing hunting parties, organizing shared labor (Burgess 1998, 9-11) and helping needy tribal members. No dates were given for when he may have been active, or succeeded by his son and grandson. The available interview information was too limited to evaluate the role of these possible leaders. In particular, the petition does not make clear whether the hunting parties and the aid to the needy was provided only to close family, or to less closely related individuals. Consequently, there is insufficient information to conclude that he was an informal leader, nor accurately define when this may have been.

The available interview information is sufficient to identify Alden Wilson of Mystic as an informal leader, one who influenced and aided individuals beyond Mystic (BAR 1999, Burgess 1997, 1998 ints). According to the petition, Wilson's most active period was 1940 to 1960. There are a number of accounts which indicate that he was consulted by Pequots from different locations on personal matters, and that he used his somewhat greater economic resources to assist individuals beyond his immediate family including, but not limited to the reservation residents. The petition also states that Alden Wilson and his brother Lawrence visited the reservation and reviewed or discussed the "dealings with the overseer" as to whether these were "to the tribe's liking." Wilson was described by the petition as visiting the reservation and perhaps meeting with Emeline (Sebastian) Williams in connection with her dealings with the overseers. There was insufficient information to fully evaluate the latter statement, except that Wilson did visit the reservation and meet with Emeline and her daughter. As described, his role was broader than dealing only with the individuals living in Mystic, hence he was more than an "enclave leader."

The petition also states that there was "constant" interaction "between the three enclaves." (EPNarr. 7/98, ??). Burgess goes further, stating that the three leaders "oversaw tribal operations" (Burgess 1998, 11). Overall, there was insufficient information to substantiate the position that the three leaders "oversaw tribal operations." Only one example of the posited interaction was given. According to the petition, Wilson's most active period was 1940 to 1960. However, this post-dates when Emeline (Sebastian) Williams, who died in 1942, was alive, making it difficult to further establish what his actions were. Thus, while there is information to establish that there were at least two individuals of some influence as informal leaders, Emeline Sebastian and Alden Wilson, possibly somewhat localized, the evidence did not indicate that these were specifically enclave leaders. In addition, because the petition did not establish that there were distinct enclaves, or what the boundaries of these may have been, the idea of discrete enclave leaders is not established.

*1940's to 1960's.* The petition states that there was a decline in political activity in the 1940's, with the beginning of World War II, likening this to reductions in activity seen in other

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petitioners in this time period. However, it then asserts that there was strong evidence for leadership in "this period of time." The time period referred to was not defined and the three examples of political activity offered extended well beyond the 1940's.

One example is the leadership of Alden Wilson, which ran from the 1940's to the 1960's (see discussion above). In contrast to this, the two other examples do not provide useful evidence for political process after 1940. The second example noted by the petition was an instance when a reservation resident, Arthur Sebastian, was successful in getting the state to repair damage done by a non-member to a spring used by the reservation residents (EPNarr. 7/98, 124-125; Sebastian to Shapiro 6/7/1964). Although it is a matter which would have been of concern to other reservation residents, this is a single action by an individual not otherwise identified as a leader. The event thus does not provide significant evidence of political leadership, although a constellation of such events might contribute to showing it. Written evidence provided by sources other than the petitioner indicates that certain permanent and part-time residents of the reservation, specifically Arthur W. Sebastian Jr., Mrs. Charles Lewis, and Lillian Sebastian, during the 1950's, corresponded from the reservation with state authorities on such matters as residency and construction on the Lantern Hill reservation (Lynch 1998a, 5:131-138). In 1960, Mrs. Idabelle Sebastian Jordan, daughter of Arthur Sebastian, moved to purchase a cottage formerly held by a non-Indian lessee (Squadrito to Richardson 8/27/1960; CT FOIA #68). In 1966, the state wrote Lawrence E. Wilson concerning a proposed plan for construction and sanitary facilities with reference to the cottage on the Eastern Pequot Reservation previously occupied by Mrs. Catherine Harris (Barrell to Wilson 7/11/1966; Lynch 1998a, 5:142).

There is also some implied evidence from the acceleration of residency applications from members of the Gardner/Edwards and Brushell/Sebastian families in the 1960's that both parties were consciously attempting to consolidate their position on the reservation (Connecticut, State of. Welfare Department. Letters to: Lawrence E. Wilson, Marion M. Sebastian, Josephine C. Sebastian, Louis Jonathan Edwards, Bertha Edwards Brown re: residence on Eastern Pequot reservation; #35 Pet., LIT 80; #113 Pet. 1996, HIST DOCS I, Doc. 24; Connecticut, State of. Annual Report of Indians in Residence 7/9/1970; Lynch 1998a, 5:144; 6/6/1973; Lynch 1998a, 5:145). Examination of this data could possibly provide further data concerning formal or informal organization by both petitioners' antecedent groups for a period from which the data is sparse.

The third example cited by the #35 petition is a foundation established by Roy Sebastian Sr. which collected funds the petition states to aid needy families (EPNarr. 7/98, 125; Burgess 1998, 10). The petition states that "a large number of tribal members, contributors and recipients alike" were involved (EPNarr. 7/98, 125). The available records run from its founding in 1963 until 1971 (Sebastian Foundation 1963-71), though the petition indicates the foundation operated until the mid-1970's. The funds according to the petition were collected at powwows or otherwise from members (Burgess 1998, 10). The bylaws of the foundation indicate that its membership was limited to the descendants of Frank Sebastian Sr. (father of the former chairman Roy

Sebastian) (Sebastian Foundation 1963). The officers, donators and all of the identifiable recipients of funds were from this same subline. None of the BIA interview materials indicated its activities extended more broadly among the Eastern Pequots. Thus this does not provide evidence to substantiate the petitioner's position that it shows tribal political influence.

*Evaluation of the Evidence under Criterion 83.7(c).* The petitioners have submitted sufficient evidence to show that the historical Eastern Pequot tribe meets the requirements of criterion 83.7(c) from the colonial period through 1883. From 1883 through the mid-1920's, there was no information in the record which named or identified formal or informal leaders with the single exception of a 1913 obituary of Calvin Williams, a petition signer from the 1870's and early 1880's, who continued to serve as reservation preacher until his death in 1913. There is evidence from oral history and some records that he may have continued as tribal preacher, holding religious and social meetings on the reservation in the first decade of the 20<sup>th</sup> century. There was no evidence of group political actions such as the petitions to the state concerning overseers and land use found in the previous decades. This may reflect a failure to locate or submit relevant records rather than an actual absence of evidence to show political influence or authority under the regulations. It is possible that the documentation concerning political authority and influence for this period could be substantially improved. Both petitioners reported that overseer's records were missing for the period from 1891-1909. Neither petitioner nor the third parties included any description of what efforts have been made to locate the papers of Calvin Snyder, the man who was overseer for that time period. As of 1924, he was residing in Westerly, Rhode Island, and was still interested in Indian matters, being associated with Thomas Bicknell's Algonquian Indian Federation initiative.

In light of the continuous existence of the Eastern Pequot tribe as a state-recognized group with a continuous land base since colonial times, the thin documentation submitted for this time period does not prevent the petitioner from meeting criterion 83.7(c). Since the Eastern Pequot tribe does meet criterion 83.7(b), community, for the period in question, in addition to searching for specific documentation pertaining to political leadership, it may be possible for the petitioner to strengthen this portion of the petition by presenting analysis showing that the tribe met the community provisions at more than a minimal level, thus permitting carryover under 83.7(c)(1)(iv). Given the extensive intermarriage within the tribe and with neighboring tribes, the petitioner has strong evidence demonstrating community during this time period.

The evidence for this time period has been evaluated under the principle that, because the Eastern Pequot tribe has existed continuously as a state-recognized tribe whose relationship with Connecticut goes back to the early 1600's, and because it has had a continuous land base since colonial times, the historical evidence of continuity is entitled to greater weight than would be the case under circumstances where there was not evidence of a longstanding continuous relationship with the state based on the tribe's being a distinct political community. The evidence is sufficient to demonstrate that the historical Eastern Pequot tribe meets criterion 83.7(c) from 1883 through 1920.

*1920 to 1940.* The Eastern Pequot tribe meets the requirements of criterion 83.7(c) between 1920 and 1940. Atwood Williams Sr. was a leader designated by the state for a period in the 1930's, and able to deal with outside authorities in matters of consequence to the Eastern Pequot tribe as a whole, which was specifically defined by the Superior Court Order of June 9, 1933, as including direct and collateral ancestors of both petitioner #35 and petitioner #113. Dealing with outside authorities is a factor referenced in the definition of political influence in 83.1 of the regulations. In addition, the "Fourth Sunday Meetings" held throughout this period were partly political. The evidence is that issues of significance to the membership were discussed at these meetings and actions taken as a result. A substantial portion of the membership was involved in these meetings. There is some evidence that the organizer of these meetings, a resident of the reservation, dealt with the overseers as an informal leader. Under the regulations, evidence about community may be used as supporting evidence to demonstrate political processes, especially where a community is closely knit and distinct (see 83.7(c)(1)(iv)). The evidence for community in this time period is reasonably strong.

*1940 to 1973.* The amount of data concerning political authority and influence in the record overall, including conflicts between the two groups, is considerably more extensive than that relating to internal political processes within petitioner #35 alone. As evaluated under the standard articulated for a historical state recognized tribe, the petitioner meets criterion 83.7(c) from 1883 to 1973, based on the conclusion that there was a single tribe, the entirety of whose actions reflected political influence, including the Sebastians as one subgroup, rather than as the entire entity evaluated.

*1973 to the Present.* There is insufficient evidence in the record to enable the Department to determine that the petitioners formed a single tribe since 1973. The Department consequently makes no specific finding for the period 1973 to the present because there was not sufficient information to determine that there is only one tribe with political factions (see for example, *Paucatuck Eastern Pequot Indians of Connecticut et al. v. Connecticut Indian Affairs Council et al.* No. 6292, Appellate Court of Connecticut, decided March 28, 1989, which describes each current petitioner as a "faction of the tribe"). This reflects in part the apparent recentness of the political alignments reflected in the petitioners after their formal organization in the early 1970's. A finding concerning community in this time period will be presented in the final determination. This question of whether there are one or two tribes since 1973, evaluated in the context of the preceding history, should be addressed by petitioners and interested parties during the comment period (see the appendix).

The historical Eastern Pequot tribe, which includes the petitioner as one of its component subgroups, meets criterion 83.7(c) through 1973.

A decision on the period subsequent to 1973 is deferred to the final determination.

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**83.7(d) A copy of the group's present governing document, including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.**

On April 3, 1996, the petitioner provided copies of the current revised and amended by-laws, which include a statement of membership qualifications and enrollment procedures. On February 3, 1998, the petition stated that a new governing document was in the drafting process. However it has not been submitted to the BIA. Having a new governing document under preparation is not a disqualification for 83.7(d). For the final determination, the petitioner should either recertify the 1996 document or provide a copy of the new constitution and/or by-laws certified by the governing body.

The petitioner also provided copies of two prior set of by-laws dated 1995 and 1976, and a set of 1988 by-laws amendments, which included information on membership qualifications and enrollment procedures.

Therefore, the petitioner meets criterion 83.7(d).

**83.7(e) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.**

In this petition, the historic tribe from which descent is to be shown is the Eastern Pequot tribe as established on the Lantern Hill reservation in North Stonington, Connecticut, from the colonial period to the present. All members of petitioner #35 descend from three persons identified as Eastern Pequot in 19<sup>th</sup> century and early 20<sup>th</sup> century official records created and maintained by the State of Connecticut and/or by the Federal Government. Such official records comprise evidence acceptable to the Secretary under the 25 CFR Part 83 regulations. Ordinarily, the Federal Government, in evaluating a petition, would not go behind such official records (see listing of precedents on the accompanying charts), but focus on ensuring that the current members of a petitioning group descend from individuals listed as members of the historic tribe on such official records.

In the case of the two Eastern Pequot petitions, however, Eastern Pequot Indians of Connecticut #35 and Paucatuck Eastern Pequot Indians #113, much controversy has arisen in regard to the genealogical claims of certain key ancestors. Since petitioner #113 has specifically challenged

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the accuracy and reliability of the above official records in regard to petitioner #35, the BIA was required to go behind the lists of the late 19<sup>th</sup> and early 20<sup>th</sup> century to examine the underlying documentation in detail. Additionally, the third parties have challenged the existence of descent from the historic tribe for both petitioners (Lynch 1998a, Lynch 1998b, Lynch 1999).

The third parties argue based on the 83.1 definition of "historical or history" as "dating from first sustained contact with non-Indians" that under 83.7(e), the petitioners "must demonstrate a continuous line of descent from the earliest sustained contact of the historic tribe to the present day as defined by 25 CFR 83.1" and that "in order to meet the requirements of Section (e), members of the petitioning group are required to prove that such individuals in the petitioners [*sic*] descent line have maintained membership in the group" (Lynch 1998a, 3). The AS-IA has never imposed a requirement as stringent as that asserted by the third parties, as indicated by the precedents listed on the accompanying charts. One portion of the definitions quoted by the third parties, that pertaining to *Member of an Indian tribe*, is the definition of a current member of an Indian tribe, for purposes of determining dual enrollment issues in such cases as San Juan Southern Paiute. It has not been, and could not be, imposed from the colonial period to the present, for records permitting such a strenuous determination have not existed throughout most of the period since sustained contact.

Overseers' lists, Federal census records, and similar documents created in the 19<sup>th</sup> century provide documentation of tribal membership as of the date the document was created, but rarely provide any detailed genealogical data concerning the ancestry of the individuals named, or the tribal affiliation of more distant ancestors in the colonial period. The BIA's evaluation of the requirement of descent from the historic tribe takes these limitations into consideration. In some cases, the BIA has evaluated material which either petitioner #113 or the third parties have asserted disproved criterion (e), descent from the historic tribe, for petitioner #35. The records used by the BIA to examine the assertion of descent from the historic tribe for the key ancestors of petitioner have been the same types of records which have been used to verify descent from a historic tribe in prior cases.

The BIA has not undertaken to correct every error of fact and assumption in all submissions (for a more detailed analysis, consult the background genealogical material compiled in FamilyTreeMaker (FTW\*) by the BIA researcher). The accompanying charts analyze the ancestry of the three key individuals, as defined by the petitioner, insofar as could be done from the relevant material in the record. It presents this analysis not on the basis of documentation which the petitioner or third parties find acceptable, but on the basis of documentation which is acceptable to the Secretary (83.7(e)(1)(i-v)).

In regard to the use of ethnic identifications in individual census enumerations and on individual vital records (births, marriages, and deaths), submitted by all parties, there was no consistency in the ethnic identifications throughout the entire period for which such official records have been maintained. While some documents identified the persons carried on the records of the overseers

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of the Eastern Pequot reservation as Pequot, or as Indian, others identified ethnicity as non-Indian. The BIA does not evaluate descent from the historic tribe by means of a scorecard (x identifications as Indian vs. x identifications as non-Indian). Rather, since the record contains extensive official documentation concerning the ties of the families and individuals to the Eastern Pequot reservation, the inconsistency in specific individual ethnic identifications has no significant impact on the evaluation of petition #35.

*The Brushell/Sebastian Family.* The first major issue asserted by petitioner #113 and the third parties was that of whether Moses Brushell and his daughter, Tamar (Brushell) Sebastian, were themselves Eastern Pequot. This issue was crucial to determine for if they were not, their descendants, who comprise the majority of petitioner #35, do not descend from the historic tribe through these two specific ancestors.

Documentation Pertaining to Unconnected Brushell Families. The third parties submitted numerous early records of families with vaguely similarly-spelled surnames (Bissell, Busell, Bussell, Bizzel, Brushear) which showed no connection to the petitioner (Lynch 1999, 1-2, 15-16; Martin and Baur to Fleming 2/5/1999; cf. methodological comments in Grabowski 3/15/1999, iii, 3-8, which are as applicable to petitioner #35 as to petitioner #113). In the latter part of the pre-Revolutionary period, two records from Rhode Island offered data which would possibly assist in identifying the ancestry of the Brushell family which later, in the 19<sup>th</sup> century, appeared in the records of the Lantern Hill reservation. The 1774 census of Rhode Island, for North Kingstown, listed two Indian Brushell households: John Brushil, with eight Indians, and Sarah Brushil, with two Indians (Bartlett 1969, 75). On September 29, 1783, a marriage was recorded between a John Brushel and Dorcas Fry (Lynch 1998a, 27; citing Town of Warwick, Rhode Island, Vital Records, 2:17; Lynch 1998a, 1). However, the third parties did not document any connection between these persons and the Brushell family who later appeared in Connecticut Eastern Pequot records.<sup>111</sup>

The third-party comments indicated that there was a Samson Brushil in Montville, New London County, Connecticut, in the 1790 census (Lynch 1998a, 28; Lynch 1999, 2), but circumstantial evidence indicated that this record actually pertained to a land allotment at Brothertown in New York; they did show a Samuel Brushel at Mohegan in 1831 (Lynch 1999, 7), but demonstrated no connection between this man and Moses Brushell. The second set of third-party comments highlighted the presence of a Thomas Burchill, Indian, head of a family of six "all other free persons" in the Town of Exeter, Washington County, Rhode Island, in 1790 (Lynch 1999, 2; U.S. Bureau of the Census 1908b, *Heads of Household Rhode Island* 1908, 41). The third-party

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<sup>111</sup>This summary has not made any attempt to correct all the irrelevant errors in the report submitted by the third parties (Lynch 1999, 13-23), but has focused only on those which might impact the decision.

comments argued that one seaman's protection certificate<sup>112</sup> was that of this 1790 Thomas Brushel and also argued that Thomas was the father of the Moses Brushell who later appeared in the Eastern Pequot records. While the record opens a possibility, it was not a clear identification of a specific individual, nor did it tie this seaman to the Thomas Brushell who later purchased land in North Stonington (Baur and Martin to Fleming 2/5/1999, 2-3, 6-7). The seamen's certificates for other men with the surname Brushell provided no documentation of a tie to Moses Brushell.

Petitioner #113 has frequently asserted, in CIAC testimony in the 1970's to the present, that Tamar Brushell was Mohegan rather than Pequot, claiming that Brushell was a Mohegan name. In 1796, an Indian family named Brushell moved to Brothertown, New York. It consisted of a widow named Abigail Brushell<sup>113</sup> and several adult children. Of her descendants, one family later returned east, settled in Connecticut, and married into the Mohegan (see Mohegan GTKY File, BAR). This Brushell line; at Brothertown, also intermarried with descendants of the Narragansett Skeesucks family (Love 1899, 337). The third party comments provided data concerning it (Lynch 1998a, 1:1, 1:6), and some information concerning a Samuel Brushel who was signatory to a Brothertown petition from Oneida, New York, in 1825 (Lynch 1999, 5) but did not document any connection between the Brothertown/Mohegan Brushell family and the Moses Brushell who appeared in the 1820's on the Lantern Hill reservation.

A Moses Brushell, possibly but not certainly the man of that name who later appeared in Eastern Pequot records, was on the 1820 census of Waterford, New London County, Connecticut (Brown and Rose 1980, 50). The Lynch report indicated: Moses Brushel, free colored male; 1 fcm 14-26, 1 fcm over 45; 1 fcf 14-26; one person engaged in agriculture (Lynch 1998a 1:3; Lynch 1999, 13; see also U.S. Census 1820b, 867, #113 Pet. GEN DOCS III), while the attorneys for the petitioner have asserted that this record pertained to the petitioner's ancestor (Baur and Martin to Fleming 2/5/1999, 5). The connections are not as clear-cut as argued by the third parties. The birthdate of the Moses Brushell who appeared among the Eastern Pequot, based on the seamen's records, was approximately 1797. This census, if the older man was the head of household, would show a Moses Brushell who was born before 1775. Contrary to the assumptions made by the third parties (Lynch 1999, 13), there is no way to determine, on the basis of the evidence in the record, which male was the Moses Brushell head of household in Waterford in 1820.

The third party comments indicated that in 1820, the census indicated two "free colored" households in Norwich, Chenango County, New York: Thomas Brushell with two persons and

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<sup>112</sup>May 28, 1803, Port of New London, Register of Seamans Protection Certificates; #2461, Brushel, Thomas, 39, 5' 6 1/2", Indian, Place of Birth/Residence Kingston, Rhode Island (Lynch 1998a 32; Lynch 1999, 3; Lynch 1999, 15).

<sup>113</sup>The 1782 census of Rhode Island showed Abigail Brushel, Warwick, household size 5, 4 males 0-15, 1 female over 50 [white] RJA782:236 (Holbrook 1979, 21). No connection is apparent.

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Amos Brushel with four persons. Aside from a reference to a secondary source which stated that families from the town of Stonington were among the early settlers of the town of Norwich, New York (Lynch 1999, 5), the comments documented no connection between these households and the Brushel family which appeared in Eastern Pequot records.

Documentation Pertaining to Moses Brushell. The most interesting sequence of records located by the third parties apparently did pertain to Moses Brushell himself. On June 17, 1814, a Moses Brushell, aged 21, joined Captain Paul Barrows' New York Company of Sea Fencibles, as a private (#35 Pet. Narr. 1998b, 36) (Lynch 1998a 39; citing National Archives, Military Personnel Records, War of 1812). According to the military record, he was "born in Connecticut, age 21, 5 feet 7 inches high, of Dark complexion, Dark eyes, Dark hair, by profession a farmer" (Lynch 1998a 2). The third-party comments argued that this enlistment showed that he was residing in New York City at the time (Lynch 1999, 17). However, as presented to the BIA, it showed only that he enlisted there. A crew list of four years later indicated that his place of birth and place of residence was Stonington: December 5, 1818, Records, Crew List of Outgoing Vessels, Port of New London, Brig Sarah: Moses Brushell, age 22, POB/POR Stonington, 5' 6", Complexion Yellow. Hair Dark (Lynch 1998a 40).

The overseer's account dated March 1825 on the reverse was of particular importance in that it listed, for the first time, the Brushell name on the Lantern Hill reservation (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS Doc. 41). The third-party comments contended: "Moses Brushel payment from paupers fund" (Lynch 1998a, 5:45). There was no indication in the document that the payment was from any "paupers fund," and elsewhere, Lynch himself just indicated "payment from fund" (Lynch 1998a, 1:3; Lynch 1999, 5 [dating the report as 1824]).

No overseers' account which covered the period from March 1825 through March 1827 was submitted by either petitioner. The next account, which began April 3, 1827, and continued through March 3, 1829, was signed on March 9, 1829, by Silas Chesebrough. It was, however, headed: "Pequot Indians of Stonington in act. with Henry Chesebrough" (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41). It listed primarily payments to or on behalf of individuals, and again mentioned Moses Brushell (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS Doc. 41). There were many repetitions of the same individuals' names during the three year period. The BIA researcher examined this document carefully and found nothing in it to indicate that Lucinda Brushell had a daughter named Emeline as stated by the third parties

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(Lynch 1998a, 1:13;<sup>114</sup> see also Flowers and Flowers to DeMarce 12/21/1998).<sup>115</sup> In fact, there was no mention of Lucinda Brushell.

The next record was continuous with the prior one, covering the dates from March 9, 1829, through March 7, 1831, and headed: "Pequot Indians in acct with Silas Cheesbrough" (#35 Pet. Overseers Reports). In addition to mention of other Eastern Pequot and payment to individuals for services performed, it again mentioned the Brushell family (#35 Pet. Overseers Reports). The BIA researcher examined carefully both the copy of this document submitted in petition #35 and the copy of the document submitted as an exhibit to the third party comments. The BIA researcher also found nothing in this document to indicate that Lucinda Brushell had a daughter named Emeline named in the 1829 North Stonington overseer's report, as stated by Lynch (Lynch 1998a, 1:13; see also Flowers and Flowers to DeMarce 12/21/1998), nor in fact that any person named Emeline was named in this report (#35 Pet. Overseers Reports; Lynch 1998, Ex.). The BIA researcher also located no basis whatsoever for Lynch's assertion that during this period Tamer and John Brushel "lived with and were under the direct care of the Indian Overseer" (Lynch 1998a, 1:14). It recorded payment made for their board, but did not indicate to whom the payment was made, although the third-party comments stated specifically that the overseer "reimbursed himself" for their care (Lynch 1999, 20).<sup>116</sup>

The next overseer's report continued in chronological order, covering the period from June 22, 1831, to June 19, 1832, headed: "Pequot Indians To Silas Chesebrough" (#35 Pet. Overseers Reports). It was of particular interest because it indicated that not only did Moses Brushel receive payments from the overseer, but also that he received income from the rental of the Lantern Hill property: "The Moses Brushel field which was let with the pasture reserve for Richard Nedson" (#35 Pet. Overseers Reports). This entry is of particular significance in indicating that Moses Brushell was, indeed, an Eastern Pequot tribal member. It is not likely that he and his family would have received benefits from tribal funds without being members, as argued by the third parties (Lynch 1999, 17-18, but it is barely possible. However, in a period when the tribe was organized and presented petitions objecting to intruders from the outside, as cited by the third party report itself (Lynch 1999, 18), it is impossible that part of the tribe's income could have been assigned to him, without generating a protest, if he had not been entitled to it.

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<sup>114</sup>The second version of the third-party comments still asserted that Emeline Brushel was listed on the "1829 North Stonington Overseer's Report," but said that Emeline Brushell was "possibly" a daughter of Lucinda (Lynch 1999, 19).

<sup>115</sup>August 25, 1836, North Stonington Congregational Church Records, v. 2 1836:2: Emeline Brushel, leaves for New Haven; receives a letter recommending her to the First Church there (Lynch 1998a 1:5; Lynch 1998a 1:13). "Miss Emeline Brushel was at her own request dismissed from this Church and recommended to the fourth Church in New Haven" (Lynch 1998a 5:52).

<sup>116</sup>For itemized analysis of the Brushell family listings, see the accompanying charts.

While the subsequent report, which covered the period from June 20, 1832, through April 1, 1833, did not mention Moses Brushel, it did mention his wife in an item dated January 20, 1833 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS Doc. 41). The #35 petitioner asserted that both of Moses Brushell's wives were Eastern Pequot (#35 Pet. Narr. 1998b. 42). However, the name of his first wife has not been documented. Moses Brushell was not mentioned between June 16, 1835, and December 25, 1838 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41). The report covering the period from June 19, 1839, through May 8, 1840, submitted by Ezra Hewitt, once more mentioned articles furnished to Moses Brushell (#35 Pet. Overseers Reports). The report covering the period from June 29, 1842, through May 30, 1843, again made mention of Moses Brushell (#35 Pet. Overseers Reports). The report which began June 14, 1843, continuing through April 23, 1844, recorded his sickness and payment for his coffin on October 9, 1843 (#35 Pet. Overseers Reports).

The third party comments asserted that "In the North Stonington Indian Overseer reports for 1842/1843 both he and Solomon Brushel were listed as recipients of aid. These entries were the last pertaining to Moses . . ." (Lynch 1998a, 1:13) and, "1837/1838 Overseers Report, Pequots of North Stonington, Solomon Brushel receiving funds for his support from the overseer" (Lynch 1998a, 5:53; see also Lynch 1999, 8, dating the entry to May 1838). The BIA researcher did not find any mention of a person named Solomon Brushel in the copies filed with the BIA by either petitioner #35 or petitioner #113, nor in the exhibits filed by the third parties.

Documentation Pertaining to Tamar (Brushell) Sebastian. For her early mentions on the overseer's reports, see the discussion above under Moses Brushell. From at least the date of her marriage in 1848 through 1880, Tamar (Brushell) Sebastian was not a resident of the Lantern Hill reservation, but rather was consistently enumerated in her husband's off-reservation household in the 1850, 1860, 1870, and 1880 Federal census records. Neither she nor her children were listed on overseer's reports through 1881, though the 1878 and 1881 reports included Mary Eliza (Watson) Sebastian, her daughter in law. This off-reservation residence does not impact criterion 83.7(e), which establishes descent from the historical tribe.

The researcher for the third parties stated that there was no record of Tamar (Brushell) Sebastian between the 1880 census and the 1910 census and overseer's report. This was presented as part of the third parties' basic argument that she left the reservation as a child, did not return until she was an elderly woman, and therefore did not maintain tribal relations (Lynch 1998a).<sup>117</sup> This argumentation missed the listings of Tamar (Brushell) Sebastian in the 1889-1891 overseer's reports and did not take account of the church records pertaining to her family.

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<sup>117</sup>As a result of its misinterpretation of the regulations, the third parties' comments frequently mixed issues of descent from the historical tribe with issues of community (criterion 83.7(b)) and maintenance of political authority or influence (criterion 83.7(c)).

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In 1890, her daughter Tamar Emeline (Sebastian) Swan, married Calvin Williams, widower of Amanda Nedson. It was possibly through this marriage that she returned to the Lantern Hill reservation, for in subsequent years she was living in the household of this daughter. The overseer's reports from July 2, 1889, through 1890, and for 1890-1891 showed that goods were furnished to both Calvin Williams and Tamar Sebastian. The overseer's reports are missing from 1891 through 1910. It appears that by this time, she and her husband, Emmanuel Sebastian, were so elderly that they were no longer capable of maintaining an independent household. Tamar was in the household of a daughter and son-in-law. The 1900 census indicated that her husband was residing off the reservation, in the home of another daughter-in-law. Although his wife was still alive, the census enumerated him as a widower (Lynch 1988, 2:1; 5:98; #113 Pet. 1996, GEN DOCS III). Census and vital records described Emmanuel Sebastian as black. His ethnicity was variously described in the records (as Brazilian, Portuguese, South American, or from the Cape Verde Islands, all of which could well be different ways of describing the same origin), but does not impact the tribal descent of his wife.

Tamar (Brushell) Sebastian has not yet been located on the 1900 census. In 1910, she was living on the Lantern Hill reservation, enumerated on the special Indian Population schedules. The first account filed by Charles L. Stewart as overseer of the Eastern Tribe of Pequot Indians covered the period from January 1, 1910, through June 22, 1911 (#35 Pet. Overseers Reports). It indicated that he had rendered assistance to Calvin Williams and "Mrs. Fannie Sebastian," concerning whom he stated: "Fanny Sebastian is the oldest member of the tribe, and a member of Calvin Williams' family" (#35 Pet. Overseers Reports). Five years later, her obituary summarized her life as follows:

**TAMER SEBASTIAN.** The passing of Tamer Sebastian deserves more than slight mention in the obituary column. She had the pure blood of the Pequot Indians in her veins, and is almost the last of that historic race, whose reservation has been at Lantern Hill. Her marriage 63 years ago in the town of Stonington was to a Portuguese, Manuel Sebastian, who was brought from the island of Porto Rico by one of the Mystic captains, tradition has it, Captain Robert P. Wilbur. Her home has been for years in the Cow Hill district, but at the death of her husband she removed to the reservation. For 73 years of her 94 she was a member of the Union Baptist church. Hers was a simple Christian faith, an honest, upright life, warranting an entrance into the happy home beyond. Besides the children mentioned elsewhere, there survive 32 grandchildren, 24 great-grandchildren, and one great-great grandchild (BAR, #35 050 File).

Such an obituary reference, in itself, would not be sufficient evidence of tribal membership, particularly since another contemporary death notice made no mention that she was Pequot (Anthro. #35 Site Visit File, BAR). Taken in connection with the overseer's reports from her childhood, and confirmation by overseers' reports in her old age, that she was residing on the reservation and was a tribal member, it provides limited confirming or supporting evidence.

There is no indication in the record available to the BIA that her right to residence on the reservation was questioned during her lifetime. Rather, the first objections were made to residence by her descendants, and were not, with exception of one unconfirmed reference in a 1991 interview (#113 Pet., Moore 1991) advanced until more than 15 years after her death.

In 1985, an independent researcher, based on a review of only the overseer's reports and the 1910 census, reported to the Native American Rights Fund that, "it is clear that Tamar and John Brushel were the children of Moses Brushel" (Campisi to Dauphinais 12/1/1985, 4) and: "In the face of the data presented the only conclusion I can come to is that Tamar Brushel was a member of the Eastern Paucatuck Pequots, that her parents were members of the tribe, that she received benefits from the tribe, and apparently lived on tribal land, at least in her childhood and her old age" (Campisi to Dauphinais 12/1/1985, 5).

*The Fagins/Watson Family.* The essential argument advanced by the third parties is that no person named Fagins appeared on Eastern Pequot reservation records such as petitions until the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, and that therefore the family was not Eastern Pequot by descent (Lynch 1998a, 2:2), arguing that the 1843 marriage record of Albert Watson and Laura Fagins described them as "Colored" (Lynch 1998a, 2:2). The third parties mis-stated the historical record, saying that the "Fagin name did not appear on any Pequot related document until 1827" (Lynch 1998a, 2:2). Isaac Fagins, with his name slightly misspelled, was listed as an Eastern Pequot head of household on the 1815 petition of the overseers to the Connecticut General Assembly concerning schools for the Indian children (see above). The third parties' interpretation of the 1810 census as meaning that Isaac Fagins was "a 'Free Colored' town resident with no Indian affiliations" is not valid, in that the 1810 census made no distinction as to whether free persons of color were of Indian or other ethnicity. Isaac Fagins was listed on the 1800 as well as the 1810 census, while Fagins individuals had been identified as Indian in church records of the Stonington area since 1745 (see Table 2, draft technical report).

The individual documents concerning Laura (Fagins) Watson are listed on the accompanying charts. She was first listed by name as an Eastern Pequot tribal member on the 1857 census. She died only a few years thereafter, in 1861, but her children continued to be listed throughout the remainder of the 19<sup>th</sup> century overseer's reports, and signed petitions as well. Her husband was Narragansett, but specified in his testimony at the 1881 detribalization hearings that his children were not members of the Narragansett tribe.

*The Fagins/Randall Family.* The data pertaining to Abby (Fagins) Randall has not been detailed on the charts, since the 1998 membership lists did not indicate which of the petitioner's members were her descendants. For the data in detail, see the year-by-year listings on the overseer's reports, continuing to the 1920's for her sons John and Alexander Randall, and the genealogical data in the background genealogical file and draft technical report compiled by the BIA. For the final determination, if the petitioner provides a membership list including those persons who

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trace descent through her, the documentation will be incorporated into the summary under the criteria.

*Allegations of Forgeries of Vital Records.* PEP #113 has also raised the issue of modern alterations of vital records, alleging "forgeries" by petitioner #35 and stating: "The group known as Sebastian has been turning in falsified documents for years, and got away with it" (Cunha to Blumenthal 6/11/1991, [1]; see also Cunha to Reckord 8/10/1993; Cunha to Mullane 8/10/1993; Cunha to Spencer n.d. [identical letter]). The letters referenced above contained no specifications as to the allegedly forged document(s), the letter of June 11, 1991, referring only to one that was "turned in to Task Force" (Cunha to Blumenthal 6/11/1991, [1]).

From material submitted at other times by #113 (Cunha to Lujan 6/12/1992, [2]), it is clear that the birth certificate in question was that of Marion Madeline Sebastian, born October 2, 1917, at Groton, Connecticut, daughter of Clarence W. and Henrietta Anna (Williams) Sebastian. PEP submitted copies of both the unaltered and altered version to the BIA (#113 Admin. File, BAR). The specific changes were:

- (1) alteration of surname spelling from Sebastin to Sebastian;
- (2) on the original, the "color of father" was White, which had been crossed out and replaced by Colored, initialed L.M.A.; on the altered version, the "color of father" was changed to Indian;
- (3) on the original, the maiden name of mother was Henrietta Anna Williams; on the altered version, the maiden name of mother was Percilla Anna Williams;
- (4) on the original, the "color of mother" was Colored; on the altered version, the "color of mother" was changed to Indian (State of Connecticut, Bureau of Vital Statistics; State of Connecticut, Bureau of Vital Statistics, photocopy of "true copy of certificate received for record" 11.1.76 Attest: Sally M. Sawyer, Town Clerk; Spellman to Tarbox 6/20/1991; Spellman to Cunha 6/20/1991; Galluzzo the Spellman 10/10/1991; Blumenthal to spellman 10/21/1991; Blumenthal to Cunha 11/8/1991).

While the version of the certificate submitted to the State of Connecticut at some time after November 1, 1976, was clearly altered from the original, the identity of the father (who descended from Tamar Brushell) remained the same; the reason for the change in name of the mother is not clear, since no advantage was to be gained from it in regard to qualifying for residence on the Lantern Hill reservation, because Henrietta Anna Williams was a descendant of Tamar Brushell and no "Percilla Anna" Williams is in the records at all. As EP pointed out in response, the petitioner had received the altered version of the certificate from CIAC files, and the person to whom it pertained was, in any case, enrolled as a Western Pequot (R. Sebastian and L. Sebastian to CTAG, with enclosures, 10/9/1991; CT FOIA #65).

PEP referenced a similar alteration of ethnicity on another birth record (original dated June 14, 1907), citing as contrary evidence a published death notice identifying one of the sons of Tamar (Brushell) Sebastian as "Negro" (Solomon Sebastian Dies, hand-identified New London Day 1/21/1938), the death notice of Tamar Brushell's husband, and a copy of the 1870 census of Groton, Connecticut (Cunha to Lujan 6/12/1992, [2]). This proposed finding explains elsewhere that for purposes of Federal acknowledgment, ethnic identifications in vital records are evaluated on the basis of the entire context of documentary evidence, rather than on the basis of any single birth certificate. The file also contains follow-up correspondence between the State of Connecticut, PEP, and EP, concerning the specific alterations.<sup>118</sup>

Aside from the issue of the specific birth certificate discussed above, Ms. Cunha raised in these letters a number of issues concerning Tamar (Brushell) Sebastian. It is clear, from the documentary record, that Ms. Cunha's 1991 claim that: "First of all there is nothing in the genealogical records linking Tamar Brushel to the Sebastian group whatsoever, (only falsified birth and death certificates)" (Cunha to Blumenthal 6/11/1991, [1]) was not accurate. Ms. Cunha's claims that, "... even if Tamar Brushel was in fact related to the Sebastians, Tamar Brushel was a Mohegan Indian, not a Pequot" and, "there is evidence that indicates that there were two Tamars, one clearly a Mohegan Indian and the other the Sebastians [*sic*] ancestor" (Cunha to Blumenthal 6/11/1991, [1]), were also factually inaccurate, as determined by the BIA's review of the historical and genealogical record.

The second set of correspondence from PEP alleging forgeries was directed both to the Department of Housing and Urban Development (HUD) and to the Department of the Interior (DOI) (Cunha to Jacobs 2/26/1992), with attachments; Cunha to Lujan 6/12/1992, with attachments; Cunha to Lujan 7/1/1992). These letters made more extensive challenges to the identity of Tamar (Brushell) Sebastian (Cunha to Lujan 6/12/1992, [2]). At the time, the BIA response dealt only with other concerns raised by Ms. Cunha and did not address the issue of falsification of documents or the identity of Tamar Brushell (Brown to Cunha 8/4/1992).

The specific genealogical assertions in regard to Tamar Brushell made in 1992 (Cunha to Lujan 6/12/1992, [2]) were based on misinterpretations of several of the records. The statement from Eva Butler (basket makers Pequot-Nehantic) that Tamer Brushell was baptized as an adult in 1819 in the Old Road Church was taken from a secondary source (Butler 1947, 41 *in* Speck 1947) and was simply an error. The 1848 marriage record was accurate (Old Road Church). The notation as to her supposed 1842 baptism as "Tamer (Eldridge) Sebastian wife of Manuel" at the Union Baptist Church, Mystic, Connecticut (Union Baptist Church), however, erroneously assumed that it was a record made contemporary with the baptism, rather than a much later retrospective listing of the membership of the Union Baptist Church. Most of these mistakes

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<sup>118</sup>CTAG to Steven Spellman 9/24/1991 re: Paucatuck Eastern Pequot seat on CIAC; CTAG to Lawrence Sebastian 10/18/1991; Eastern Pequot Indians of Connecticut tribal council to Agnes Cunha 10/18/1991; CTAG to Steven Spellman 10/21/1991 re: allegations of forged documents.

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were corrected by PEP in its 1996 submission (#113 Pet. 1996, GEN DOCS I-IV; Joslyn 1996). It would appear that as of 1996, petitioner #113 was no longer formally asserting that there were two different Tamar Brushells, that Tamar Brushell was Mohegan, or that the Tamar Brushell who was listed on Eastern Pequot overseer's reports as a child was not the wife of Emmanuel Sebastian and was not the ancestor of the majority of the members of petitioner #35.

There is also extensive correspondence in the record concerning efforts made by members of petitioner #113 during the 1970's to have the ethnicity on their birth records legally altered in a manner more extensive than the office of the town clerk of North Stonington was willing to perform under provisions of Connecticut law (#113 Pet. 1994, NARR A-3). For discussion of this issue, see the proposed finding for petitioner #113. The 1991 comments by EP (R. Sebastian and L. Sebastian to CTAG, with enclosures, 10/9/1991; CT FOIA #65), like the third-party comments on the issue (Lynch 1998a), were apparently unaware of the legal measures undertaken by PEP members.

The third parties indicated that certain documents (submitted by both petitioners) had the ethnicity altered without validating initials by a town clerk or other responsible official (Lynch 1998a). Since all of the changes were apparent on the surface of the documents, the issues raised were not directly pertinent to an evaluation of either petition under 25 CFR Part 83.

*Prior Membership Lists.* EP submitted a membership list to the BIA in 1989, dated November 1, 1988. The record also contains several other prior membership lists, one from 1978, one from 1992 obtained from the State of Connecticut, and the joint 1984 "Proposed List" prepared by the CIAC. The BIA research entered this material into the FTW genealogical data base for purposes of comparison.

*Current Membership List.* For preparation of the proposed finding, EP, petitioner #35, submitted its current membership list as of February 1998, showing 647 members.<sup>119</sup> Of these members, only three names overlapped with the 1996 membership of petitioner #113. For greater detail, consult the draft technical report.

The BIA researcher obtained copies of Roots IV version 1.2 and dBase IV, read the above diskettes, and exported them into the BIA standard programs (FamilyTreeMaker for Windows (FTW) and Microsoft Access). A manual comparison of the genealogical descent charts indicated that 45 of these members (seven per cent) descend from Laura (Fagins) Watson through the marriage of her daughter, Sarah Jane Watson, to Joseph Rastus Cheats. The membership list contained no descendants of Laura (Fagins) Watson through the marriage of her daughter Mary Eliza to Calvin Henry Sebastian. The remaining 93 percent of the names on the 1998

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<sup>119</sup>Appendix F. Diskettes. Eastern Pequot Genealogies, Roots IV, Version 1.2. Eastern Pequot Tribal Roll, dBase IV.

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membership list of #35 descended through Tamar (Brushell) Sebastian, although oral interview material indicates that the membership also includes descendants of Abby (Fagins) Randall.

As a result of the new procedures and time constraints which made it impossible to prepare a comparative membership data base which would include all of the #35 membership lists since the 1970's (see the draft technical report for individual lists) and correlate them with the genealogical data, the BIA researcher did not undertake any analysis of the level of continuity within the membership of petitioner #35 itself.

*Potential for Membership Expansion.* It appears that most, if not all, the known descendants of the Brushell/Sebastian family line who are eligible for membership are included in the lists. It is not known what proportion of the Fagins/Watson descendants are included. Subsequent to submission of the 1998 list used for this proposed finding, at least some descendants of the Fagins/Randall line have enrolled with #35. The BIA has no information concerning the size of that family complex.

*Conclusion.* Extensive genealogical material submitted by the petitioner, by petitioner #113, and by the third parties indicates that the petitioner's current members are descendants of Tamar (Brushell) Sebastian and of Laura (Fagins) Watson. As those individuals were, during their lives, members of the Eastern Pequot tribe as ascertained by evidence acceptable to the Secretary, the descendants of these individuals, as well as the descendants of any descendants of Abby (Fagins) Randall now included on the petitioner's membership list, descend from the historical tribe.

The lines of descent for individual families have been verified through Federal census records from 1850 through 1920; public vital records of births, marriages, and deaths; and to a lesser extent through church records of baptisms, marriages, and burials, as well as through use of state records concerning the Lantern Hill reservation. These are the same types of records which have been used to verify descent for prior Federal acknowledgment decisions.

Therefore, the petitioner meets criterion 83.7(e).

**83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not**

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**maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.**

The February 3, 1998, certification of the current membership list by the petitioner's tribal council stated: "No member of the Eastern Pequot Tribe is eligible for membership in any federally recognized or federally acknowledged North American Indian Tribe."

While the issue for 83.7(f) is not eligibility for membership elsewhere--many members of federally acknowledged tribes have more than one eligibility for enrollment if their parents or grandparents were members of different tribes--this statement indicates that the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

Examination of prior membership lists indicates that those Eastern Pequot descendants carried on them who were also eligible to enroll as Mashantucket Pequot have done so, as their names are no longer on the current membership list.

Therefore, the petitioner meets criterion 83.7 (f).

**83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.**

There is no evidence that the petitioner is subject to congressional legislation that has terminated or forbidden the Federal relationship.

Therefore, the petitioner meets criterion 83.7 (g).

## APPENDIX

This appendix contains descriptions and BLA analysis of the material currently in the record for petitioner #35 under criteria 83.7(b) and 83.7(c) for the period from 1973 to the present. It describes what evidence was in the record for the period since 1973, with some review of the petitioner's arguments, to provide the petitioners and third parties with guidance to prepare comments and evidence in response to this proposed finding. It gives some of the evidentiary context to the proposed finding that leaves open the question of whether there is one tribe or two. The petitioner's evidence, even in conjunction with that presented by petitioner #113, is insufficient for the Department to determine if there is one tribe or two. For these reasons, it does not present an evaluation under these criteria for this time period.

The State's recognition and protection of the Lantern Hill reservation of the historical Eastern Pequot tribe from colonial times to the present has been an important consideration in this proposed finding that the petitioner is entitled to be acknowledged as an Indian tribe. However, State legislation and litigation in the period after 1973 has contributed to confusion as to whether there is now one tribe on the reservation or two, and who is considered by the State to be a member in the tribe or tribes. *See General Statutes of Connecticut, Revised 1997, Title 47, Section 47-59b; see also, Paucatuck Eastern Pequot Indians v. Connecticut Indian Affairs Council*, 555 A.2d 1003 (App. Ct., 1989). The petitioner and third parties are encouraged to submit documents and analysis during the comment period which can help the Department clarify the basis for the State's actions and aid in resolving the question of whether there is one tribe or two on the reservation.

*Sources Reviewed for the Petitioner's Position that it Meets Criteria 83.7(b) and 83.7(c) since 1973.* The sources for statements of the position of the Eastern Pequot petitioner are primarily the July 1998 Eastern Pequot narrative (EPNarr. 7/98) and a working paper by petitioner researcher Kimberly Burgess (Burgess 1998), submitted at the same time as the narrative. The working paper forms part of the basis for the July 1998 petition narrative but contains other descriptions and analysis as well. The materials in an earlier petition narrative, dated February 1998, are repeated in the July 1998 narrative, with little change but substantial additions. A limited petition narrative was submitted in 1989. Its descriptions and positions have been reviewed as well.

Consistent with the directive, BAR field interview data was utilized only for purposes of evaluation of the petitioner's data and position and not to develop alternative positions which might demonstrate the petitioner met the requirements of the regulations. Completion of the finding within the expected time frames meant that detailed transcripts were not made of the tapes of most of the field interviews. The interviews contain additional information which may, based on a detailed analysis of complete transcripts, and supplementation by additional interviews and documentation, help demonstrate past and present community and political

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process not found to have been shown by the petitioner. Alternatively, there may be data in the field interviews which conflicts with the petitioner's data.

### *Community since 1973.*

*Analysis Based on Defining a "Social Core Area."* The petitioner's primary discussion and presentation of data for demonstrating that the Eastern Pequot meet criterion 83.7(b) in the present day is an analysis that they refer to as the "Mohegan model" (EPNarr. 7/98. 2). This analysis is based on the petitioner's interpretation of part of the final determination to acknowledge the Mohegan (Mohegan FD 1994). The petitioner claims that their analysis and presentation of data meets the same requirements that were used in the Mohegan final determination to establish that the present-day group meets criterion 83.7(b).

The petitioner defines the area within a ten mile radius of the Lantern Hill Reservation as the "social core area." This area includes not only the towns immediately around the reservation where Eastern Pequots have lived off-reservation since the 18th century, Mystic, Old Mystic, North Stonington and Stonington, but towns at a further distance, including Groton and the city of New London. According to the petition itself, the petitioner's members did not move to the latter two locations in significant numbers until the late 1960's, but census data indicates that the majority of the Sebastian line families resided in Groton from 1850 through 1880, while a substantial number of them continued to reside in Groton from 1900 through 1920. The petitioner presented no data to demonstrate that the Eastern Pequot members living within that radius form a social community (*i.e.*, meet the definition in 83.1).

The petitioner describes this area as "the cultural, spiritual, and geographic center of the Eastern Pequot Tribe." It goes on to state that "the reservation has been a home to the tribe's more distant ancestors and a place where the great-grandparents, grandparents, and parents of the current membership have lived and managed to survive in the face of decades of oppressive and antagonistic policies and actions of colonial and state officials. The Eastern Pequot reservation has also served the tribe as a central place for over 300 years, where tribal members have gathered for social events, economic pursuits, mutual aid, and to conduct political business" (EPNarr. 7/98, 107).

The term "social core," as used in the Mohegan Final Determination and some other findings, referred to the portion of the group which maintained substantial social contact among the members. In the Mohegan Final Determination it was concluded on the basis of field research that the members within that radius formed a social core (Mohegan FD Sum. 14-17, Anthro. TR, 50-51). However, the Eastern Pequot petition simply defines the ten-mile radius as a social core with no showing by evidence that it is. The concentration of members of a petition in a general area where there was historically a community is not good evidence that a present day population of descendants in the same area are still maintaining social ties, unless there are distinct neighborhoods or settlements (see Miami FD).

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The petition refers to an "extended discussion of the Eastern Pequot Social Core Area" (EPNarr. 7/98, 2), which appears to be the petitioner's discussion of social community in the 70 years preceding the present (see analysis above). This geographic proximity of a portion of the membership would be supporting evidence for a finding that there is a social core within at least the older settlement areas within the ten mile radius, but does not substitute for direct evidence to demonstrate community.

The social core of a group, those maintaining close social relationships, often corresponds roughly with a core geographic area, but does not necessarily do so (Miami FD 1992, 12). Criterion 83.7(b) does not require that social interaction and relationships be uniform within the membership, but allows for the common circumstance where the main body of a group has substantial social ties while a periphery of membership has a lesser degree of social connection. (Snoqualmie PF 1993, 18). Part of the requirement to meet criterion 83.7(b) is to demonstrate the relationship between peripheral members of a group and its core social group (Miami FD 1992, 12). The "Mohegan model" (so-called) is simply a particular application of the regulations to demonstrate that there is a cohesive social group and that other members maintain contact with members of that group. It used a particular format of evidence to establish those links on a quantitative basis.

The second part of the petitioner's application of the "Mohegan model" used several different measures to determine if members living outside the putative social core area had significant social ties with the members living within the ten-mile radius. However, because the Eastern Pequot membership living within a ten-mile radius of the reservation has not been shown to form a community, the measures adopted by the petition to establish that there is a "periphery" maintaining contact with a community are not in themselves valid. An evaluation has been made of their accuracy because the petitioner may eventually be able to define a core community from 1973 to the present either including or excluding the PEP membership.

Several measures were used to attempt to show social contact of those living outside the ten mile radius claimed as a "social core area" with those inside it, placing them in different categories. The first category was those members who were determined to be living outside the ten mile radius, but who had been born within it. The second category identified those members who had not been born within the ten mile radius, but who had primary kin (children, parents, and grandparents) living within it. The third category was those members not falling within the previous two categories who were known through other data "to interact with the social core" (EPNarr. 7/98, 107-108). The balance were not shown to be linked.

The petitioner found that 312 out of 645 members, or 48 percent lived within the ten mile radius. Of those living outside that area, 76 (12 percent) had been born within the radius, 62 (10 percent) others had primary kin within the radius and 73 (11 percent) were described as interacting. No link was shown for 122.

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The characteristics used to establish the third category, those outside but maintaining contact, were that the individual met at least two of the following: (1) regular attendance at tribal meetings, (2) regular attendance at the annual powwow, (3) regular participation in the 4th of July, Christmas, or Labor Day gatherings, (4) regular visits with tribal members living in the core area, including attendance at weddings, baptisms, birthday parties, retirement parties, and funerals, (5) frequent phone calls to family members living in the core area, (6) frequent phone calls to tribal officers or to staff members in the tribal office, (7) regular contact with senior family members who provide information on tribal business and social gatherings, (8) voting in tribal elections; and (9) receiving and reading the tribal newsletter (EPNarr. 7/98, 109).

The petitioner did not provide sufficient information about those placed in this category to establish whether the categorization was valid for those types of contacts which do show significant contact. The types of contact which applied to specific individuals were not stated in the petition and the EP office was unable to supply this information. The data sources for the types of contacts were not cited nor provided except for a set of telephone survey forms which were submitted (Burgess 1998b). There were forms only for 9 individuals of the 73, and some did not provide evidence which showed significant contact. Absent the data as to how the evaluations of the balance of the 73 were made, the conclusions cannot be evaluated. Until a core social community is defined, however, there is no reason to provide data on this particular 11 percent of the membership.

*Other Information Concerning Community at the Present.* The petitioner's position is that kinship is an important part of community in the present day. The closeness of kinship ties and their continued currency is also evidence for community. For evaluation of this assertion, see the discussion of kinship ties in the body of the Summary under the Criteria.

*Annual Powwow.* The petitioner's position is that the annual powwow held on the Eastern Pequot reservation is evidence for community in the present and recent times (EPNarr. 7/98, 52-53). The powwow was first organized in the late 1970's, with the reorganization of the tribe. It is held to coincide with the tribe's annual meeting, occurring the day after/before (the significance for political processes of the annual meeting held at the same time is evaluated elsewhere). The powwow is held on the reservation. According to the petition, the powwow and the annual meeting are attended primarily by Eastern Pequots families, but also by members of surrounding tribes: Narragansett, Mashantucket Pequot, and Mohegan.

According to the petition, attendance figures over the past ten years have ranged between 150 to 200 participants per day, which the petition considers to be one-third or more of the total tribal membership. According to the petition, "for the great majority of Eastern Pequots, to be able to camp and socialize on their ancestral land with other tribal members is the most meaningful aspect of the powwow (Starna 1997)." No data sources were provided for the powwows and annual meetings other than meeting minutes. The cited source, field notes of William Starna 1997, was not made available. BAR field data did not provide adequate data to either verify or

disprove the description of the powwow. No details about the events and attendance at them were provided and no useful data sources were cited or provided. Consequently, it was not shown that the annual meeting was a social event which drew widely from among the membership and which was evidence showing that the present day group is a social community.

*Labor Day and Christmas.* The petition states that two other holidays besides the annual powwow, Labor Day and Christmas, are occasions for "important tribal gatherings" similar in attendance to the tribal picnics of the 1940's (EPNarr. 7/98, 52). No data was supplied to support this description. The only cited source, Starna 1997, was not provided although requested. No BIA interview data was obtained which described these occasions. Consequently the importance of these holidays in demonstrating community in the present day is not established.

*Cultural Differences.* The petition's position is that there are presently cultural characteristics of the Eastern Pequot which show continuity from the Pequot tribe in the past (EPNarr. 7/98, 52-54). Where a group demonstrates cultural patterns which are distinct from the populations it interacts with, this provides evidence for community (83.7(b)(1)(vii)). The petitioner's position that cultural characteristics have been maintained is equivalent to stating that cultural differences have been maintained and exist. The cultural patterns do not need to be survivals of the group's culture from pre-European contact days. They must be more the symbolic assertions of group identity.

The petition did not present a coherent discussion and supporting body of evidence for the past culture of the Eastern Pequot as providing context for community at the present. There was little or no data which would establish how widespread the cited cultural traits were within the membership. Several of the items categorized by the petition as distinct cultural practices were not, as described, different from non-Indians. These included hunting and fishing, music, dancing and sports and food-sharing, all described it as widespread among the Pequot. The data about food-sharing was also evaluated as to whether it showed social contact and relationships within the membership. Similarly, the data concerning employment patterns did not, as described, indicate cultural differences. A possible exception is a claimed tradition of stonemasonry, which might, with more complete data, be shown to be a distinctive (though not unique) group tradition. The use of herb and wild plants for curing was noted although not described as distinct from non-Indians. Burial practices which were described as traditional were noted. There was no information to show that these practices were in fact of long-standing, or widespread within the group or that they were other than symbolic.

Linguistic differences, either a different language or dialect, or distinct features such as vocabulary are important cultural differences when shown to occur among a substantial number of a group's members. The petition notes that there have been no Pequot speakers within living memory of the oldest members. Tantaquidgeon (Tantaquidgeon 1934) found no recollection of Algonkian terms in the early 1930's. The petition's position, however, is that there are presently "linguistic echoes" of the language which remained "in the use of local terms for common

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objects and sights such as the constellations 'Big and Little Bear,' nicknames, and affectionate kin terms for elderly men and women" (Bragdon 1998). Burgess (Burgess 1998, 15) concluded that the members used many Algonkian words as "identifiers, in prayers, greeting and as added onto their own names." There was not sufficient data provided to determine whether the use of these terms was more than symbolic assertions of identity, nor how widespread their use was within the membership. In any event, they would not, as described, constitute significant cultural differences.

The petition concludes that "probably the most significant example of cultural continuity among the Eastern Pequots are their folk stories and beliefs." It describes this as "a large body of folk beliefs about the supernatural and legendary events that have persisted in the Eastern Pequot community over the years," and notes that the stories "are very reminiscent of local Indian lore recorded among the Wampanoag of Gay Head, the Narragansett of Rhode Island, and the nearby Mohegan of Connecticut." A number of the stories pertain to the reservation itself. Also described was the belief that some members had supernatural powers, were "seers," etc. There was some confirming data from BIA interviews that such beliefs exist and are more than symbolic. There was insufficient data to show how widespread these beliefs were.

The petition stated that annual meetings were begun in mid-1970's, after the group organized its governing structure. It did not provide substantial information concerning these gatherings. No data was provided concerning other social gatherings. In this era, the membership became less geographically concentrated, as expanding work opportunities led to migration to New London and other area cities. The most substantial evidence for community was the predominance of the Sebastian line, which had expanded rapidly, meaning that a substantial portion of the membership were closely related on the basis of descent from that line. Interview evidence indicates that this remained a tightly knit kinship group which maintained social ties well beyond immediate kinsmen.

The petitioner stated, but did not demonstrate, that all of the members living within a ten-mile radius of the reservation at Lantern Hill constitute a "social core," i.e., that it was cohesive and the members maintained significant social contact with each other. The petitioner did not present any evidence or analysis for this position, beyond the past history of the group in the area. The continuing ties to the reservation, however, continue throughout this period and are evidence of community.

Kinship ties based on past marriages were sufficiently attenuated with the passage of time that, with the currently available data, they were not shown to significant within the group. However, the expansion of the Sebastian line to over 90 percent of the membership, and a subline of it to over 70 percent, provided the strongest evidence for community, because of the relative closeness of relationships among this portion of the group. Interview evidence indicates that this remained a kinship group whose members maintained social ties well beyond immediate kinsmen.

*Political Authority and Influence since 1973.*

The petitioners have failed to provide adequate evidence to permit the Department to determine that the petitioners formed a single tribe after 1973. For example, neither side presented an analysis of the conflict between them, which is focused around the relationship with the state, which would provide useful evidence whether there is a political conflict between two parts of one group or mobilization of political sentiment within two separate groups over a common issue. Even more significantly, neither petitioner addressed the role of the Hoxie/Jackson family in the conflicts from 1973 through 1976, although the documents submitted as part of the record clearly indicated that at that time, the tribe had a third political group. This proposed finding indicates potential areas for research and analysis.

Under the AS-IA's directive of February 7, 2000, the BIA did not conduct an alternative analysis of the available data from interviews and documents that might show how the data submitted by PEP, not relied on by EP, indicates the existence of a single tribe. Nor did PEP analyze how their data may demonstrate the existence of one entity, because their position takes the position, incorrectly, that the EP petitioner does not derive from the historical Eastern Pequot tribe.

The transition to a formalized system of EP tribal government is not well described. The petition's position is that Roy Sebastian Jr. took over as a general leader in the 1960's (Burgess 1998:10). It offers no evidence for this as opposed to his becoming leader in the early 1970's, when the EP began to organize. Burgess states that in the early 1960's the EP "began to have 'Indian meetings' held at homes of various members" and that these were "precursors" to a formalized government (Burgess 1998, 10). She lists attendees drawn from several branches of the Sebastians, *i.e.*, a reasonably broad representation. There was no information concerning the nature of these meetings, however, and thus they cannot be evaluated as evidence for political processes in the 1960's. No sources were cited.

*Establishment of a Formalized Governing Body.* The petition documents indicate that a set of bylaws was adopted in 1976, establishing a formalized governing body for the first time. The petition also states that Roy Sebastian (the current chairman) and his brother William had been holding elected office from 1971 (1989 submission 54.7(c), 1). This indicates that organization began before the adoption of a written set of bylaws. If there were more detailed information concerning how this formalization came about, it might provide evidence concerning political influence, importance of issues to members, political communication, make-up of the group *vis-à-vis* PEP and the body led by Arlene (Jackson) Brown, and the like. The petitioner makes two statements which suggest significant political processes occurred, but does not provide the analysis and data to demonstrate them. The petition's position is that: "This formalization of the tribe's system of political authority was a response to the state's insistence that Connecticut tribes 'organize themselves'" (EPNarr. 7/98, 134; Eastern Pequot Indians of Connecticut 6/10/1977, 1-2). Elsewhere the petition suggests that the formalization was in response to the

formation of the CIAC and the consequent need to react to it and the Paucatuck Pequot's assertion that they were the only legitimate tribal body representing the Eastern Pequots.

*Political Influence from 1976 to the Present.* The petitioner submitted a detailed discussion of "tribal business" from the point of formal organization in 1976 until 1998, the date of the petition narrative.<sup>120</sup> This took the form of a detailed analysis of organizational minutes to demonstrate political processes from the point of formal organization in 1976 to the present. Its conclusion was that "this summary of tribal business contains numerous examples of bilateral political relationships obtaining between leaders and the general membership" (EPNarr. 7/98, 136-137). It further stated that "the minutes of tribal meetings and interviews conducted, " indicated "that the various directives issued, the efforts to organize tribal members for special purposes, and the attempts to regulate the conduct of tribal members . . . all resulted in reciprocal responses from the membership." From this it concludes that "there is strong evidence that a bilateral political system is functioning in the Eastern Pequot Tribe."

The petitioner submitted a substantial run of minutes and related documents in support of this part of the petition. In addition to the specific set of minutes submitted with the February 1998 petition, previous submissions included 1998 minutes, some of which were not cited in the 1998 narrative. Additional minutes were obtained from the Eastern Pequot office during the anthropologist's March 1999 field trip. All of these materials were reviewed to evaluate the petitioner's position. Overall, minutes covering 305 council meetings and other events, constituting 755 pages, were reviewed. The years covered were 1976 to 1999 (one year past the date of the petition narrative).

In addition to the minutes, this part of the petition also refers to "interviews" as showing a bilateral political relationship. Elsewhere, the text in concluding that there is a bilateral political relationship cites the field notes of William Starna (Starna 1997), which may be the interviews in question. These interviews were not submitted and have not been supplied, in response to requests from BAR (K. Sebastian 1998).

The petitioner's argument for bilateral political process described 12 specific categories of business and events, in support of the general argument described above. These included holding elections and seating tribal officers; assessing and collecting membership dues; and organizing the tribe's annual powwow. These activities in themselves are not distinguishable from a voluntary association. For these to be useful evidence, the petitioner needs to show that there is widespread participation, political communication, and the like (83.7(b)(1)(iii)).

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<sup>120</sup>This discussion appears in the February 1998 petition narrative and is repeated with minor modification in the July 1998 version of the narrative. The later version is reviewed here.

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The petitioner also lists as a form of political activity, "organizing protests to the actions of the state and local governments (e.g., cutting of timber on the reservation, opposing the actions of the CLAC, disputing the town's right to tax tribal members)" (EPNarr 7/98, 137). Evaluation of these requires evidence showing the extent of membership participation in the protests or other evidence of support for these actions and importance as an issue for the members. There was little evidence in the minutes to show whether there were expressions of membership opinion, interest, or participation, in these central actions of the council.

Other kinds of evidence, not used in the petition, may show the latter kinds of membership involvement. Although the petition does not explicitly claim that the conflict with PEP represents evidence under 83.7(c)(1) of an issue of importance to the membership, it does present extensive data and discussion of the conflicts with the latter from the formation of the CLAC until the present. BAR field data indicated that at least at present, the conflict was an issue of importance in terms of this being an attack on their claim to be Indian. An additional, related issue, retaining the rights to the reservation land, is an issue of importance, given the sheer number of people that mentioned visiting the reservation and relatives there earlier in their childhood (BAR 1999, Burgess 1997, 1998).

Finally, the petitioner cites a number of activities which concern control and regulation of the reservation land and also concern controlling the behavior and activities of members and others on the reservation. The activities cited are: directing tribal members to clean up their property, directing the building and repair of private roads on the reservation, and issuing and enforcing hunting and fishing regulations, and dog control ordinances. In addition, the petition states that "the tribal council regulates housing on the reservation [and] accepts and rules on applications by tribal members to live on the reservation, allots home and building lots, and regulates home repairs and upkeep." Control of territory and its uses is a strong form of evidence for political influence. Section 83.7(c)(2)(i) refers to allocating "group resources such as land, residence rights and the like on a consistent basis."

The council has exercised since its inception some *de facto* control of reservation lands.<sup>121</sup> Twelve examples of this were found. Examples included hunting and fishing rules and directing an individual to clean up the area around his residence and control his dogs. Because there are not a large number of members resident on the reservation, there are not numerous examples of enforcement of rules. It appears from the minutes, however, that the individuals concerned did respond to the council's instructions. The council has also ruled on requests to move onto the reservation and on maintaining roads and other matters pertaining to the reservation.

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<sup>121</sup>This finding makes no determination or opinion concerning legal authority on the Eastern Pequot Reservation, which is a state reservation.

The petitioner also cites two categories which can in themselves be important evidence of political processes under the regulations. These were dispute resolution and banishing and reinstating individual tribal members who had violated the tribe's rules and regulations. Under the regulations, 83.7(c)(2)(ii), settling disputes among members on a regular basis is sufficient evidence for political influence. Under the regulations, 83.7(c)(2)(iii) establishing of norms and directing or controlling behavior is sufficient evidence for political influence if this is a consistent pattern. Isolated examples provide some evidence which can be evaluated with other evidence for criterion 83.7(c).

The examples of dealing with conflict primarily refer to conflicts within the council. The evidence required under section 83.7(c)(2)(ii) is that the political system maintains social control among the membership in general and establishes and maintains standards for the behavior of its members. It does not refer to ordinary political conflicts, even though they may involve arguments over the behavior of particular leaders. Thus, the evidence cited by the petitioner's argument does not meet the requirements of section 83.7(c)(2). There was one example, from 1989, of intervening in a conflict between two resident members over payment for materials bought from the other. A single instance is not sufficient to show this form of evidence.

The petition also states that the council organized "work parties of tribal members to raze a burned home, for example, and to maintain the powwow grounds, reservation cemeteries, and tribal buildings" (EPNarr 7/98, 137). This, in addition to exercising control over tribal property, could be evidence under 83.7(c)(1)(i) that the "group is able to mobilize significant numbers of members" for group purposes. The minutes, however, did not indicate that, with minor exceptions, individuals other than the council members or other leaders were involved in these work parties. Thus it was not demonstrated that this form of evidence has been shown. To be useful evidence, it must be shown that significant numbers of members beyond the core group of active leaders have been mobilized.

Finally, the petition states that the council assigned "influential individuals to insure that other tribal members are kept informed about tribal business" (EPNarr. 7/98, 137). This would show a bilateral political relationship, by communication between leaders and members, and show that there is the form of evidence under 83.7(c)(1)(iii) that there "is widespread knowledge, communication and involvement in political processes by most of the group's members." There were several examples of this. There were not enough examples between 1976 to 1999 to conclude whether communication and involvement occurred on a regular basis.

The minutes between 1997 and 1999 provided several examples where EP council members indicated that they had received opinions from members about issues before the council, wanting to be kept informed about its actions. This is consistent with information from field interviews (BIA 1999) and with a complaint received by the BIA about the process of developing new EP by-laws (Strong and Dixon to Gover 1/17/1998). There were some mentions in the minutes which stated that members did not respond to or did not want to participate in an activity. This is

not persuasive evidence where there is evidence of membership interest, since members don't need to be supportive of every council activity for the group to meet the criterion. With a few exceptions, the minutes before 1997 did not show instances where there was a response from the members, as the petition states. There was little or no reference to expressions of membership opinion as influencing or being reflected in council actions before 1997. The evidence does not demonstrate that significant member-council communication on political matters has occurred except in the present-day.

The above does not mean there are not significant political processes occurring within the EP petitioner. The group is small enough, and closely related enough, to be supportive evidence for political processes. However, the meeting minutes in this case are a poor form of evidence, giving quite limited information. The absence of such information in the minutes does not mean that significant political processes were not occurring, only that relevant information may not have been recorded. The referenced petitioner interviews by Starna may have contained the appropriate information the petitioner relied upon in part. A limited review of the BIA interview data suggests that such processes occur and have occurred since the establishment of a formalized government in 1976.

Political conflicts within a group often provide useful information concerning the exercise of political influence, the importance of issues to the membership and the functioning of political processes such as communication. Such data has been used to demonstrate internal political processes in other cases (see Snoqualmie proposed and final determinations). The petitioner did not describe conflicts or claim conflicts as evidence for criterion 83.7(c) except with regard to the relationship between EP and PEP. BAR field interviews and some documentary materials obtained from EP members and the petitioner's files provide some evidence which suggests that in the past five years there have been several internal conflicts within the EP which mobilized substantial numbers of members in support of one or another side and which indicated issues of concern to the membership. However, under revised internal procedures for processing acknowledgment petitions, the available data was given only a limited analysis since the topic is nowhere raised by the petitioner. An analysis of this data and supplementary research may demonstrate substantial evidence for criterion 83.7(c) in this time period.

A detailed study of participation of individuals in the political process was not made for this decision as a means of showing criterion 83.7(c) was met. Such a study is one approach to demonstrating that criterion 83.7(c) is met (see Mohegan FD). The petitioner did not present a specific description or position concerning the extent to which individual members outside the leadership participated in the government or in political meetings, nominated candidates, or voted. While some records which contain information about participation were obtained from the Eastern Pequot office, BIA staff cannot be responsible for conducting research on behalf of the petitioner. EP should analyze these records and the participation reflected therein to interpret its own political processes.

*Annual Meeting.* Annual meetings have been held since the early 1970's. Burgess describes the first day of the annual meetings as for "tribal political matters, such as elections and other tribal business," followed by a powwow the following day (Burgess 1998, 11). The annual meeting is thus identified by the petitioner as a setting for significant political discussion. However, none of the minutes of annual meetings indicated that this was a venue at which significant political decisions were made and there was no other evidence submitted which would show significant political processes. By comparison, in the Snoqualmie, the annual general meeting is the decision point for major political decisions, particularly significant because political decision making goes beyond the actions of the council. Election of officers, which does occur at annual meetings, is not in itself good evidence for substantial political processes because holding elections is not an event which differentiates between a tribal and a voluntary social organization of otherwise unconnected individuals (see Miami FD).

*Factionalism Argument.* The petitioner asserts that the conflicts with the Paucatuck group, and with members of the Gardner family before that group was organized represent an instance of factionalism and is thus "evidence of the longstanding political reality of the Eastern Pequots" (EPNarr. 7/98, 121, 133-134).

The petitioner also contends that the dispute was not "factional" before the 1970's, because in their view, it was only a dispute between families up until that point in time (EPNarr. 7/98, 127). At that point, the petition concludes, the families that make up PEP separated from the tribe and organized as a distinct group. A review of the evidence indicates that this description is substantially correct, insofar as only certain families and individuals were involved in the disputes before the 1970's. Even in the 1970's, there was not, initially, the current alignment. In particular, the Jackson line descendants were then not aligned with the Gardners. It is not clear on the basis of the evidence in the record whether PEP is a "distinct group" in the sense of being a separate band altogether, or whether they still constitute a faction within the historical Eastern Pequot tribe. Given its position that there are two factions, the petitioner needs to provide more evidence and analysis of the interrelationship between the two current petitioners, demonstrating their Eastern Pequot ancestry and ties to the Lantern Hill reservation.

For a discussion of the activities of Helen (Edwards) LeGault which preceded the development of the CIAC representation controversy in 1973, see the proposed finding for petition #113. The original controversy over the appointment of Helen LeGault to represent the Eastern Pequot reservation on the CIAC was not between the Gardner and Sebastian families, but rather between the Gardner family and the Jackson family.

The letter appointing/electing Helen LeGault to the CIAC, dated July 17, 1973, was signed by twelve persons, all her close relatives (Authentic Eastern Pequot Indians of North Stonington, Conn. to CIAC, #35 Pet. LIT 70). The ensuing protest, dated September 26, 1973 (Brown to Wood 9/26/1973), was not initiated by the Sebastians, nor signed by any of the Sebastians. It was initiated by Arlene (Jackson) Brown, signed primarily by Hoxie/Jackson descendants, and

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presented to the CIAC by Alton E. Smith who, although a Sebastian descendant, was chosen for this function because he lived in the state capital, Hartford. Paul Spellman and Arlene Brown, both Hoxie/Jackson descendants, testified, but none of the Sebastians did. The CIAC, on December 4, 1973, came up with an interim measure by which Helen LeGault would serve as delegate and Alton Smith "as spokesman for the challenging group" as her alternate until "such time that a census of the Eastern Pequot people is completed, [when] an election will be held with participation in such an election based upon census information" (CIAC Minutes Amended Minutes of regular meeting 12/4/1973. [2]; #35 Pet. LIT 70).

In late 1975, Arlene (Jackson) Brown and her supporters were seeking an appointment with the Governor on the matter, with the assistance of the Mohegan factional leader John Hamilton (Richard R. Brown et al. to Hamilton, Grand Sachem Rolling Cloud 12/8/1975). A few months later, she strongly protested the impact of the CIAC measure to Governor Ella Grasso:

The situation is very tense and getting worst everyday, and the D.E.P. [Department of Environmental Protection] and the dept of welfare has given non-Indians permission to reside and build homes here. Our Indian coordinator, namely Brenden Keleher, refuses to cooperate with us in this respect. I am a Pequot Indian, born on this Reservation 67 years ago. I understand that all of my family as well as myself and the Spellmans, also Pequot Indians, their names have all been removed from the tribal rolls in Hartford and the word Negro substituted in place of Pequot Indian. I do know that they were on the rolls, when Mr. George Payne was our overseer, under the Dept of Welfare. I did not know that it was legal to change any birth records in Hartford or any other place. The state has in the last year or more, admitted five or six Portuguese familys on the Reservation and have them on the book or rolls as Pequot Indians. When Mr George Payne was our overseer, he would not give them permission to reside here because he knew they were non-Indians . . . (Arlene Jackson Brown, Harold C. Jackson, Ernest M. Jackson, Barbara [illegible], [illegible], Paul L. Spellman, Rachel Spellman Silver, [illegible] Silver to Ella Grasso 4/14/1976).<sup>122</sup>

At this point, Arlene (Jackson) Brown and her supporters were asserting that only the descendants of Rachel Hoxie were actually Eastern Pequot, denying both Tamar Brushell and Marlboro Gardner as qualifying ancestors (Confederation of the Mohegan-Pequot American Indian Nation and Affiliated Algonquin Tribes. A Petition to the Governor of the State of Connecticut 11/29/1976).

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<sup>122</sup>There is only one prior mention of George Payne in the documents, in 1962 submitted to the BIA. He seems to have been an employee of the Department of Welfare.

In the 1970's, the Jacksons displayed a limited amount of organization separate from both of the other larger kinship lines, a phenomenon which had not been addressed by either current petitioner. The evidence does not indicate that the Fagins/Watson (seven per cent of the current petitioner) and Fagins/Randall descendants were aligned politically with any group between 1973 and the later 1990's, although both had marriage ties to the Sebastians in the later 19<sup>th</sup> and early 20<sup>th</sup> centuries and maintained social ties with them as well.

There is no indication that the first initiative of opposition led by descendants of Tamar (Brushell) Sebastian was in any significant way associated with the earlier protest led by Arlene (Jackson) Brown. In August of 1975, several members of the Eastern Pequot Indians of Connecticut organization attended a CIAC meeting and were told that they should "organize the tribe before being recognized before the Council [CIAC]." In November 1975 and December 1975, the group scheduled two organizational meetings, which were followed in February 1976 by a meeting to approve by-laws. Following that meeting, in February, 1976 the Eastern Pequot Indians of Connecticut submitted a package of data to the CIAC (Eastern Pequot Indians of Connecticut 6/10/1977, 1-2).

In the spring of 1976, Roy Sebastian corresponded with the Department of Environmental Protection (DEP) regarding reservation issues. On April 26, 1976, William O. Sebastian wrote the CIAC asking why the group had received no acknowledgment of its March 13, 1976, submission, and questioning the dual role of Helen LeGault in both representing the Eastern Pequots as a whole and organizing her own group. It also made the first reference to the CIAC's scheduling of a hearing on the Eastern Pequot membership issue: "We are questioning your reasons for a public hearing without a formal charge or challenge to this organization" (W.O. Sebastian to Harris and Keleher 4/26/1976; #35 Pet. LIT 70). At close to the same time, he must have addressed a similar letter to Helen LeGault, for her May 15, 1976, reply stated:

In answer to your letter of April 1, 1976, I shall start by stating that I am the Representative of the Eastern Pequots, elected legally by twelve Pequot Indian decendents [sic], not by the Indian Affairs Council. It really doesn't make a great deal of difference whether you reconize [sic] me as such or not, I'm still the Representative' . . . To keep you informed of all the correspondence pertaining to Tribal Business etc; one would spend one's time doing nothing else, sorry, but you will have to attend the Council meetings at Hartford each every [sic] month to be properly informed, this is what I do (LeGault to W.O. Sebastian 5/15/1976; #35 Pet. LIT 70).

One of the primary concerns expressed by the groups which opposed Helen LeGault's position on the CIAC was that on the one hand she was supposed to be representing the Eastern Pequot tribe as a whole, in an official capacity in which she received official communications from state authorities, including those pertaining to membership issues, while on the other hand she was

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leading the specific organizational efforts of the "Authentic Eastern Pequot" and its successor groups.

Both petitioners submitted extensive documentation which was initially prepared for a series of hearings held by the CLAC in the 1970's and 1980's concerning Eastern Pequot membership, and also extensive documentation associated with the litigation that resulted from these hearings. The purpose of the proposed finding is not to provide a history of the CLAC or its policies, or a history of the litigation. When the documentation was relevant to the mandatory Federal acknowledgment criteria under 25 CFR Part 83, the proposed finding has taken it into account.

On September 14, 1976, between the holding of the first CLAC hearing on Eastern Pequot membership eligibility in August 1976 and the issuance of the November 1976 decision (see discussion below), the Sebastians filed a lawsuit challenging the position of Helen LeGault as the CLAC representative for the Eastern Pequot reservation (Eastern Pequot Indians of Connecticut v. Helen Legeault [*sic*] et als. New London County (at Norwich) Superior Court 9/14/1976). Newspaper coverage stated:

The lawsuit resulted from an 150-year old struggle in which two factions of the tribe have been at odds over whether one side which has habitually married blacks and Portuguese is as equally Eastern Pequot as one side which habitually married whites," said Lawrence Sebastian of Lantern Hill Road, North Stonington, one of six related plaintiffs (Sierman, Patricia. Pequot Indians Suing State for Representation, *Hartford Courant* 9/4/1976).

This contention represented a certain amount of hyperbole: aside from one oral interview referring to events in the interviewee's childhood or, possibly, predating her birth (Moore 1991), there is no evidence in the record that the "struggle" predated the activities of Atwood I. Williams in the early 1930's, so it was more like a 45 year old conflict. Mrs. LeGault, on the other hand, said for publication that, "she believes the six plaintiffs, all members of the Roy E. Sebastian family of New London, are trying to get her to move from the reservation . . ." (Sierman, Patricia. Woman Named in Lawsuit Defends Appointment to Panel, *Hartford Courant* 9/5/1976). "Of the Sebastians, she said, 'They're only exposing their own questionable backgrounds for scrutiny, and I'm confident that their claim to Indian citizenship will be determined false before this is all over'" and alleged that the Sebastians were attempting to win control over the tribe's funds held by the state (Sierman, Patricia. Woman Named in Lawsuit Defends Appointment to Panel, *Hartford Courant* 9/5/1976). The attorney representing the plaintiffs stated: "We don't want to make Mrs. LeGeault leave either the reservation or the Indian Affairs Council, we just want to get her to recognize that the Sebastians are actually Eastern Pequot Indians" (Sierman, Patricia. Woman Named in Lawsuit Defends Appointment to Panel, *Hartford Courant* 9/5/1976).

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On April 14, 1977, the CIAC issued a second decision, which continued the prior finding that Marlboro Gardner was a full-blood Eastern Pequot, but found that Tamar (Brushell) Sebastian was only one-half Eastern Pequot. According to a later statement by PEP chairman Raymond Geer, only three members of the Sebastian family were eligible to vote in tribal elections under this ruling (Salvage of Pequot Elections Dubious, *The Sun*, Westerly, Rhode Island, 2/14/1984); PEP #113 Pet. 1994 A-6). The Sebastian family objected strenuously to this modification of the November 1976 decision. On May 10, 1977, the Sebastian group filed a lawsuit against the CIAC (Roy Sebastian, William Sebastian, et al.) and on June 10, 1977, Roy Sebastian, on behalf of the Eastern Pequot Indians of Connecticut, wrote the Governor of Connecticut requesting an investigation of the CIAC, attaching a supporting narrative statement.

The next stage of the developments at the CIAC cannot be understood without a discussion of an initiative undertaken by PEP. In the summer of 1982, the PEP tribal council undertook to eject the EP members who resided on the Lantern Hill reservation. As PEP Chairman, on July 23, 1982, Raymond Geer signed letters to this effect, which were sent to all members of the other group. EP strongly protested this attempt to remove them from the reservation to the CIAC. The CIAC considered the matter in August and September. In November 1982, EP requested that CIAC cease disbursing all funds to the reservation until the matter of the CIAC seat had been resolved (R. Sebastian and W. Sebastian to CIAC 11/3/1982). On November 11, 1982, CIAC issued notice of a public hearing to be held on November 21 (CIAC 11/11/1982).

After six years of conflict, CIAC issued another decision on Eastern Pequot tribal membership eligibility on March 12, 1983. It cited the statutes and administrative regulations that "empower the CIAC to decide challenges to individuals who profess to represent the tribe to CIAC" (CIAC, Eastern Paucatuck Pequot Decision, 3/12/1983, 1).

One of the first questions the CIAC has attempted to answer is whether or not there is evidence of a clearly defined, equitable and justly administered practice and usage for determining membership in the Eastern Paucatuck Pequot tribe. Further, there must also exist evidence that such practice and usage attempted to include all eligible members of the tribe and that such practice and usage was duly submitted and received by the CIAC (CIAC, Eastern Paucatuck Pequot Decision 3/12/1983, 1).

CIAC, concluding that the above conditions had not been met, while conceding that it had received numerous submissions, concluded that as of the time of the challenge, December 7, 1982, there was no qualifying practice and usage and stated: "Further, given the absence of a tribal practice and usage for determining membership the CIAC will determine the eligibility and eligibility criteria of members of the Eastern Paucatuck Pequot tribe" (CIAC, Eastern Paucatuck

Pequot Decision 3/12/1983, 1).<sup>123</sup> It was in accordance with the standards set by this CIAC document that the 1984 "Proposed List" was formulated<sup>124</sup> and the two groups attempted to work out a compromise in late 1986<sup>125</sup> and early 1987. The first version of the proposition provided:

1. There shall be a mutual recognition and merger of both tribal bands into one autonomous and sovereign tribal body;
2. There shall be a mutual recognition of both tribal councils with regard to their respective tribal entities and during the transition to a full merger with both tribal councils shall be mutually recognized as representing with authority their respective tribal bands for purposes of carrying out the provisions of this agreement.
3. With respect to pending litigation regarding the representative of the tribe to the CIAC, . . . the lawsuit to be resolved pursuant to this agreement: this agreement to be substituted for the 1983 CIAC decision, and each council to appoint a CIAC representative, the two to work in concurrence;
4. Committee comprised of at least two representatives of each group to draft a new constitution (Eastern Pequot Indians of Connecticut. Proposed Agreement and Resolution between the Paucatuck Eastern Pequots and the Eastern Pequot Indians of Connecticut (#35 Pet. INTERNAL, n.d. [c. December 1986 or January 1987])).

On January 30, 1987, a revised version of proposed merger agreement addressed council terms, officers; bylaws, to pursue Federal recognition, housing, economic development; roll and genealogy will be submitted by both tribal bands and reviewed for accuracy by the tribal council: "Descendancy will be the determining factor," provision for amendment (#35 Pet. INTERNAL). While a number of EP members had questions (K. Sebastian-Sidberry to Eastern Pequot Tribal Council 2/10/1987), it was the opposition of petitioner #113 which scuttled the proposal,

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<sup>123</sup>A supposed CIAC decision dated 1985 was referenced in a March 6, 1987, memorandum from Paulette Crone to CIAC. Neither #35 nor #113 apparently included a copy of this "decision" or of the CIAC minutes for December 3, 1985. The record does not contain the letter of Ray Geer of 1/13/1986, and the CIAC decision about that letter of January 13, 1986, referenced in Crone's memorandum. The Geer request was referenced in the EP minutes for February 8, 1986 (#35 Pet. INTERNAL).

<sup>124</sup>This list, in accordance with the 1976 and 1977 CIAC decisions was narrowly based, containing only descendants of Marlboro Gardner and Tamar Brushell--no Jacksons, no Fagins, and no descendants of the other marriages of Eunice (Wheeler) Gardner unless they also, by intermarriage, descended from Marlboro Gardner.

See also: 12/1/1985, Campisi, Jack. Memorandum to Richard Dauphinais re: Report on the Tribal Status of Tamar Brushel; letter from Richard Dauphinais to Raymond Geer 2/5/1986, stating that NARF [Native American Rights Fund] cannot represent PEP because of the unresolved Sebastian issue.

<sup>125</sup>Royal Sébastian explained to John Perry, the proposed merger of the two (2) tribes into one (1) . . . "Met with Ray Greer [sic] on August 13, 1986 - We are talking and cooperatin [missing on margin] we will give up power by merging" (#35 Pet. INTERNAL, EP Minutes 8/31/1986). Further discussion in EP Minutes 10/6/1986, 11/30/1986, 12/8/1986.

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resulting in the resignation of Raymond Geer as PEP chairman in February 1987.<sup>126</sup> Since the failure of this initiative, conflict between the two groups has continued, with continuing litigation and interim court decisions.<sup>127</sup>

The petitioner presents a definition of factionalism, quoting a standard work by anthropologist James Clifton, as follows: "Factionalism is 'a type of overt conflict within a given social system' where traditional control mechanisms fail, and the dispute 'continues unresolved and unregulated' (Clifton 1972, 186)." This definition is consistent with that used in previous acknowledgment findings (see Tunica-Biloxi PF, Samish FD 1987, Miami FD 1992). In those findings, it was noted that factional conflicts provided evidence for significant political processes. However, the petitioner has presented no evidence, and the evidence in the record does not allow a full evaluation of whether the EP/PEP conflicts since the 1970's have been occurring within a single political and social system or between two independent groups. A factional dispute is effectively an uncontrolled, persistent conflict for power between relatively permanent divisions within a single political system, not a conflict for power between two groups which are not connected. The evidence before the Department at present is not sufficient to determine whether or not the two petitioners are part of a single social system.

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<sup>126</sup>The state Appellate Court has ruled that a long-running dispute between the Paucatuck Eastern Pequot Indians and the Eastern Pequots must go back to Superior Court for consideration." . . . "The appeals court said that because the Indian affairs council decision overturned the Paucatuck Pequots' government, they were entitled to appeal." "The Paucatuck Pequots have satisfied the court that they were aggrieved by the Indian . . . council's decision because they have shown that there is a possibility that a legally protected interest, tribal member status, has been hurt, according to the appellate court.

"My interest is not to keep the Sebastians from being members,' said Ray Geer, the former tribal chairman of the 100-member Paucatuck Pequots. He said the state has overstepped its ground by interfering in tribal government." "He said he resigned as tribal chairman because he refused to keep fighting the Sebastians." "I had to resign to let the tribe do . . . ." "Agnes Cunha, the Paucatuck Pequot's present tribal chairman, said the group will meet to night. 'We want to settle the case once and for all,' she said. 'This is ridiculous.' 'They are not Indians,' she said, referring to the Sebastian group" (Rosenbush, Steve, "Court to hear tribal dispute," [unidentified, undated newspaper article, probably *New London Day* 3/28/1989, B1, B6, data missing on top margin of second page], #113 Pet. 1994, A-6).

<sup>127</sup>In regard to the March 1989 decision, the Appellate Court "found that the Superior court had erred when it ruled the Paucatuck Pequots had no grounds to appeal." "However, former Paucatuck Pequot Tribal Chairman Ray Geer said Tuesday that his intention in bringing the suit was not to deny membership to the Sebastian faction, but to reserve the tribe's right to decide who its members are." "My interest is to uphold the sovereign rights of the tribe,' said Geer. 'The state has no business telling the tribe who its members are.'" "Geer resigned as tribal chairman two years ago in frustration over the membership dispute. He broke with a majority of tribal members when he argued that opposition to the Sebastians should be abandoned." "Tribal chairman Agnes Cunha said this morning she doubted the Sebastians would ever be allowed into the tribe" (Fitts, Deborah. 1987 Decision Reversed. Tribe Wins Court Ruling. *The Sun*, Westerly, Rhode Island c. March 1989; #113 Pet. 1994 A-6).

## EASTERN PEQUOT INDIANS OF CONNECTICUT: PROPOSED FINDING - SUMMARY CHART

### **CRITERION B - A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

**Summary of the Evidence:** This petitioner, or the historical Eastern Pequot tribe, the predecessor group from which it evolved, has been in sustained contact with non-Indian settlers since the 1630s — a period of 370 years. The historic Eastern Pequot tribe was located in southeastern Connecticut, in the geographical region of New England. This is a location in which, since colonial times, a substantial number of written records, whether colonial or local, state or Federal, civil or ecclesiastical, have been both generated and preserved. The materials submitted in evidence for this petition are extensive, but not comprehensive.

The regulations provide that, “(i) *immunity* must be understood in the context of the history, geography, culture and social organization of the group.” (25 CFR 83.1). In prior decisions pertaining to New England tribes indicated that for the time span from the colonial period to the 19<sup>th</sup> century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather was evaluated much more briefly, and generally, under the provisions of the definition of community in 83.1. For the earlier period, it did not make sense to divide the documentation by decades, but rather by much broader developmental stages. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations:

... saw this revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden. A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here. ... further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account. (59 FR 38, 2/25/1994, 9287).

The relevant language in 83.6 follows:

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time. ... (83.6(e))

The isolated documents must also be interpreted in light of the general continuity of the tribe in the context of continuous state recognition from colonial times and the existence of a continuous reservation since colonial times:

The charts for criterion 83.7(c) are not complete for the period subsequent to 1973.

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1620-1637	<p>(83.1) Williams, Complete Writings; Winthrop Papers 3; Gookin 1792; Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Starna 1990; O'Connell 1992; Gunnell 1995; Bragdon 1996; Cave 1996; McBride 1996</p>	<p>Historical narratives, mainly by modern anthropologists, pertaining to Colonial contact with the Pequot prior to the Pequot War of 1637-1638, and giving limited information, only from an external viewpoint, concerning the aboriginal community.</p>	<p>"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)                  "Although the tribe remained strong culturally and politically, it gradually declined in size and political strength through epidemics and conflicts with other tribal groups" (Narraganset PF 1982, 1). "The Mohegan suffered a drastic population decline during the early period of European contact, perhaps as much as 93 percent by 1650" (Mohegan PF 1989, 2)</p>	<p>Precedent does not require detailed information concerning the internal community of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods</p>	<p>This meets (b) for the undifferentiated historic Pequot tribe as a whole; predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637.</p>

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1637-1677	<p>(83.1) Potter 1835; Hoadly 1850; Denison 1878; Chapin 1931; Haynes 1949; Winthrop Papers 1949; Williams 1963; Pulsifer 1968; Schr 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; Winthrop Papers 1992; Vaughn 1995; Papers of John Winthrop 4; Acts of the Commissioners of the United Colonies. Almost the entire body of 17<sup>th</sup>-century historical data submitted in connection with this petition is in some way relevant to the topic. See in particular the Connecticut Indian Papers</p>	<p>Historical records and narratives indicating that by decision of the colonial authorities, the Pequot as a whole were subjected to the Mohican and Narragansett after the Pequot War (1637-1638), and specifically that the future Eastern Pequot band was made tributary to the Eastern Niantic (to 1655). Historical records and narratives indicating that for an extended period of time, the Eastern Pequot band (under the governorship of Harmon Garret from 1655 to 1677 and of Monhele from 1678 to 1695) was under supervision of the colonial authorities; and that the Eastern Pequot reservation was under the direct administration of Connecticut (1683-1989), first as a British colony and then after the American Revolution, as a state.</p>	<p>"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohican maintained a cohesive, albeit continually declining, Indian community on an ever-shrinking land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohican PF 1989, 2). "In the early contact period, i.e. the 1600's, the Miamis consisted of a series of independent tribes of related peoples: The largest of these, the Crane tribe, which numbered several thousand people, evolved into the historic Miami tribe during the early 1700's. Bands within the tribe were more or less composed of families related to the village chief, plus additional attached followers Villages of from 50 to 200 people were the primary settlements" (Miami PF 1990, 3)</p>	<p>Prior findings re: tribes which have received positive Federal acknowledgment decisions did not address in detail the evidence available from the early 18<sup>th</sup> century or classify it into the categories detailed in 83.7(b)(1)(i)-(ix). The nature of the historical record does not make such an enterprise possible. This very succinct summary is less succinct than those in prior findings (see precedent column) and is the result of detailed analysis of the material from the early period to 1685 by the BIA research staff (see draft technical report, pages 9-127). The material after the 1685 establishment of the Lantern Hill reservation will be discussed in more detail in later portions of this chart</p>	<p>This meets (b) for the historic Pequot tribe and for the historic Eastern Pequot tribe as one of its successor entities.</p>

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1678-1685	(83.1) Sales 1759; Trumbull 1852; Trumbull 1859; Hurd 1882; Wheeler 1887.	Historical records and narratives concerned with the purchase and survey of "a tract of land that may be suitable for the accommodation of Monohoe [sic] and the Pequots with him in those parts, as commodious as may be" (Trumbull 1859, 81-82). Purchase of the Lantern Hill tract from Isaac Wheeler of Stonington, Connecticut (Trumbull 1859, 117n).	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "In the Tunica-Biloxi case there was a separate territory, exclusively occupied or utilized by part of the tribe" (Miami FD TR 1992, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	Several prior tribes evaluated by the BIA (Narragansett, Mohegan, and Gay Head) all retained remnants of aboriginal land, as exemplified by: "An area approximately corresponding to the Charlestown township was specifically defined in a 1709 deed by King Ninigret, which ceded all other areas claimed by the tribe" (Narragansett PF 1982, 9). However, the data concerning the purchase of land for "Monohoe's band," land which fell within the aboriginal territory, shows the existence of a continuing group at this date at a level which falls within the general precedents expected for the colonial period.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.
1678-1735	(b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name	(83.1) Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 809	May 13, 1678, petition by Monohoe and the Pequots to the Court of Election at Hartford: "That they may have land assigned to them as their own to plant on, and not that they be always forced to hire ... Minutes of Committee for hearing Indian complaints; Indians 136 (Trumbull 1859, 8n)	Generally, all of the evidence of the petitions, etc. for the colonial period through the end of the 19 <sup>th</sup> century applies in some measure to showing the existence of this form of evidence	

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1694-1701	(b) McBride 1996, 88; Connecticut Records, 11 <sup>th</sup> Series 111-44; IP 1-4; Hoadly, 1868, 202, 280; Winthrop Papers 147.	Series of petitions and other documents from the Western Pequot requesting that Momoho's son succeed Cassactamon and Daniel as governor of the Western Pequot.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	The May 9, 1723, petition by the Eastern Pequot addressed the number of members of the reservation descended from Momoho and his men (more than 130); the rate at which children were bound out to English families for education and the age at which their indentures ended, and the need for fertile land for planting. All of these issues reflected a functioning community.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.
1695-1700	(b) Hoadly, 1868, 140-141, 326; Col. Rec. 4:326.	Documents concerning the succession to Momoho among the Eastern Pequot.			
1722-1723	(83.1); (b) IP, series 1, Vol. 1, Doc. 73; Bassett 1938; IP, series 1, Vol. 1, Doc. 74; CSL Towns & Lands, Series 1, Vol. 3, doc. 227 a b; CSL IP, Loose Index, Doc. 22 a b, IP 2 <sup>nd</sup> series Vol. II, Doc. 23.	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the provisions of Isaac Wheeler's will regarding the land he had sold for the Lantern Hill reservation, signed by Momoho's widow and other councilors "in behalf of ye rest of Mo-mo-hoc's men & their posterity."		Prior findings re: tribes which have received positive Federal acknowledgment decisions did not address in detail the evidence available from the early 18 <sup>th</sup> century, or classify it into the categories detailed in 83.7(b)(1)(i)-(ix). The nature of the historical record does not make such an enterprise possible. For a detailed survey of the material available in this instance, see the draft technical report, pages 128-145.	

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1713-1714	(83.1) Description by visiting missionary (#35 NARR 1998, 37, citing Mayhew 1896, 97-127)	Experience Mayhew, minister and missionary from Martha's Vineyard, visited the Stonington Pequots; spoke to them through an interpreter, but made no converts	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 <sup>th</sup> and early 18 <sup>th</sup> centuries, a large body of the tribe was converted in the 1740's. . . ." (Narragansett PF 1982, 2)	The description is external rather than internal, but indicates that the Lantern Hill Pequots were an identifiable community, had an "old powwow (the Pequot name for shaman or priest) [who] argued with Mayhew in an attempt to discourage other Indians from hearing his message," and were an interested but unresponsive audience	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.
1720s-1770	(83.1); (b) Potter 1833, 171-174, Wheeler 1886-1887, Chapin 193 (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	All data concerning Indian genealogy of southern New England prior to first sustained contact with non-Indian settlers and during the early contact period indicated that at least the ruling families of the Pequot, Mohegan, Narragansett, Eastern Niantic, Western Niantic, and Montauk sustained a regular practice of patterned out-marriage, while there were early occurrences of marriage into other tribes on the geographical margins of the southern New England region (Wampanoag, Massachusetts, Nipmuc, and Connecticut River Indians)	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	There are indications in the 18 <sup>th</sup> century records, although the documentation is not sufficient to analyze specific rates, that the population of the Lantern Hill Reservation did not constitute an endogenous group in the early and mid-18th century, but intermarried with neighboring Indian tribes including, in spite of later anecdotal evidence to the contrary, the Mohegan. However, this did not constitute an innovation. In the cultural context of the region, therefore, the persistence of intertribal marriage did not constitute a change which would bring the persistence of the identity of the individual tribal groupings into question	Does not negate the existence of (b).

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1740-1750	(83.1); (b) Church records of various types	<p>On August 13, 1742, Rev. Joseph Park of Westerly, Rhode Island, who was serving as missionary to the Narragansett Indians, was ordained as minister of "the Presbyterian or rather Congregational Church of Christ in Westerly" by Rev. Nathaniel Estlin of Stonington and Rev. Joseph Fish, of North Stonington, "who in a limited measure favored the revival, but were displeased with itinerant ministers, and particularly with Mr. Davenport." In less than two years, more than 60 Indians became members. A separate Indian church (Narragansett church) was founded in 1750 (Danson 1878: 68-69). DeForest stated that in 1743, during the great revival, a number of converts were made among the Stonington Pequots and several of them paid a visit to the Narragansetts of Westerly and Charleston (DeForest 1964, 430, no citation). The petitioner stated that, "Manuscript records of baptisms and marriages show that the First and Second Congregational Churches of Stonington attracted numbers of local Indians in the years following the Great Awakening, but the Strict Congregational or Separate Church attracted the largest Indian following" (#35 NARR 1998, 37)</p>	<p>"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17<sup>th</sup> and early 18<sup>th</sup> centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).</p>	<p>See Table III. The number of individual Indians who accepted baptism and were admitted as church members (these two actions were not equivalent to one another) accelerated greatly during the early 1740's, although some continued to pertain to families that had been mentioned in the preceding decade. As in the earlier period, some names cannot be identified by tribe.</p>	<p>On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period</p>

Eastern Pequot Indians of Connecticut: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1740-1785	(83.1); (b) Civil records of various types (the binding out of children, military enlistments, employment contracts, etc.)	Documents showing a significant off-reservation Indian population in the Stonington area. See the draft technical report for details.	"In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west... (Narragansett PF 1982, 9). "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head... (Gay Head PF 1985, 2)	See draft technical report, Table 2, Tabulation of Identified Eastern Pequot Population, 1722-1788. John Quinups, who had resided in Preston during the 1740's, returned to the Lantern Hill reservation and signed petitions concerning replacement of the overseers in the mid-1760's. This phenomenon must be interpreted in the light of other available data concerning the reservation community, including the binding out of children to English families for education, and the reference in the 1749 petition to the dispute between the arguments of English settlers for tight limitations on reservation rights as compared to the Indians' own argument that other Indians had rights there also.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.

Eastern Pequot Indians of Connecticut: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1749-1751	(83.1); (b) CSL IP Vol 2, Doc 40; Hoadly 1875, 9, 446; Bassett 1938; IP 1 <sup>st</sup> series, Vol. II (A), 51-54, 65; IP, II, Doc 42 a, 50; Hoadly 1876, 574; Hoadly 1877, 18 (#113 Pat 1994, STATES A-2); IP series 1, II, 50-52	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the efforts of non-Indians to claim the Lantern Hill land, from "Mary Mo mo har, Sanson-Sokient & all Indian Natives of ye Tribe of Momohor ". In 1749, the petitioners protested, on behalf of themselves and the remainder of the Indians on the reservation that within the past 18 months various persons had "frequently in a great variety of Ways & Manners grievously molested & interrupted them in their sd Occupation the numerous Instances whereof are too tedious here to be enumerated. . . ."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2)	The complaint reflected the existence of an ongoing residential community of Eastern Pequot Indians on the Lantern Hill reservation. The record reflects an apparent difference of opinion between non-Indian local authorities and the Indians over who had rights on the reservation. Some local settlers argued that only direct descendants of Momoho and the Pequots over whom he had served as governor were entitled, which may have led to the number of 38 individuals, mostly women and children, mentioned in the 1749 report. The Indians, however, did not believe that this strict limitation should be applied, "and there are many More who Claim a right, yet The English dispute it" (IP, Series 1, II, 50-52) Although not distinctly stated, the Indians' argument seems to have been that the much larger group of Pequot descendants resident in the general area of New London County, had some rights to the reservation. These probably included those who had been under Harmon Faircl, and who had remained with Faircl's son Calapesset after his death rather than following Momoho.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1763-1766	(83.1); (b) IP, II.250.1; I.120; Hoadly 1881, 276; II, first Series (B), 347; Hoadly 1881, 526	1763, appointment by Connecticut of Israel Hewitt, Jr. of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill Reservation, May 1764, change in appointment of overseers "upon the memorial of" 11 named "Pequot Indians living at Stonington, in behalf of themselves and the rest of said Pequots, . . . . . October 6, 1766, petition of the "Indian inhabitants of the Town of Stonington" (nine signers) requesting replacement of Ebenezer Backus as overseer by Dr. Charles Phelps of Stonington; appointment of Phelps by the General Assembly in response to the petition.	"Community" must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	The presentation of the petition reflects the continuing existence of an identifiable tribal community. The reservation was at this time in the jurisdiction of the Town of Stonington, that of North Stonington not yet having been separated from it. There is no requirement that all members of the community sign such a petition.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.

Eastern Pequot Indians of Connecticut: Criterion (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1757	(83.1): (b) Missionary efforts of Rev. Joseph Fish among the Eastern Pequot (#35 Pet. Narr. 1998b, 37; #113 Pet. 1996, HIST DOCS III, Doc. 88)	to the Hon & Revd Commissioners for Indian Affairs in Boston. In this society about four miles from my Dwelling house and Three from our meeting House there is a small Indian town consisting of Sixteen Houses & Mywams: in which there are seventy One persons great & Small, which are One Branch of the Pequot Tribe. Brethren of those in Groton I formerly preached to them, at times, and have lately revived my Labours among them. Lecturing once a Fortnight which I purpose to continue as long as it appears to be the Will of Providence They have hitherto given a very Gentle and serious Attendance - Profess Satisfaction and a desire of further Instruction. They have Twenty One Children of a Suitable Age to be put to School and the parents are very desirous of having them taught to read and write in order to . . . it is necessary, that they should have a School Master residing among them but they are poor and altogether unequal to . . . charge of a school. (#113 Pet. 1996, HIST DOCS III, Doc. 88)	Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 <sup>th</sup> and early 18 <sup>th</sup> centuries, a large body of the tribe was converted in the 1740's. . . . (Narragansett PF 1982, 2)	The Fish material is useful throughout as describing the Eastern Pequot of the 1770's. His diary and correspondence indicate the continuing existence of a historical Eastern Pequot community on the Lantern Hill reservation in the period 1757-1773 (see also Table III)	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1758-1760	(83.1); (b) Missionary efforts of Rev. Joseph Fish among the Eastern Pequot (#35 Pet. Narr. 1998b, 38; citing Fish 1960).	Fish requested support for a school "As the Indians above have increased from 7 or 8 houses to 16 within five of Six Years past So they are still growing. Two or Three Families more with eight or Ten Children are Coming to Join yr Brethren this Spring wch I forgot to Observe in its place ----" (#113 Pet. 1996, HIST DOCS III, Doc. 88). On February 22, 1758, Edward Nedson, an Indian, began to teach school in his own house at Stonington (Love 1899, 198-199). In 1760, Joseph Fish wrote to Andrew Oliver that "some of the children read very handsomely; and if I can keep the school up, among them (which I find pretty difficult by reason of their strange disposition) I doubt not but numbers of them will in due time get well acquainted with the word of God I am going on with my lectures; and have considerable encouragement, as the women and children (hear about 30, commonly) attend and behave very decently the men are, numbers of them, dead in the [Seven Years] wars, several of them in the army this summer, so I have but few male hearers at present" (#35 Pet. Narr. 1998b, 38, citing Fish 1960).	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 <sup>th</sup> and early 18 <sup>th</sup> centuries, a large body of the tribe was converted in the 1740's. . . ." (Narragansett PF 1982, 2)	The Fish material is useful throughout as describing the Eastern Pequot of the 1770's. His diary and correspondence indicate the continuing existence of a historical Eastern Pequot community on the Lantern Hill reservation in the period 1757-1773 (see also Table III)	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1762-1773	(83.1); (b) Missionary efforts of Rev. Joseph Fish among the Eastern Pequot (#35 Pet. Narr. 1998b, 37-#113 Pet. 1996, HIST DOCS III, Doc. 88).	In 1762, Fish wrote: "... the Number of Indians attending, at different Lectures, is various. Sometimes a number of them was either hunting, or at a distance upon their needfull Occasions, or at home Sick, Lame, etc. While some, indeed, were absent, through sloth and Carelessness. But the principal Cause, I apprehend, has been their great Fondness for the Indian teachers and their Brethren, (Separates.) From the Narragansetts, who were frequently, if not constantly, with Our Indians, or in the neighborhood, the same day of My Lectures, unless I purposely shifted the Time. For these Narragansetts would but Seldom think it proper to hear me. Which tended to Scatter my Indians. ... (Fish 1962) (Simmons and Simmons 1982, xxviii) [footnote added]	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 <sup>th</sup> and early 18 <sup>th</sup> centuries, a large body of the tribe was converted in the 1740's. ..." (Narragansett PF 1982, 2).	Fish paid Edward Nedson to teach until Nedson's death in 1769, at that time there were about 25 children of school age (#35 Pet. Narr. 1998b, 38-39). On December 16, 1771, Fish spent the whole day at the Indian town. His diary contained a description of the events, focusing on the need to locate space for the school, and the amount of contributions promised by various of the Indian families and arrangements for providing school space in the home of a tribal member, as well as arranging for contributions to the needy.	Meets (b) for the later 1760's and early 1770's

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1775-1800	83.1 Lynch 1998a; Grabowski 3/15/1999.	The third parties implied that the adherence of several Eastern Pequot families to the Brothertown movement, resulting in their migration to New York and, ultimately, to Wisconsin, dissolved tribal relations. The first migration to the Oneida country took place on June 19, 1775, and consisted of 10 Mohegans, 20 Narragansett, 17 Pequots, 13 Montauks, and 5 Nehantics. . . . (Lynch 1998, 5-25; citing CPR XIV:314; see also citation to Papers: Sir William Johnson XIII:683-684). The petitioner responded (Grabowski 3/15/1999, 10).	"Between 1775 and 1800, a significant body of Narragansetts broke with the tribe and joined the intertribal Brothertown movement. . . . Additional Narragansetts emigrated to the community at intervals as late as the 1840's" (Narragansett PF 1982: 2).	In May 1784, a number of Christian Indian families sailed from New London, Connecticut, for Albany, New York, on their way to Brothertown (Otery and Otery 1989, 45; Stone 1993, 59). In May 1789, Rev. Sanson Oecorn and his family removed to Brothertown (Otery and Otery 1989, 46). There is no indication that any significant number of Eastern Pequot families removed to Brothertown during this five-year period. Some did remove to Brothertown during the overall time period between its establishment and the Civil War. These relatively few identified families have been noted on Table 3 in the draft technical report.	The participation of some members of the Eastern Pequot in an intertribal movement does not negate (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1788-1820	<p>(83.1) Burley, 1965, 2. IP II:252, 252b, 253; typescript IP. II. First Series (b), 349, 351.</p> <p>(b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.</p>	<p>Petition from "us the Subscribers Indians of the Pequot Tribe in Stonington" pointing out that for several years they had been "destitute of an overseer by reason whereof they have suffered very great inconvenience. . . . The inconveniences including the absence of assignments of proportionate shares for such necessary community functions as maintaining the poor and keeping up the "outside fences."</p>	<p>"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)</p> <p>"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).</p>	<p>The Indians added that in choosing an overseer, "We must be supposed to know who are friendly or, at least who we are willing to place confidence in. . . . By implication this indicates that the Indian population constituted a group who consulted with one another and reached a consensus on items of interest to them</p>	<p>On the basis of precedent, this material is adequate to meet (b) for a tribe during the early Federal period</p>
1804-1820	<p>(83.1) IP 2<sup>nd</sup>, II:107, 107b; Lipson 1986, 48n29; IP 2<sup>nd</sup> I:109, 109b; IP 2<sup>nd</sup>, I:110, 110b</p>	<p>Appointments of overseers, May 1804, October 1808, May 1814; May 1819, May 1820</p>	<p>"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)</p> <p>"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)</p>	<p>The appointments provide no data concerning internal conditions in the Eastern Pequot community, although they provide some data concerning the background of tribal continuity</p>	<p>The appointments do not meet (b) for 1804-1820</p>

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1800	(83.1) IP, 2 <sup>nd</sup> , II:105-105b; 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389; Lynch 1998a, 5:24, 5:26	May 6, 1800, petition from the Indians of the Lantern Hill reservation pointing out that non-Indians were infringing on the reservation, their overseers were elderly men, one of whom lived some distance away, and requesting relief. In response, the May 1800 session of the General Assembly appointed Latham Hall to replace Stephen Billings.	"Narragansett marriage to Non-Indians, black and white, became an issue in the 19 <sup>th</sup> century. . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian. . . ." (Narragansett PF 1982, 3)	The third parties argued that such a petition indicated a loss of tribal relations (Martin and Baur to Fleming 12/15/1998, 5), but cited in support a similar petition filed by the Mohegan Indians in 1778 (Lynch 1998a, 5:27). The Mohegan tribe has been recognized through the 25 CFR Part 83 process. Contrary to the third parties' argument, a protest from the tribe itself against infringements on its lands by the local non-Indian population clearly reflects the existence of an ongoing tribal community, rather than its absence.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the early Federal period.
		Assertion by the third parties that if a surname appeared in Mohegan, Mashantucket, Narragansett, or other tribal data as well as in Lantern Hill records, this signified that the family in question should not be identified as Eastern Pequot.		The 25 CFR Part 83 regulations specifically allow for the movement of individuals and families between tribes, while patterned outmarriage with other tribes is interpreted as evidence in favor of community.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1815	(b) IP, 2 <sup>nd</sup> I, 18, 19, 20 (#113 Pet. Narr., Exhibit N, #113 Pet. A-2).	Petition of Eastern Pequot, Western Pequot, and Mohegan overseers; May 6, 1815, co-signed by numerous non-Indian neighbors, to the General Assembly concerning schools for the Indian Children of Groton and Stonington. The petition stated that there were about 29 or 30 Stonington Indians in all, with 19 or 11 children. It stated that there were 14 "heads of families" at Stonington, but actually listed only seven, with two adults per household. These heads of families were: Samuel Shelly, Barrett [?], Shelly, Crus Shelly, James Nead, Isaac Fagins, Polly Johnson, Nabby Hugh.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).  No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the early 19 <sup>th</sup> century.	The petition provided some descriptive data concerning the nature of the community at the time (number of adults, number of households, number of children, number of poor), but was signed by the overseers only and did not give any indication that it was submitted at the wish of the Indians of the Lantern Hill reservation themselves. It thus does not meet 83.7(b)(2)(iii), but does contribute to meeting (b) in the early 19 <sup>th</sup> century when taken in conjunction with other items in the record for the same period.	This meets (b) for 1815 in conjunction with other items in the record.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1820	(83.1); (83.7)(2) Timothy Dwight, <i>Travels in New England</i> , 1822.	Letter IV. Stonington Description of his own visit to the Lantern Hill reservation in 1820 by the president of the Connecticut General Assembly. Dwight visited the reservation, described the housing (some wigwams and some framed houses), and indicated that about two-thirds of the tribe were living on the reservation, the others being distributed as servants among the English families of the neighborhood. His generally unflattering description emphasized poverty and degradation, but also mentioned industriousness and church attendance, particularly by the women.	No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the early 19 <sup>th</sup> century.	A description of a community is not required to be a flattering description of a community in order to indicate that a group exists. Dwight was able to identify the group, gain an idea of its size and membership, describe its living conditions, and indicate that the custom of binding out the children for vocational training, referenced in the mid-18th century, still continued. He also mentioned that most of the bound children returned to the reservation after their term of service had expired.	This meets (b) for 1820 in conjunction with other evidence in the record.
1820	(83.1) Jedediah Morse, <i>Report on the Indian Tribes</i> , 1822; DeForest 1964, 442-443; citing Morse's <i>Report on the Indian Tribes</i> , see also Barley 1965, 2.	Report on the Lantern Hill reservation, possibly derived from Dwight, but containing more names and details. They made brooms. Baskets and similar articles, and generally exchanged them for ardent spirits. They enjoyed the same opportunities of attending religious worship and sending their children to school, as the white people of the town, but seldom availed themselves of these privileges. A few, however, were apparently pious, and held a meeting once a month at which they all spoke in turn.	No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the early 19 <sup>th</sup> century.	While derivative to a considerable extent from Dwight, this report contained additional information, including that pertaining to the school circumstances. It again indicated that a continuing community, identifiable by outside observers, was in existence.	This meets (b) for 1820 in conjunction with other items in the record.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1820-1900	(1)(vii)	Issue of cultural distinctiveness raised by third parties (FINDCITE: if going to leave this in!!)	"The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations: Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10). "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on... maintenance of a distinct community" (Gay Head FD 1987, 3)	The third parties have asserted that because the Eastern Pequot were losing their cultural distinctiveness to some extent in the 18 <sup>th</sup> century, this meant that they ceased to exist as a tribe. The regulations under 83.7(b)(1)(vii) permit the use of distinctive cultural traits as a form of evidence, but do not require the existence of such traits.	Does not negate the existence of (b)
1839	(83.1)(b) Stonington Historical Society. Folder: Indian, Misc (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	February 8, 1839, petition from the Pequot Tribe of Indians in the town of North Stonington to the County Court at Norwich, New London County, Connecticut, requesting the replacement of an overseer "who lives at some distance from us & it is very difficult to get him to attend his duties as overseer, especially for the year last past, he has been absent from home some three months at a time" and requesting the appointment of Charles Wheeler "who lives near to us & is well qualified to assist us & whose location renders him well acquainted with our necessities & our situation."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. Although the court did not respond to the petition favorably, but rather continued the prior overseer in office, the presentation of the petition, signed by six women and four men, indicated that the group had internal organization. Of the four men who signed, two (Sims Shelly and Samuel Shuntup) had been identified as principal men of the Eastern Pequot by Jedediah Morse nearly 20 years earlier.	On the basis of precedent, this material is adequate to meet (b) for 1839

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1841	(83.1) Superior Court Records, new London County, 1841, Indians; Court Records, New London County, CSL; LaGrave 1993; Grabowski 1996.	July 27, 1841, petition from the "undersigned Indians being remnants of the Pequot Tribe of Indians resident in North Stonington" again objecting to the existing overseer and requesting the appointment of Charles Wheeler or Gordon S. Crandall	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The Indians in this petition protested that the overseer lived about three miles from the reservation, rarely came to see them, and did not obtain fair rents for their land. It was signed by five men and five women. A counter-petition was submitted by the selectmen of the Town of North Stonington (#35 Pet. B-02B) commending the current overseer for his frugality, and the County Court did not accede to the Indians' petition. The contents indicate that the community still existed.	Meets (b)
1851	(83.1) Petition from the Selectmen of the Town of North Stonington to the County Court (#35 Pet. Petitions: source not cited)	March 13, 1851, petition from the Selectmen of the Town of North Stonington to the New London County Court, stating that, "complaints are frequently made of late that said Overseer has not managed said lands for the best interest of said Indians; or faithfully applied the rents [sic] & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Connecticut continued to maintain a guardian system over the Mohogyan Indians until 1875" (Molhegan PF 1989, 6)	On the basis of the document submitted, there is no evidence that the selectmen of the Town of North Stonington submitted this document at the request of the Eastern Pequot Indians; nor is there any parallel document in the record signed by representatives of the Eastern Pequot Indians.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1857	(b) Tribal Census Compiled by State-Appointed Overseer (#35 Pet. Overseers Reports)	<p>On September 9, 1857, Isaac W. Miner, as overseer, compiled the first census of the tribe that had been attempted. He headed it: "The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge." The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins &amp; two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marnada Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson &amp; one child, Thomas Ned, Leonard Brown, Ezra Ned (dead), Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill New London</p>	<p>"Community" must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)</p>	<p>The record does not show the basis of this compilation. It appears to have included only those Eastern Pequot who were either currently residing on the reservation, or currently receiving benefits from the tribal funds. These benefits were at this time paid only to families in need of assistance. It omits the ancestors of the largest family lines in both petitioners (Gardner/Wheeler descendants and Brushell/Sebastian descendants), both of whom were living off-reservation and were self-supporting</p>	<p>Neither meets nor disproves (b)</p>

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1865-1875	(b) Compiled listings of names mentioned in reports of state-appointed overseers (#35 Pet Overseers Reports).	Essentially, the following persons were named in the records from this period, here grouped by surname: Eunice (Fagins) Cottrill Lucy Ann Fagins Abby (Fagins) Randall/Jack, with five children Laura (Fagins) Watson, deceased, leaving five children Charly Fagins Joseph Fagins Marinda (Ned/Nedson) Douglas Williams Leonard Ned aka Brown Calvin Ned Caroline Nedson James Kindness Rachel Hoxie aka Ned aka Anderson aka Orchard/Jackson with five children George W. Hill Andrew Hill Lucy Hill aka Lucy Reynolds.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	From the end of the Civil War through the early 1880s, the overseers' reports were highly consistent in their listing of Eastern Pequot individuals associated with the Lantern Hill reservation, allowing for variants in spelling.  The overseer's reports for this period appear to have included only those Eastern Pequot who were either currently residing on the reservation, or currently receiving benefits from the tribal funds. These benefits were at this time paid only to families in need of assistance. It omits the ancestors of the largest family lines in both petitioners (Gardner/Wheeler descendants and Brushell/Sebastian descendants), both of whom were living off-reservation and were self-supporting.	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1870	(b)(2)(D) 1870 Federal Census, North Stonington, New London County, Connecticut (NARA M-593, Roll 113, p. 436)	Grouped together as "Indians in North Stonington," all shown as born in Connecticut: 1/1 Colvin [Otruell], George, 61, m, Ind. farm hand, b. CT, Eunice, 65, f, I, keeping house, b. CT; 2/2 Williams, Calvin, 40, m, I, farm hand, b. CT; Amanda, 41, f, I, keeping house, b. CT; Hill, George, 50, m, I, farm hand, b. CT; #3 omitted; 4/4 Jackson, Henry, 45, m, I, farm hand, b. CT; Rachel, 39, f, I, keeping house, b. CT; Isaac, 20, m, I, farm hand; Fannie, 8, f, I; Jennie, 6, f, I; Phebe E., 4, f, I; Lydia, 2, f, I; Amy, 8/12, m, I; 5/5 Andrew, Isaac, 20, m, I, farm hand; 6/6 Congdon, Lee, 49, m, I, blacksmith, \$500 personal property; Catherine, 48, f, I, keeping house; George, 19, m, I, Lorn [?], 18, m, I; Frank, 17, m, I; Anna, 14, f, I; Osmia, 5, m, I; Irvin, 4, m, I; Susan E., 1, f, I; 7/7 Gray, Isaac, 20, m, I, farm hand; Boswick, Charles, 11, m, I, farm hand; Baker, George, 35, m, I, laborer; Baker, Phebe, 28, f, I, domestic servant; Brown, Leonard, large illegible; m, I, farm hand	"More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83 7(b)(2)(i))	The census does not directly identify the "Indians in North Stonington" as the residents on the Eastern Pequot reservation, but this is a reasonable conclusion from the context of other documents. Some of them, specifically the Congdon and Baker families, plus Charles Boswick, never appear on Eastern Pequot overseer's records, and appear to have had other tribal ancestry. The proportion of the Eastern Pequot residing on the reservation does not reach 50%. This therefore does not meet the "sufficient in itself" standard under 83 7(b)(2)(i), but is useful in corroborating connections: the residents include the Hoxie/Jackson family, the future husband of Tamar Brushell's daughter Tamar Encline Sebastian and the future significant other of Calvin Williams' and Eunice Wheeler's daughter Elizabeth (Williams) Simmons, both in a residential community including representatives of such Eastern Pequot families as Hill	Does not meet (b) by the "sufficient" standard, but contributes to the petitioner's meeting (b) at this date in combination with other evidence

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(83.1) Bassett 1938, Conn Special Acts 187-1877, 8.53-54, Grabowski 1996, 114, Lynch 1998, 5.81-82.	In 1873, the Connecticut General Assembly, on petition of the Eastern Pequot overseer, passed a bill authorizing him to sell a portion of the Lantern Hill reservation and invest the money for the benefit of the Indians. The Indians submitted a counter-petition dated June 26, 1873, objecting to the sale of any portion of the reservation land.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The copies of this petition submitted by both petitioners were largely illegible. They contained 19 signatures, but four were completely unreadable and on one only the surname could be deciphered. The names included several minor children signed for by their mother. The total of 19 did represent a significant portion, but not a majority, of the total Eastern Pequot population. A list dated June 27, 1873, on file with the Superior Court, New London County, Connecticut, named 29 more of "those belonging to the Pequot tribe of Indians of North Stonington" (#35 Pet Overseers Reports)	Meets (b)
1874	(83.1) #35 Pet. Petitions Lynch 1998	March 31, 1874, "Remonstrance to Superior Court, New London, against sale of land," which stated, "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington." The petition again requested the removal of the overseer who had instigated the land sale.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	This document included the names of persons who had appeared on both the 1873 petition and the 1874 list, for a total of 30 individuals. Again, some were minor children signed for by a parent.	Meets (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880	(b) 1880 Federal Census, Town of North Stonington, New London County, Connecticut (NARA T-9, Roll 109)	The 1880 census contained only one small group which might indicate a settlement on the Lantern Hill reservation. Again, all birthplaces were given as Connecticut. #370/410, Cottrill, George, l. m. 66, Eunice B. l. f. 72, wife; #371/415, Brown, Leonard, l. M. 62, works on fr; Sunfun [?], Eliza A., F. 57; #372/416, Reynold, Lucy, l. f. 64 #373/417, Williams, Calvin, l. M. 48, farming; Amanda, l. f. 53, wife; keeping house (NARA T-9, Roll 109, 1880 census, North Stonington, New London County, Connecticut (page omitted))	"More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83.7(b)(2)(i)).	The remainder of the Eastern Pequot families identifiable on the basis of overseer's reports and petitions were enumerated separately in 1880, among the general population of New London County.  The data provided by this census is not sufficient to meet community under the standard of 83.7(b)(2)(i), that more than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community.	Neither meets nor disproves (b)
				Taken in context of an analysis of the geographical relationship of off-reservation families to this portion of the population, however, it may be used to provide corroborating circumstantial evidence for community.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1883	(83.1) #35 Pet. Petitions; Lynch 1998, 5 91-92)  (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name	December 3, 1883, petition from "the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington" to the Chief Justice of the Supreme and Superior Courts of Connecticut, notifying him of the death of their former overseer and requesting the appointment of Charles H. Brown of North Stonington to replace him	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	It was signed by 20 Eastern Pequot, but not by all known members of the tribe. In one instance, a woman's children signed with her, in another, they did not. Some prominent members, such as Leonard Ned/Brown, did not sign. There is no requirement that all members of a tribe subscribe to a single document for it to serve as evidence showing the existence of a community.	Meets (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1889-1891	(b) Reports by state-appointed overseer (#13 Pet. 1996, HIST DOCSI, Doc. 41; #35 Pet Overseers Reports)	The report for 1889-1890 listed the following names as "Members of Tribe": Abby Randall, John J Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Munroe Watson, Mohbro [?] Gardiner, Phoebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson. [Three pages later in the photocopied document in the #113 petition, but apparently a continuation of the list follows immediately in #35 Pet. Overseers Reports] Maria Simons, Mary Simons, Herman Simons, Lucy A. Sawant [Lawant?], Russel Simons, Dwight Gardiner, Calvin Williams, Tamar Sebastian, Leonard Nelson, Mary Ann Potter. Account of provisions furnished each family: Mohbro Gardiner, Calvin Williams, Tamar Sebastian.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	It should be noted that this report included direct and collateral ancestors claimed by both petitioners. In 1890-1891, the list of "Members of Tribe" was essentially the same as the prior year.  No overseer's reports were submitted by petitioners #35 or #113 or by the third parties for the period from 1891 through 1910, and none were in the records provided by the State of Connecticut (CT FOIA)  A 1924 newspaper article stated that the immediate predecessor of attorney Charles L. Stewart of Norwich as overseer had been Calvin Snyder, "who now resides in Westerly" (last of Pequot Tribe, The Evening Day, New London, Connecticut, 8/5/1924) It is not known if Snyder's records survive	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1885-1896	(b) Journal, Town of North Stonington, New London County, Connecticut (#113 Put 1996, ETH DOCS II, Doc. 37)	Petitioner #113 submitted copies of the 1885-1896 Journal, Town of North Stonington, Connecticut. This contained no identification of individuals as Indian or otherwise except as specifically noted, but was simply a list of expenses and payments. Many, but not all, were for the "town poor."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	Its primary value was in documenting the presence of identified Eastern Pequot individuals in North Stonington during a period for which the overseers' reports were missing. The third parties argued that payments to Indians for care of non-Indians, and vice versa (e.g. to Abby (Fagins) Randall for nursing services, or to Marlboro Gardner for grave-digging), established that there had been a dissolution of tribal relations. This is not the case, since the maintenance of tribal relations does not prohibit off-reservation occupations or earnings.	Neither meets nor disproves (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1910	(b) Wheeler 1900, 195; cited in Lynch 1998a, 5:96; NARA T-623, Rol 149 and Roll 50 (#113 Pet. 1996, GEN DOCS III); Speck 1917.	Wheeler, writing a history of the Town of Stonington, stated that there were no residents on the North Pequot reservation in North Stonington, stating that it was leased as pasture land and the yearly income applied by the overseers "for the benefit of the sick and feeble old men and women wherever they may reside."  The 1900 special Indian population schedules for the Town of North Stonington showed that the reservation residents included direct and collateral ancestors of both petitioners: Calvin and Tamer Emeline (Sebastian) Williams; several members of the Howie/Jackson family line; and Eunice (Wheeler) Gardner.	No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the late 19 <sup>th</sup> or early 20 <sup>th</sup> century.	This secondary source cannot be accepted as negative evidence for (b), since the writer's statements are contradicted by the more valid contemporary evidence of the 1900 Federal census; as well as by anthropologist Frank Speck's 1903 visit to the reservation. Neither the 1900 census nor Speck provided sufficient evidence for community under 83.7(b)(2)(i), but the data they showed was sufficient to provide evidence that Wheeler's statements were in error, and may be used as corroborative evidence for community as of 1900 in combination with other material.	Does not disprove (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1910-1919	(b) 1910 U.S. Census, New London County, Connecticut, Indian Population, North Stonington Reservation (NARA T-624, Roll 14, ED 525, Sheet 13A)	This showed direct and collateral ancestors of both petitioners: William Henry Jackson and his family; William Albert Gardner and his wife Grace, nee Jackson; Calvin and Tamar Emeline (Sebastian) Williams and Tamar (Brushell) Sebastian.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The data indicated that not all of the petitioner's ancestors who were residing in the town were included on the special schedules. A significant proportion were residing in neighboring towns as well. The special Indian Population schedules did not provide sufficient evidence for community under 83.7(b)(2)(i), but may be used as corroborative evidence for community as of 1910 in combination with other material. Further analysis of residential patterns would be necessary in order to use the data from this census as direct evidence for 83.7(b).	Neither meets nor disproves (b)
1910-1919	(b) Reports of state-appointed overseer, Charles L. Stewart (#35 Pet. Overseers Reports)	These reports named as members of the tribe Tamar (Brushell) Sebastian, members of the Fagins/Randall lineage, Calvin Williams, several other members of the Sebastian lineage, and numerous collateral relatives of Marlboro Gardner.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	It should be noted that these reports included direct and collateral ancestors claimed by both petitioners. However, they provided no direct evidence concerning internal community within the tribe as a whole, or within its individual subgroups. They may be used to provide context for other evidence.	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1913	(83.1) (b)(1)(ii) Aged Pequot Indian Minister is Dead, #113 Pet. GEN DOCS I: #35 Pet.	Obituary of Calvin Williams, who died July 8, 1913. "He was a Pequot Indian and ... was living with his wife and stepdaughter on what is known as the eastern reservation ... Rev. Mr. Williams was well known in southern New London county where he had preached for a long time." The obituary indicated that he had been "ill and bedridden" for "several years."	"Significant social relationships connecting individual members"	Williams had been the first signer of the petitions of June 26, 1873, and March 31, 1874; the second signer of the petition of December 3, 1883. During his adulthood, he had been successively married to women from three Eastern Pequot families (Wheeler, Nedson, Sebastian). The overseer's reports and the 1900/1910 Federal census verify Williams as a resident of the reservation throughout this period. This evidence is not sufficient in itself to show that the petitioner meets 83.7(b) as of 1913. In connection with other documentation, this can be used as corroborative evidence.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920-1999	(b) Petitioner's argument	The petitioner's position on the existence of community between the 1920's and the present rests on a series of descriptive propositions. The primary ones are a description of three geographic "enclaves" and a variety of social gatherings of members. The petitioner also describes kinship links as remaining important. The petitioner asserts as well that there are cultural differences from non-Indians and that there has been marriage within the membership and with other New England Indians which provide evidence for community.	No rule or precedent; data included for informational purposes.	Almost all of the descriptions of the gatherings and enclaves are based on interview/oral history. The adequacy of this material varied substantially from instance to instance. For evaluation, see the Summary Under the Criteria	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1927-1933	(b) LeGault to Barrett 11/15/1956; 1933 overseer's report (#113 Pat. 1996; HIST DOCS I, Doc. 41)	Based on her 1956 statement, Helen LeGault moved to the Lantern Hill reservation in 1927--the year of William Albert Gardner's death (LeGault to Barrett 11/15/1956). The 1933 overseer's report indicated that there were seven houses on the reservation, with their occupants listed. One of the occupants was given as "Mrs. Grace [sic] LeGault" with the handwritten annotation, not typed "(not a tribal member)" (#113 Pat. 1996; HIST DOCS I, Doc. 41)	No rule or precedent, provided for informational context.	In 1956, she wrote that she had been on the southern portion of the reservation property for almost 29 years, which would place the beginning of her residency as 1927, approximately the same date as her 1926 marriage and about the same date as the death of her uncle, William Albert Gardner (LeGault to Barrett 11/15/1956). This was the earliest documentation concerning Helen (Edwards) LeGault's residency on the Lantern Hill Reservation. Subsequent documents indicated that Mrs. LeGault resided on the reservation in the house where her uncle, William Albert Gardner, had previously lived. She did not, however, remain there throughout the period after 1933, for in 1948-1950 she engaged in negotiations with the Office of the Commissioner of Welfare concerning her desire to return to the reservation and obtain assistance in repairing the house.	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1929-1933	(83-1) Reports of overseer Gilbert Raymond in regard to activities of Atwood I Williams	In 1929, Atwood I Williams (Silver Star), "chief of both tribes," challenged a proposal to allow a Western Pequot to build a home on the Lantern Hill reservation (Overseer's Report). 1931, objection by Atwood I Williams to residence of several members of the Sebastian family on the Lantern Hill reservation (Overseer's report). 1932, Chief Silver Star objected to Raymond's account, his reappointment and to leases for more than a year. 1933, Atwood I Williams (Chief Silver Star) again objected to accounts and reappointment (Raymond Ledger 1932-1937)	Neither rule nor precedent, information provided to show background and context	The appearance of Helen (Edwards) LeCaulit and Atwood I Williams in reservation overseer's records for the first time in the late 1920's can only be understood in the context of the broader group. Williams' mother, Phoebe (Jackson) Spelman, who had died in 1922, had been an intermittent resident of the reservation throughout her lifetime. His Spelman half-siblings also resided there at least intermittently. Thus, as in the case of Helen (Edwards) LeCaulit and her uncle William Albert Gardner, he did have close familial ties to the reservation community.	Neither meets nor disproves (b)
				The written records do not reflect that Atwood I Williams' opposition to the wish of Franklin Cleveland Williams to build a house on the Lantern Hill reservation was based on his Sebastian lineage per se, but rather on his membership as a Western Pequot (#113 Pet 1996, HIST DOC'S I, Doc 41). This material provides no direct evidence concerning internal community within the Sebastian group antecedent to petitioner #335	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933-1934	<p>(83.1) Superior Court decision, New London County, Connecticut, June 9, 1933, May 22, 1934, "list of members of the tribe (as near as can be ascertained)" (#35 Pet. Second Submission, Sources Cited: CT FOIA #69); June 1, 1934, "Members of the Eastern Tribe of Pequot Indians, Filed and Allowed in the New London County Superior Court" (#35 Pet. Litigation 1980s: #113 Pet 1996, HIST DOCS 1, Doc 41).</p>	<p>"Ordered and decreed that any person who may hereafter claim to be listed as a member of either tribe shall present his or her application in writing to the Overseer who shall mail copies thereof to the recognized leaders of the tribes, or their successors; the present leader of the Eastern Tribe being Mr. Atwood I. Williams of Westerly, R.I. . . ." (In re Ledyard Tribe 1933)</p>	<p>"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)</p>	<p>The appointment of Atwood I. Williams is primarily applicable to criterion 83.7(c). It did, however, impact the tribal community, in that Williams used his influence as a state-appointed leader in the immediately subsequent years (1937 and 1938) to oppose residence on the reservation by members of the Sebastian family, which reflects to a minimal extent the nature of how the PEP ancestors self-defined their group at the time.</p> <p>The last state records pertaining to Eastern Pequot membership, as such, were created in 1933-1934. Following that date, the standards established by the State Park and Forest Commission were applied (see below)</p>	<p>Neither meets nor disproves (b)</p>

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933-1938	(83.1) Cook to Gray 12/12/1938; Founders of Norwich, Norwich Bulletin 6/10/1937	Throughout the later 1930's, Atwood Williams continued to object to residency by members of the Sebastian family on the Lantern Hill reservation. Public address by Gilbert Raymond, former overseer and current agent of the Connecticut State Parks and Forest Commission. "The right of this strain to the tribal privileges is denied by Chief Silver Star who claims that the Indian girl, Tamer Brussels, was not a Pequot Indian, but as members of this family have been entered on the records of both tribes for over 40 years I have never taken steps to have these names removed" (Founders of Norwich 6/10/1937). "Other families on the Reservation claim that she was not a Pequot and therefore her descendants have no rights there. However, before the State Park and Forest Commission was appointed as Overseer the Superior Court had recognized some of her descendants as members of the tribe and so there seems to be nothing for the Commission to do but to assume that members of this family have rights in the tribe" (Cook to Gray 12/12/1938)	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	For discussion of the actual genealogical roots of the dispute, see criterion 83 7(c) chart for petition #35. The documentation associated with it indicates, however, that for the late 1930's, there were pronounced internal conflicts in regard to residency rights on the Lantern Hill reservation. However, it provides no description of community within the Sebastian group at that date, for the recorded information linked almost entirely to remote evidence concerning descent	Neither meets nor disproves (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1936	(b) Connecticut, State of State Park and Forest Commission. Minutes 3/11/1936, #33 Pet Narr 1998b, 45.	The Commission adopted provisions for tribal membership and admission to membership for all the Connecticut Indian reservations, which would control admission to residency into the 1970's, as follows: (a) Children of resident members will be members by birth (b) children of non-resident members will be eligible for membership upon proof of such parentage. (c) All other admissions to a tribe will require written application, accompanied by reasonable proof of descent and presence of Indian blood. Such applications should be endorsed by the recognized Leader of the tribe, if any, or in lieu thereof the endorsement of two resident members. In doubtful cases the Commission will hold a public hearing with due notice to the interested parties before granting or refusing the application.	No rule or precedent, provided for informational purposes	This material does not provide direct data concerning the nature of community within the Eastern Pequot tribe as of 1936, or concerning the nature of community within the subgroups focused around the ancestors of either current petitioner. However, in many ways it set the parameters within which the documentation for the next 40 years was produced	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
c. 1941	(b) Connecticut, State of Office of Commissioner of Welfare: J R Williams Notebook c. 1941	This document was a report by a state-employed researcher concerning the state's reservations, largely based on personal investigations and oral interviews. It included not only reports on reservation residents, but also on non-residents identified as Indian by town clerks and other local authorities. From the PEP family complexes, it included Mrs. Calvin Geer, Mrs. Edwards, and Elizabeth (Williams) Simmons, who was sharing a household with Irvine Congdon (who, as a small child, had been enumerated with the "Indians in North Stonington on the 1870 census). It described the conflicts and tensions between the Edwards and Sebastian families on and, to some extent, off the reservation, but provided no indication of the role played by the Jacksons.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry, who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other." (Miami FD 1992, 5)	This described relationships among a group of people who were identified as Eastern Pequots by the researcher, but did not provide a specific description of community for the EP ancestral group as a whole. Generally speaking, the report indicated that all Pequots (Eastern and Western) were quite prepared to gossip about one another.	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1941-1961	<p>(b) Connecticut, State of Welfare Department. Squires to Barrett 11/14/1941 (Lynch 1998, 5:129-130). Mention of Ellsworth C. Gray as the agent for the reservation.</p> <p>Gray to Squires 7/1/1943 (Lynch 1998, 5:133). Barrett to Hanas 5/17/1956. Summary of Indian Activities 12/19/1956. Residents of Indian Reservation. Eastern Pequot 8/5/1959. speur to Barrett 9/5/1961</p> <p>Correspondence with individuals is extensive, but has not been listed here.</p>	<p>Complete investigation of each person on Pequot reservations. "On the North Stonington Reservation you will find the following: Mrs. Grace Boss, Mrs. Catherine Harris, Franklin Williams, Paul Spellman and his wife Harriet, North Stonington; William H. Jackson, who has two daughters living with him part of the time; Edna H. Jackson and Mrs. Olive Spellman. Near the house of William Jackson another daughter, Arlene, lives. On the top of the hill back of the Jackson homes you will find Mrs. Calvin Williams and her daughter, Mrs. Sarah Holland. Mrs. Williams will probably require supplemental aid from the Indian appropriation (Lynch 1998, 5:129-130).</p> <p>This lists a sampling only of the subsequent documentation of the period, as the nature was consistent throughout.</p>	<p>"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry, who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other." (Miami FD 1992, 5)</p>	<p>This material did not provide data concerning the EP antecedent group per se, but on the residents of the Lantern Hill reservation. Throughout this period, residents included representatives of the Gardner/Edwards, Hoyt/Jackson, and Brushshell Sebastian lineages, but no representatives of the Gardner/Williams, Fagnus/Watson or Fagnus/Randall family lines. Therefore, the state reports did not include any information concerning their relations with the other groups.</p> <p>The policies of Connecticut's Office of the Commissioner of Welfare were, as such, irrelevant to the issue of Federal acknowledgment. Some, however, such as the strict limitations imposed on residency from November 1941 onward, and control of on-reservation construction and other forms of land use had potential implications for the ability of the group as a whole or any portion thereof, to maintain tribal relations. The nature of these documents indicate that state records for the period will contain minimal if any, documentation concerning</p>	<p>Neither meets nor disproves (b)</p>

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950	(b) Steinhouse to Rowles 5/17/1950, Lynch 1998, 5-135-136.	Flora (George) Steinhouse, a Western Pequot, writing to the Governor of Connecticut in regard to the Lantern Hill reservation, stated that she wanted it used for the Ledyard (Western Pequot) Indians. "On this Lantern Hill Reservation there is not one living there of Pequot blood but who claim to be Pequots. All of them are of negro blood and are 'squatters'. The old Pequots who lived there are now dead but these people are getting the benefits from the reservation that should be for the Pequots."	No rule or precedent, included to provide context	While the views of the Western Pequots might be considered irrelevant, these statements provide relevant background material for the testimony that the Western Pequots presented before the CIAF in the 1970's in support of Helen LeGault as leader of PEP and in defining the Eastern Pequot tribe as consisting of the Gardner/Edwards and Gardner Williams families. (see below) During this period, Mrs. Steinhouse, with the assistance of Helen LeGault, was seeking permission to build a house on the Lantern Hill reservation. Mrs. Steinhouse's father was a half-brother of Mrs. LeGault's mother.	Neither meets nor disproves (b)
1961-1973	(b) Connecticut, State of Welfare Department. Records pertaining to the Lantern Hill reservation. Lists of Indians on the Eastern Pequot reservation 6/20/1960 through 6/6/1973 in Annual Indian Reports (Lynch 1998, 5-140-145)	These were listings of and reports on the living conditions of the residents of the Lantern Hill reservation. The single most comprehensive list was that which accompanied an administrative transfer of the record custody, since it included data on several deceased residents and, in the case of Atwood J. Williams, a deceased non-resident (Connecticut, State of Welfare Department Speer to Driscoll 10/3/1967)	No rule or precedent, included to provide context	The state listings for these years did not distinguish between the ancestors/collateral relatives of petitioner #113 and petitioner #33 as distinct groups. During these years, occupants of the reservation included members of the Gardner/Edwards, Hoxie/Jackson, and Brinsell/Sebastian family lines, but no members of the Gardner/Williams line. As such the lists provide no data concerning PEP community.	Neither meets nor disproves (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(b) Connecticut, State of General Assembly, Joint Standing Committee Hearings, Public Welfare and Humane Institutions Testimony of Helen LaGault [sic], March 23, 1961, HIST DOCS II, Doc 65	Mrs. LeGault stated that "everyone seems to be so afraid they'll hurt the feelings of people that seem to be Indians, that are not. And I don't know why and that's the reason why I'm staying there because I don't mind hurting their feelings. I like to stand up for my own if I may" and "my uncle was there before me and my mother who was own sister to, it was her own brother, she didn't live there because she was afraid of these people and most of these people are afraid of these people. I mean, they resent me too, but I must have what it takes. . . ." "Mr. Allen, you know very well that those Sebastianians are not Indians, you know it just as well as you want to know it. If I've got to bring up the name I will. It's Sebastian, is that an Indian name, an American name? It's a Portuguese name. I even know where the first Sebastian came from and how he came to this country and what he married and who he married and who she was and you can't claim what kind of Indian she was because you don't know and no one else knows."	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory, occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10)	While the precedent describes informal relations as friendly, there is no requirement in the regulations that such informal relations be those of friendship--there may also be consistent informal relations of enmity. LeGault's testimony, particularly her dispute with James Allen of Stonington, clearly reflects the tension between the Gardner/Edwards and residential groups on the Lantern Hill reservation as of 1961. It does not, however, provide any insight into the informal community relationships of the Sebastian group, antecedent to petitioner #35, at the time.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966	Connecticut, State of Welfare Department File Labelle Sebastian Jordan #68). Connecticut, State of Welfare Department Anonymous interdepartmental mail. 6/7/1966	6/3/66 visit to the Eastern Pequot Indian Reservation, report concerning Helen LeGault's residence on the Eastern Pequot reservation and her "displeasure with the type of individuals residing on the Reservation," indicating that many were not truly Indians and were "so called Indians. She also indicated that she knew that people who are not Indians, had paid money for the right to reside on the Reservation. . . . She reported that the Sebastians were renting their leases and were not actually occupying the property which they had leased. She reported that Mr. Wilson who is to take over the Harris property, has been boasting that he had enough money to grease palms in Hartford to gain admission to the Reservation. She doubted that he qualified as an Indian, although she was assured the genealogy we had did qualify him for residence on the reservation" (6/7/1966)	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively, be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10)	The agent for the State of Connecticut advised Mrs. LeGault that the "only funds he would have to have [sic] to live on the Reservation, were to establish his own financial ability to rebuild or build a place with sufficient sanitary facility and one that would be an asset and not a detriment to the Reservation. I will follow up with reference to the Sebastians alleged rental of their leased property, since persons who rent are not qualified for residence or use of the Reservation" (Connecticut, State of Welfare Department Anonymous interdepartmental mail, to file 6/7/1966).	This information provided by Mrs. LeGault provides some information concerning informal social relations in the other, Sebastian family-based, group of Eastern Pequot in the 1960's. If it could be substantiated that the relationships involving the sharing and/or renting of residences within the EP petitioner went beyond narrow kin groups, this would be contributory evidence toward meeting (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966	<p>(b) Connecticut, State of Welfare Department. Raphael J. Shafner 6/17/1966, Connecticut State of Welfare Department. Memorandum concerning Lillian Sebastian and Idabell (Sebastian) Jore in re: residence on Pequot reservation 7/28/1966</p>	<p>Reports and memoranda by state agents. Another memorandum regarding spot checks of the Eastern Pequot reservation mentioned the LeGault/Sebastian conflict (Connecticut, State of Welfare Department. Raphael J. Shafner 6/17/1966). The next month, "Mr &amp; Mrs. LeGault specifically mentioned that they did not want to create any hard feelings with their neighbors; the Sebastians. They did mention that the boating incident would be brought up at the next meeting of an association of local residents . . . ."</p>	<p>"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10)</p>	<p>Reports from this period prepared by state agents and investigators reflected awareness by state agents of tensions between the Gardner/Edwards line and the Brushell/Sebastian line. However, the unanalyzed data provides no usable evidence concerning the nature of community within the group antecedent to EP #35.</p>	<p>Does not meet (b)</p>

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1968	(b) Connecticut ruling on use of state Indian reservations.	"An informal ruling on acceptable uses of reservation land by the Assistant Attorney General in 1968 severely limited Pequot use of the land. It was to be used for residence, social, and recreational purposes only. The making of handcrafted objects in the home was acceptable, but they must be marketed off reservation" (LaGrave 1993: [13]; no source citation)	No rule or precedent; provided for informational purposes.	Petitioner #113 stated that this ruling contributed to the economic difficulties of reservation residents and discouraged tribal members who needed to earn a living from taking up residence.	Neither meets nor disproves (b).
1968-1973	(b) Connecticut, State of Welfare Department (#3); Pet. LIT 80, #113 Pet. 1996, HIST DOCS I, doc. 24); Connecticut, State of. Annual Report of Indians in Residence 7/9/1970 (Lynch 1998a, 5:144); 6/6/1973 (Lynch 1998a, 5:145)	Letters to: Lawrence E. Wilson, Marion M. Sebastian, Josephine C. Sebastian, Louis Jonathan Edwards, Bertha Edwards Brown re: residence on Eastern Pequot reservation.	No rule or precedent; included for informational purposes.	This state data provides indication on which persons were residing, and which persons were applying to reside, on the reservation in the 1960's. It therefore provides some background on the context in which community may have existed. However, it provides no direct data on the nature of community within either petitioner.	Unanalyzed data; does not meet (b)
1971-1973	(g) Connecticut, State of, Welfare Department. (Correspondence from Frank McIveran	Letters to Lawrence H. Sebastian, Roy E. Sebastian, William Sebastian jr., Raymond A. Geer, Benjamin Sebastian, Ruth E. Geer, Alfred C. Sebastian, Jennie Lee Sebastian, Maurice G. Sebastian, John Holder, re: permission to reside on Eastern Pequot reservation.	No rule or precedent; included for informational purposes.	This state data provides indication on which persons were residing, and which persons were applying to reside, on the reservation in the 1960's. It therefore provides some background on the context in which community may have existed. However, it provides no direct data on the nature of community within either petitioner.	Unanalyzed data; does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(b) Arlene Jackson Brown, Harold C. Jackson, Ernest M. Jackson, Barbara [illegible], [illegible], Paul L. Spellman, Rachel Spelman Silver, [illegible] Silver to Ella Grasso 4/14/1976	April 14, 1976, letter from the Hoxie/Jackson descendants protesting Helen Legault's role as Eastern Pequot representative on the CIAC. They are not only objecting to Helen Legault's proposed membership list, which would exclude them (see chart for criterion 83.7(c), section on prior membership lists, PEP Membership List 1977), but added the following, which would appear to pertain to the Brushell/Sebastian descendants: "The state has in the last year or more, admitted five or six Portuguese families on the Reservation and have them on the book or rolls as Pequot Indians. When Mr. George Payne was our overseer, he would not give them permission to reside here because he knew they were non-Indians."	No rule or precedent, included for informational purposes.	This corroborates other data for the period concerning the residence of Sebastian families on the reservation, adding some data concerning the tensions, in this case between the Hoxie/Jackson descendants and both the Gardner/Whiecker and the Brushell/Sebastian lineages. However, it provides no direct data pertaining to the existence of community within the group antecedent to petitioner #35.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(b) Confederation of the Mohegan-Pequot American Indian Nation and Affiliated Algonquian Tribes. A Petition to the Governor of the State of Connecticut 11/29/1976.	November 29, 1976, John E. Hamilton (Chief Rolling Cloud), "Grand Sachem for Life" challenges the jurisdiction of the CIAC and claims that no agency in Connecticut other than his council was qualified to state who is and who is not an American Indian. "Of the Eastern Pequots living on Hereditary Mohegan lands in Lantern Hill, North Stonington [sic], only those who have proved descent from the Hoxie Family. . . . Only three resident members of the Eastern Pequots can do this: Mrs. Arlene (Jackson) Brown. Her sister Rachel Crouch [sic] and their cousin Paul Spellman. Their grandmother was a Hoxie and a descendant of Sassacus."	. . . the [Mohegan] council members were becoming increasingly upset with Hamilton's style of leadership. He appointed himself "Grand Sachem" of the Mohegan Indians and . . . also published false information about the genealogy of his Mohegan rivals. . . . saying they were not Mohegan. . . . Before long, he . . . started a new organization, the Mohegan-Pequot Confederation and Affiliated Algonquian Tribes" (Mohegan PF 1994, 24).	This petition asserted that Tannar Brinschel was non-Indian from Cape Verde and that Marlboro Gardner was a non-American Indian of British West Indies origin. Both of these assertions were demonstrably false (see the charts for criterion 83 7(c) for both petitioner #113 and petitioner #35).  The assertions indicate that divisions among the Eastern Pequot in the mid-1970's were more complex than divisions between the two current petitioners. However, they provide no direct data concerning community within the Sebastian family group antecedent to petitioner #35.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c) CIA C Eastern Pequot membership decision 11/8/1976.	This declared that lineal descendants of both Marlboro Gardner and Tannar (Brushell) Sebastian, with 1/8 blood quantum, were eligible for Eastern Pequot membership. The CIA C declared both to be full-bloods. It did not address lineage through Rachel (Hoxie) Jackson, through Agnes (Wheeler) Gardner by her prior marriages, or through the Fagins family.	No rule or precedent included for informational purposes.	Throughout the autumn of 1976, Ms LeGault had repeated publicly her assertions that Tannar (Brushell) Sebastian was not Indian (Sherman, Patricia, Pequot Indians Sing State for Representation, Hartford Courant 9/4/1976; Tribal Feud Splits Eastern Pequot Indians, The News 9/13/1976; Hesseck, Bill, Recognize Descendants of Two Persons as Pequots, The News 9/13/1976).  It is not clear from the evidence why her split with the Jacksons, and exclusion of them from proposed membership list (see discussion in the charts for criterion 8.3.7(c)), did not receive equivalent publicity.	Does not meet (b)
				This provides evidence concerning the tensions between the various Eastern Pequot groups, but none pertaining to the internal community of petitioner #35	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	(b) CIAC Eastern Pequot membership decision 4/14/1977.	Upon a re-hearing in response to a lawsuit filed by Helen LeGault, her brother, and her sister, the CIAC held a re-hearing and while maintaining the prior decision on Eastern Pequot membership qualifications, decided that Tamar (Brushell) Sebastian was only ½ Pequot, which had the effect of eliminating most of her descendants from membership eligibility under the 1/8 blood quantum requirement established by Connecticut. The CIAC continued its prior finding that Marlboro Gardner was a Pequot full-blood (see the charts for criterion 83.7(e) for discussion of the factual validity of this holding).	No rule or precedent; included for informational purposes.	For a much fuller discussion of the sequence of CIAC actions and the associated litigation, see the draft technical report. There was a great amount of newspaper coverage.	Neither meets not disproves (b).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1983-1984	(b) Fitts 4/28/1983; Left 8/1/1983; Baird to Shawaker 9/2/1983; Confrontation on Reservation 4/18/1984; Fitzpatrick 7/10/1984.	Newspaper coverage of a confrontation between Raymond A. Geer, Mark Sebastian, Larry Sebastian, and William Sebastian Jr. on the reservation; resulting dispute concerning Connecticut's jurisdiction over the state's Indian reservations.	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory, occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10)	This material provides considerable information concerning the nature of social relationships within the Eastern Pequot tribe as a whole, but not concerning the nature of social relationships within either petitioner individually	Does not meet (b)
1994-1997	(b) Various newspaper articles	These are summarized in the draft technical report, with many reiterations by Agnes Cunha that she will never, never accept the Sebastians into "her" tribe	Neither rule nor precedent, included for informational purposes	Provides some data on the tensions between the groups, but no evidence concerning community within #35	Does not meet (b)

Recommendation The petitioner, the Eastern Pequot Indians of Connecticut, #35, or the predecessor Eastern Pequot Tribe, Lantern Hill Reservation, from which it has evolved as a

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portion, has not demonstrated the existence of modern community. The petitioner therefore does not meet the requirements of criterion 83 7(b).

## EASTERN PEQUOT INDIANS OF CONNECTICUT: PROPOSED FINDING - SUMMARY CHART

### **CRITERION C - The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**

Summary of the Evidence: This petitioner, or the historic Eastern Pequot tribe, the predecessor group from which it evolved, has been in sustained contact with non-Indian settlers since the 1630's — a period of 370 years. The historic Eastern Pequot tribe was located in southeastern Connecticut, in the geographical region of New England. This is a location in which, since colonial times, a substantial number of written records, whether colonial or local, state or Federal, civil or ecclesiastical, have been both generated and preserved. The materials submitted in evidence for this petition are extensive, but not comprehensive.

The regulations provide that political process "is to be understood in the context of the history, culture, and social organization of the group" (25 CFR 83.1, 59 FR 9293). The precedents in prior positive Federal acknowledgment decisions pertaining to New England tribes indicated that for the time span from the colonial period to the 19<sup>th</sup> century, evaluation of political influence or authority had not been tied to the specific forms of evidence listed in 83.7(c), but rather was evaluated much more briefly, and generally, under the provisions of the definition of political influence or authority in 83.1. The relevant language in 83.6 follows:

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time. . . . (83.6(e)).

In many instances, for the pre-20<sup>th</sup> century portion of the historical development of the Eastern Pequot tribe, the individual documents can be interpreted only in the broader and more general context of the existence of a reservation which was administered, first by the colony, and then by the state. Throughout its history, the context for administration of the Lantern Hill reservation has been set by the legislation passed by Connecticut and the administrative systems established by that legislation. The documents generated by their very nature and purpose, showed less about the internal structure of the tribe's politics and/or leadership than they showed about the tribe's external relationships with the non-Indian administrative authorities. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. The isolated political documents must also be interpreted in light of the general continuity of the reservation population as shown by a wide variety of other documents (see draft technical report).

The isolated documents must also be interpreted in light of the general continuity of the tribe in the context of continuous state recognition from colonial times and the existence of a continuous reservation since colonial times.

The charts for criterion 83.7(c) are not complete for the period subsequent to 1973.

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1620-1637	(83.1) Williams, Complete Writings; Winthrop Papers 3; Gookin 1792; Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Slama 1990; O'Connell 1992; Grumet 1995; Bragdon 1996; Cave 1996; McBride 1996.	Historical narratives, mainly by modern anthropologists, pertaining to Colonial contact with the Pequot prior to the Pequot War of 1637-1638, and giving limited information, only from an external viewpoint, concerning the aboriginal political structure.	... making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Aboriginal Mohegan leadership was provided by a chief sachem who made decisions in consultation with a council consisting of influential tribal members of similar social rank" (Mohegan PF 1989, 5). "The political structure was organized around sachems, leaders drawn from high-ranked families" (Narragansett PF 1982, 11). "Aboriginal Wampanoag leadership was provided by an hereditary chief or sachem who made decisions in consultation with a council of male elders, war captains ... and spiritual advisors (Gay Head PF 1987, 10). "In the early contact period, i.e. the 1600's, the Miamis consisted of a series of independent tribes of related peoples. The tribe consisted of a series of village-based bands led by distinct village chiefs" (Miami PF 1990, 7).	Precedent does not required detailed information concerning the internal political processes of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods.	This meets (c) for the undifferentiated historic Pequot tribe as a whole predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637.

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1637-1655	(c) Potter 1835; Hoady 1850; Demison 1878; Chapin 1931; Haynes 1949; Winthrop Papers 1949; Williams 1963; Pulsifer 1968; Sahr 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; Winthrop Papers 1992; Vaughn 1995; Papers of John Winthrop 4; Acts of the Commissioners of the United Colonies	Historical records and narratives indicating that by decision of the colonial authorities, the Pequot as a whole were subjected to the Mohegan and Narragansett after the Pequot War (1637-1638), and specifically, that the future Eastern Pequot band was made tributary to the Eastern Niantic (to 1655).	<p>"The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)).</p> <p>"First, the CTAG argued that the Mohegan had once been subject to the Pequot Indians for a few years in the first half of the 17<sup>th</sup> century; . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c. . . . [T]he time period during which the Mohegan lived with the Pequot is so brief as to be inconsequential" (Mohegan PF 1989, 26-27); "Evidence indicates that the Narragansett community and its predecessors have existed autonomously since first contact, despite undergoing many modifications" (Narragansett FD, 48 Federal Register 29 2710/1983, 6177), in discussing the defeat of the Narragansett in King Philip's War, 1675-1676. "A substantial number of the survivors combined with the Niantics. . . ." (Narragansett PF 1982, 2).</p>	<p>Some of the Pequots, those who would be the founders of the later Western or Mashantucket Pequot group, had withdrawn from their assignments as prisoners and returned to Connecticut by the mid-1640's (McBride 1996, 81). The status of the future Eastern Pequot band remained controverted, but not in doubt: subjection to Niantic, from the mid-1640's until 1655, when colonial authorities assigned Harmon Garrett as their governor and provided them a temporary, residential site within what is now Connecticut.</p> <p>The precedents clearly indicate that the acknowledgment process allows for the combination and division of tribal subgroups and bands during the colonial period.</p>	<p>This meets the "autonomous entity" requirement of (c) for the historic Eastern Pequot tribe.</p>

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1655-1989	(83.1) Almost the entire body of historical data submitted in connection with this petition is in some way relevant to this argument. See in particular the Connecticut Indian Papers	Historical records and narratives indicating that for an extended period of time, the Eastern Pequot band (under the governorship of Harmon Garret from 1655 to 1677 and of Momocho from 1678 to 1695) was under supervision of the colonial authorities, and that the Eastern Pequot reservation was under the direct administration of Connecticut (1683-1989), first as a British colony and then, after the American Revolution, as a state.	<p>"The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c))</p> <p>The CTAG argued that, "second the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c. . . . [T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut . . . (Mohegan PF 1989, 26-27) "The General Assembly appointed a special committee to serve as guardians of Mohegan tribal lands beginning in 1719" (Mohegan PF 1989, 5) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6) "Some degree of external control was increasingly exercised by the Colony of Rhode Island during the 17<sup>th</sup> century. In 1644, the tribes formally accepted the authority of the English crown, and confirmed this again in 1663" (Narragansett PF 1982, 11) "Rhode Island's role after 1675 was essentially that of a trustee. The tribe remained essentially self-governing, but its external affairs were restricted and it became generally subject to the protection as well as the supervision of the colony" (Narragansett PF 1982, 2) "The State of Massachusetts imposed a guardian system over the Gay Head Indians between 1781 and 1814. In 1862, the State imposed greater jurisdictional control over Gay Head . . . (Gay Head PF 1987, 4)</p>	<p>This very succinct summary is the result of detailed analysis of the material from the early period (to 1685) by the BIA research staff (see draft technical report, pages 1-128; appendices I-III, pages 234-253). The material after the 1685 establishment of the Lantern Hill reservation will be discussed in more detail in later portions of this chart.</p> <p>On the basis of a study of the historical records, there is no essential difference in historical status, in regard to "autonomy," under criterion 83.7(c) between the situation in which east coast tribes have lived on colonial and/or state reservations under the supervision of state agents while other tribes have lived on Federal reservations under the supervision of Federal agents. Assignment to a reservation does not negate a tribe's autonomy.</p>	<p>This meets the "autonomous entity" requirement of (c) for the historic Pequot tribe and for the historic Eastern Pequot tribe as one of its successor entities.</p>

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1678-1683	(83.1) Stiles 1759; Trumbull 1852; Trumbull 1859; Hurd 1882; Wheeler 1887.	Historical records and narratives concerned with the purchase of "a tract of land that may be suitable for the accommodation of Monohoc [sic] and the Pequots with him in those parts, as commodious as may be" (Trumbull 1859, 81-82). Purchase of the Lantern Hill tract from Isaac Wheeler of Stomington, Connecticut (Trumbull 1859, 117n).	On the Federal level, under the Cohen criteria, assignment of a tribe or band to a reservation creates a legal presumption that such a tribe or band existed at the time of the action.  No precedent in existing findings in regard to the reservation purchase itself, in the instances of Mobergan, Narragansett, and Gay Head, the tribes retained certain portions of aboriginal territory, rather than receiving assigned land as a result of purchase by colonial authorities from an Englishman holding title in fee simple.	The decision stated that, "The land shall be for the use of Monohoc [sic] and his company during the Court's pleasure."  These materials regularly name the leaders whom the colonial authorities had appointed and with whom the colonial authorities were dealing, though providing only minimal information about internal political processes.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period.
1678	(83.1); (c)(1)(i) Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859 809	May 13, 1678, petition by Monohoc and the Pequots to the Court of Election at Hartford "That they may have land assigned to them as their own to plant on, and not that they be always forced to hire . . . Minutes of Committee for hearing Indian complaints; Indians 136 (Trumbull 1859, 8n)	. . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1)	The petition, however, indicates that the Indians themselves initiated the renewed request for assignment of a permanent reservation, and also that Monohoc was "representing the group in dealing with outsiders in matters of consequence" (83.1)	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1694-1701	(c)(1)(i) McBride 1996 88; Connecticut Records, IP 1 <sup>st</sup> Series 11-44; IP 148; Hoadly 1868, 202 280; Winthrop Papers 147	Series of petitions and other documents from the Western Pequot requesting that Momoho's son succeed Cassachamom and Daniel as governor of the Western Pequot.	... representing the group in dealing with outsiders in matters of consequence" (83 1). "Besides the monarch, there was influence from advisors and counselors drawn from the high-ranked families, had been the traditional pattern" (Narragansett PF 1982, 11). "No reference to the sachemship could be found after 1687. ... However, there is evidence that the Gay Head Indians continued to maintain some political influence and authority over their members. These people periodically petitioned the General Court of the Province of Massachusetts Bay between 1727 and 1781, and the Corporation for the Propagation of the Gospel between 1711 and 1776" (Gay Head PF 1987, 10). "There are scattered references to specific Miami leaders in French and English documents prior to the late 1740's" (Miami PF 1990, 7)	Such occasional petitions have been accepted in prior positive acknowledgment decisions as providing adequate documentation concerning political leadership/ influence and internal political processes for the later 17 <sup>th</sup> and 18 <sup>th</sup> centuries.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period
1695-1700	(c)(1)(i) Hoadly 1868, 140-141, 326; Col. Rec 4:326.	Documents concerning the succession to Momoho among the Eastern Pequot			
1722-1723	(83.1); (c)(1)(i) IP, series 1, Vol. 1, Doc. 73; Bassett 1938; IP, series 1, Vol. 1, Doc. 74; CSL Towns & Lands Series I, Vol. 3, doc. 227 a b; CSL IP, Loose Index, Doc. 22 a b; IP 2 <sup>nd</sup> series Vol. II, Doc. 23.	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the provisions of Isaac Wheeler's will regarding the land he had sold for the Lantern Hill reservation, signed by Momoho's widow and other councilors "in behalf of ye rest of Mo-mo-hoe's men & their Posterity."	... representing the group in dealing with outsiders in matters of consequence" (83 1). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members of the chief men among the Mohegan, although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25). "The group has acted as a community to defend its land" (Tumlec-Bilani PF 1980, 4)	Such occasional petitions have been accepted in prior positive acknowledgment decisions as providing adequate documentation concerning political leadership/ influence and internal political processes for the later 17 <sup>th</sup> and 18 <sup>th</sup> centuries.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1749-1751	(83.1); (G)(1)(G) CSL II Vol. 2, Doc. 40; Hoadly 1876, 9, 446; Bassett 1938; IP 1 <sup>st</sup> series; Vol II (A), 53-54, 65; IP, II, Doc. 42 a, 50; Hoadly 1876, 574; Hoadly 1877, 18.	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the efforts of non-Indians to claim the Lantern Hill land from "Mary, Mo mo har, Samson Sokiect &c all Indian Natives of ye Tribe of Monohor"	... representing the group in dealing with outsiders in matters of consequence" (83.1). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the chief men among the Mohegan, although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Shoogahmic PF 1993, 25). "The group has acted as a community to defend its land" (Tinnica-Biloxi PF 1980, 4).	The 1749 petition resulted in an extensive committee investigation by the Connecticut General Assembly, which generated a lengthy report (see Appendix IV of the draft technical report for the full text). The associated documents included a bill of expenses by which the two named Eastern Pequot leaders, Mary Monoho and Samson Sociant, and the counsel they employed documented their efforts to obtain testimony on behalf of the tribe, trips to various sites such as Voluntown, Preston, and Plainfield to obtain copies of relevant documents, etc.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period
1763-1766	(83.1); (G)(D)(D) IP, II, 250; IP, I, 120; Hoadly 1881, 276; IP, II, 250; typescript IP II, first Series (B), 347; Hoadly 1881, 526.	1763, appointment by Connecticut of Israel Hewitt, Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill Reservation. May 1764, change in appointment of overseers "upon the memorial of" 11 named "Pequot Indians living at Stonington, in behalf of themselves and the rest of said Pequots, ... October 6, 1766, petition of the "Indian inhabitants of the Town of Stonington" (nine signers) requesting replacement of Ebenezer Backus as overseer by Dr. Charles Phelps of Stonington; appointment of Phelps by the General Assembly in response to the petition	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6) "The sachem and council form of government was continued until 1769, when the Mohegan abandoned the leadership position of sachem" (Mohegan PF 1989, 5)	The appointment of guardians for the Eastern Pequot reservation by the colony of Connecticut would in itself provide data about the continuous existence of the tribal entity, but no data about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers, combined with the signatures on the petitions, provides indication that the Indians on the Lantern Hill reservation did at this time have internal political processes. From this time forward, there is no evidence in Eastern Pequot petitions that any one individual held the position of sachem, or a comparable office.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1788	(c)(1)(D); (c)(2)(G) Burley 1965, 2; IP II.252, 252h, 253; typescript IP, II, First Series (b), 349, 351.	Petition from "us the Subscribers Indians of the pequot Tribe in Stonington" pointing out that for several years they had been "destitute of an overseer by reason whereof they have suffered very great inconvenience for them being no Person to proportionate the profits of the heritage &c." and proposing Charles Hewitt of Stonington and Elisha Williams of Groton. The General Assembly in response appointed Stephen Billings of Groton and Charles Hewitt of Stonington.	"representing the group in dealing with outsiders in matters of consequence" (83 1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25); "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4)	The 1788 initiative of the Indians in requesting the appointment of overseers after the lapse of several years indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes, and that they utilized the overseers appointed by the state to serve certain purposes which they themselves desired.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the early Federal period
1800	(c)(2)(G) IP, 2 <sup>nd</sup> , II.105-105b; 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389.	May 6, 1800, petition from the Indians of the Lantern Hill reservation pointing out that non-Indians were infringing on the reservation, their overseers were elderly men, one of whom lived some distance away, and requesting relief. In response, the May 1800 session of the General Assembly appointed Latham Hull to replace Stephen Billings.	"representing the group in dealing with outsiders in matters of consequence" (83 1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6); "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25). "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4)	The 1800 initiative of the Indians in requesting the replacement of inadequate overseers, while listing specific grievances (that non-Indian neighbors turned their cattle and sheep in on reservation lands, and non-Indians who had no legal rights moved onto the reservation), indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. As of its date, the tribe had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document and present it	On the basis of precedent, this material is adequate to meet (c) for a tribe during the early Federal period.

Eastern Pequot Indians of Connecticut: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1804-1820	(83.1) IP 2 <sup>nd</sup> , II 107, 107b; Lipson 1986, 48n29; IP 2 <sup>nd</sup> I 18, 19, 20; IP 2 <sup>nd</sup> E 109, 109b; IP 2 <sup>nd</sup> , I:110, 110b	Appointments of overseers; May 1804, October 1808; May 1814, petition of overseers May 6, 1815; May 1819; May 1820	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	The appointments provide no data concerning internal political authority or influence. The May 6, 1815, petition concerned the establishment of schools for the Pequot Indian children at Groton and Stonington, as well as the Mohegan Indian children, but it was signed by the overseers only and did not give any indication that it was submitted at the wish of the Indians of the Lantern Hill reservation themselves, and thus does not meet 83.7(e)(2)(iii). These appointments provide some data concerning background tribal continuity, but do not meet (c) for 1804-1820. However, they can be used in conjunction with the next two items as implying the existence of internal leadership.	These appointments do not meet (c) for 1804-1820.

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1820-1822	(c)(2)(iii) Timothy Dwight, Travels in New England, 1822. Jedediah Morse, Report on the Indian Tribes, 1827; see also Barley 1965, 2	Dwight's Letter IV, Stonington Description of his own visit to the Lantern Hill reservation in 1820 by the president of the Connecticut General Assembly. Morse's report Report on the Lantern Hill reservation possibly derived from Dwight, but contained more names and details. "In 1820, this band counted fifty individuals. Their principal men were Samuel and Cyrus Shelley; Samuel Shantup and James Ned" (DeForest 1964, 442-443; citing Morse's Report on the Indian Tribes)	"Leadership exercised through a church, by indigenous ministers, can provide evidence under several categories mentioned in criterion 83.7(c), such as . . . under 83.7(c)(2)(iii) to show that "group leaders and/or other mechanisms exist or existed which . . . exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior" (MBPI FD 1999, 15. "The 25 CFR Part 83 regulations do not make any requirement that a petitioner have a secular government . . . but rather . . . that the leadership of a petitioner have political influence or authority over the group's members in a bilateral relationship" (MBPI FD 1999, 16). " . . . evidence for political process among the Snoqualmie during Jerry Kanim's tenure is that external authorities recognized his political influence" (Snoqualmie PF 1993, 26).	. . . there was, however, one aged man who, to considerable natural intelligence, seems to have united a sense of religion. For a series of years he had preached to the others, and sometimes, it was said, gave them very excellent exhortations. His . . . countrymen held him in much respect, and occasionally assembled very generally to listen to his discourses. The respect with which his people regarded him is a striking instance of the influence which consistent purity of character will often exert. . . . (DeForest 1964, 441-442; citing Dwight's Travels 3:27-29) DeForest did not indicate that Dwight named this leader; no copy of the original book is in the record. Morse's summary indicates that at the time, external observers were capable of identifying the "principal men ". Three of these had been named as heads of households with school-age children in 1815. Samuel Shantup apparently never had children so was not listed in the earlier document	This contributes to meeting (c) for the period before resumption of the overseer's reports in 1822, in conjunction with the petitions from preceding and later years

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1839	(83.1); (c)(1)(i) Stonington Historical Society, Folder: Indian Misc.	February 8, 1839, petition from the "Pequot Tribe of Indians in the town of North Stonington" to the County Court at Norwich, New London County, Connecticut, requesting the replacement of an overseer "who lives at some distance from us & it is very difficult to get him to attend his duties as overseer, especially for the year last past, he has been absent from home some three months at a time" and requesting the appointment of Charles Wheeler "who lives near to us & is well qualified to assist us & whose location renders him well acquainted with our necessities & our situation	"representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6); "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the chief men among the Mohegan, although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Shoquahine PF 1993, 25); "Although certain individuals were consistently the first signers of tribal petitions, [a 1903 description] was the first identification of a formal group leader since 1769" (Mohegan PF 1989, 6)	The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. Although the court did not respond to the petition favorably, but rather continued the prior overseer in office, the presentation of the petition, signed by six women and four men, indicated that the group had internal organization. Of the four men who signed, two (Cyrus Shely and Samuel Shuntaup) had been identified as "principal men" of the Eastern Pequot by Jedediah Morse nearly 20 years earlier. That the State did not act upon the petition does not diminish its value in showing that, as of its date, the tribe had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it	On the basis of precedent, this material is adequate to meet (c) for 1839

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1841	(83.1); (e)(0)(ii) Superior Court Records, new London County 1841, Indians: Court Records, New London County, CSL, LaGrave 1993; Grabowski 1996.	July 27, 1841, petition from the undersigned Indians being remnants of the Pequot Tribe of Indians resident in North Stonington, again objecting to the existing overseer and requesting the appointment of Charles Wheeler or Gordon S. Crandall.	... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6); "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the chief men among the Mohegan, although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25)	The Indians in this petition protested that the overseer lived about three miles from the reservation, rarely came to see them, and did not obtain fair rents for their land. It was signed by five men and five women. A counter-petition was submitted by the selectmen of the Town of North Stonington (#35 Pet. B-021b) commending the current overseer for his frugality, and the County Court did not accede to the Indians' petition. The fact that the petition was not acted upon by Connecticut authorities, however, does not diminish its evidentiary worth as showing that the Eastern Pequot tribe, as of its date, had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it.	On the basis of precedent, this material is adequate to meet (c) for 1841.
1851	(e)(1)(iv) Petition from the Selectmen of the Town of North Stonington to the County Court (#35 Pet. Petitions: source not cited).	March 13, 1851, petition from the Selectmen of the Town of North Stonington to the New London County Court, stating that: "complaints are frequently made of late that said Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the rents [sic] & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer."	Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	On the basis of the document submitted, there is no evidence that the selectmen of the Town of North Stonington submitted this document at the request of the Eastern Pequot Indians, nor is there any parallel document in the record signed by representatives of the Eastern Pequot Indians.	This does not meet (c) for 1851.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(83.1); (c)(1)(i) Bassett 1938; Conn. Special Acts 1873-1877, 8-53-54; Grabowski 1996, 114; Lynch 1998, 5-81-82	In 1873, the Connecticut General Assembly, on petition of the Eastern Pequot overseer, passed a bill authorizing him to sell a portion of the Lantern Hill reservation and invest the money for the benefit of the Indians. The Indians submitted a counter-petition dated June 26, 1873, objecting to the sale of any portion of the reservation land.	... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the chief men among the Mohegan," although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25).	The copies of this petition submitted by both petitioners were largely illegible. They contained 19 signatures, but four were completely unrecognizable and on one only the surname could be deciphered. The names included several minor children signed for by their mother. The total of 19 did represent a significant portion, but not a majority, of the total Eastern Pequot population. A list dated June 27, 1873, on file with the Superior Court, New London County, Connecticut, named 29 more of those belonging to the Pequot tribe of Indians of North Stonington" (#35 Pet. Overseers Reports)	This meets (c) for 1873
1874	(83.1); (c)(1)(i) #35 Pe Petitions; Lynch 1998.	March 31, 1874, "Remonstrance to Superior Court, New London, against sale of land," which stated, "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington." The petition again requested the removal of the overseer who had instigated the land sale	... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the chief men among the Mohegan," although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25)	This document included the names of persons who had appeared on both the 1873 petition and the 1873 list, for a total of 30 individuals. Again, some were minor children signed for by a parent	This meets (c) for 1874

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1883	(83.1); (9)(1)(G) #35 Pet Petitions; Lynch 1998, 5:91-92).	December 3, 1883, petition from "the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington" to the Chief Justice of the Supreme and Superior Courts of Connecticut, notifying him of the death of their former overseer and requesting the appointment of Charles H. Brown of North Stonington to replace him.	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the chief men among the Mohegan," although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6).	As of the date of this document, the tribe had sufficient internal political organization to decide upon their preference as to a candidate for the position of overseer, create a formal document, and present it to the state. It was signed by 20 Eastern Pequot, but not by all known members of the tribe. In one instance, a woman's children signed with her; in another, they did not. Some prominent members, such as Leonard Nedl/Brown, did not sign.	This meets (c) for 1883
1884-1928	No direct evidence in the form of documents generated by the tribe.	For this period of 44 years, the petition materials submitted by both petitioner #113, petitioner #35, the third parties, and obtained by F/OIA from the records of the State of Connecticut contained no document which pertained directly to or reflected internal political processes of the Eastern Pequot tribe. During this period, the Lantern Hill continued to be administered under the provisions of state legislation, and the record contains reports of the state-appointed overseers to 1891 and again from 1910 onward, including lists of members.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Group representatives did not petition the General Assembly between 1872 and 1899. There is little explicit evidence of political activity during this period. There is limited evidence of some continuity of leadership as well" (Mohegan PF 1989, 6).	While the reservation and the tribe continued to exist during this period, based on repeated external identifications, administrative records generated by the overseers, and other documents, the petitioners have not presented documents to reflect the existence of internal political authority or influence. BIA researchers have no way to ascertain whether there was, in fact, no documentation for this period, or whether the petitioners simply have not located or submitted such documentation as may exist.	This does not meet (c) for the period 1884-1928.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1913	(83.1) Aged Pequot Indian Minister is Dead #113 Pct. GEN DOCS F. #35 Pct.	Obituary of Calvin Williams, who died July 8, 1913. "He was a Pequot Indian and . . . was living with his wife and stepdaughter on what is known as the eastern reservation . . . Rev Mr Williams was well known in southern New London county where he had preached for a long time." The obituary indicated that he had been "ill and bedridden" for "several years."	"Leadership exercised through a church by indigenous ministers, can provide evidence under several categories mentioned in criterion 83.7(c), such as . . . under 83.7(c)(2)(iii) to show that "group leaders and/or other mechanisms exist or existed which . . . exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior" (MBPI FD 1999, 15; "The 25 CFR Part 83 regulations do not make any requirement that a petitioner have a "secular government . . . but rather . . . that the leadership of a petitioner have political influence or authority over the group's members in a bilateral relationship" (MBPI FD 1999, 16)	Williams had been the first signer of the petitions of June 26, 1873, and March 31, 1874; the second signer of the petition of December 3, 1883. During his adulthood, he had been successively married to women from three Eastern Pequot families (Whiteaker, Nedson, Sebastrian). In connection with other documentation, this can be used as evidence that the leadership that Williams exercised in the 1870's and 1880's may have continued into the early 20 <sup>th</sup> century.	Does not meet (c)
1914-1928	No written documentation	There is no written documentation in the record concerning political authority or influence either on the Lantern Hill reservation or among the wider off-reservation Eastern Pequot population for this period.	No rule or precedent, included for informational purposes.	The overseer's reports for the broader period from 1910 through the end of the 1930's include a great deal of data on the portion of the Eastern Pequot population antecedent to petitioner #35. However, this material has been included in the charts for criterion 83.7(b), since it has no direct data concerning political influence or authority, or internal political processes. It does, however, provide valuable contextual data concerning which direct and collateral ancestors of the #35 petitioner were resident on the reservation at various times.	Neither meets nor disproves (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1929-1933	(83-1), (e)(1)(v) Reports of overseer Gilbert Raymond in regard to activities of Atwood I Williams	1929, challenge by Atwood I Williams (Silver Star), "chief of both tribes," to a proposal to allow a Western Pequot to build a home on the Lantern Hill reservation (Overseer's Report): 1931, objection by Atwood I Williams to residence of several members of the Sebastian family on the Lantern Hill reservation (Overseer's report): 1932, "Chief Silver Star objected to Raymond's account, his reappointment and to leases for more than a year. 1933, Atwood I Williams ("Chief Silver Star) again objected to accounts and reappointment (Raymond Ledger 1932-1937).	... representing the group in dealing with outsiders in matters of consequence" (83-1) "There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions" (83-7)(e)(1)(v)). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).  The level of conflict between the subgroups was quite high in the 1930's, providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17)	The data in the record includes no information as to how Atwood I Williams attained the position he was asserting in 1929. However, he was at this time representing the group in dealing with outsiders in matters of consequence.  For further discussion and analysis of the personal activities of Atwood I Williams, see the criterion 83-7(c) charts prepared for petition #113	This meets (c) for 1929-1933 for the Eastern Pequot tribe as a whole, but does not show specific leadership exercised by members of that portion of the Eastern Pequot antecedent to petitioner #335

Since the state granted him decision-making authority and accepted him as representing the tribe as a whole, which in 1933 it defined as including members of the Sebastian lineage, these decisions provide evidence for (c) since the subgroups had not, at this time, organized separately.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933	(83.1) Superior Court decision, New London County, Connecticut, June 9, 1933.	"Ordered and decreed that any person who may hereafter claim to be listed as a member of either tribe shall present his or her application in writing to the Overseer who shall mail copies thereof to the recognized leaders of the tribes, or their successors, the present leader of the Eastern Tribe being Mr. Atwood I. Williams of Westley, R.I. . . ." (In re LeMay and Tribe 1933).	" . . . making decisions for the group which substantially affect its members . . ." (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	Whether or not the processes were internally generated, the June 9, 1933, Superior Court decision did clearly delegate some decision-making authority to an identified tribal leader. In spite of observations by some external observers (Tantaquidgen 1934, Pequot 4, Elizabeth (George) Plover, Williams Natchok c. 1941, [191] that Atwood I. Williams' status was a "claim" to be tribal chief and that he was "seeking to gain legal recognition" as such, he was at this time representing the group in dealing with outsiders in matters of consequence, and was recognized as such by the 1933 Superior Court decision.	Meis (c) for 1933 for the Eastern Pequot tribe as a whole. There is no evidence that Atwood I. Williams was a political leader of that portion of the Eastern Pequots who make up the present petitioner, but rather that he was actively affiliated with the other subgroup, in opposition to the ancestors of the current petitioner. At the time, however, there was only one tribe; the subgroups had not formed separate organizations.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933-1938	(c)(1)(iv) Cook to Gray 12/12/1938; Founders of Norwich, Norwich Bulletin 6/10/1937, for context; also: Cook to Peale 6/29/1938); Minutes, State park and Forest Commission, 3/11/1936	Throughout the later 1930's, Atwood I Williams continued to object to residency by members of the Sebastian family on the Lantern Hill reservation. Public address by Gilbert Raymond, former overseer and current agent of the Connecticut State Parks and Forest Commission: "The right of this strain to the tribal privileges is denied by Chief Silver Star who claims that the Indian girl, Tamer Brussels, was not a Pequot Indian, but as members of this family have been entered on the records of both tribes for over 40 years I have never taken steps to have these names removed" (Founders of Norwich 6/10/1937). "Other families on the Reservation claim that she was not a Pequot and therefore her descendants have no rights there. However, before the State Park and Forest Commission was appointed as Overseer the Superior Court had recognized some of her descendants as members of the tribe and so there seems to be nothing for the Commission to do but to assume that members of this family have rights in the tribe" (Cook to Gray 12/12/1938).	"There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions" (83.7(c)(1)(iv)). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	The documentation associated with it indicates, however, that for the late 1930's, there were pronounced internal conflicts in regard to residency rights on the Lantern Hill reservation. The data concerning the conflict in official records was confirmed by a 1933 interview with Helen (Edwards) LeGault (Poor but Proud 7/9/1933), and a few years later by a third Gardner/Wheeler descendant in an interview with an agent of the state of Connecticut (Mrs. Calvin Geer, Williams Notebook c. 1941). Given the strong evidence that Atwood I Williams used his position to oppose the residency rights of the Sebastian family on the Lantern Hill reservation, the description by the petition (EP Narr 7/1998) of Atwood Williams as a leader from the 1930's until his death in 1955 can only be accepted as pertaining to the reservation as a whole, or to the faction of the Eastern Pequot membership antecedent to petitioner #113, but not to that portion of the Eastern Pequot membership antecedent to petitioner #35.	Meets (c) for 1933-1938 for the Eastern Pequot as a whole, but not specifically for the portion of the Eastern Pequot antecedent to petitioner #35.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1936	(g) Connecticut, State of State Park and Forest Commission 3/11/1936	The State of Connecticut, as of 1936, noted his appointment as a result of the 1933 Superior Court decision, "Eastern Pequot Reservation. Leader Atwood I. Williams, Westery, RI, is at present recognized by the tribe. Members: on the reservation, 16; elsewhere in Connecticut, 12; in other states, 15; total 43. Provisions adopted for Tribal Membership: Admissions to Membership" (Connecticut, State of State Park and Forest Commission 3/11/1936)	No exact precedent located	This represents a continuation of Atwood I. Williams' status from 1929-1933	Meets (c) for 1936 for the Eastern Pequot as a whole, but not specifically for the portion of the Eastern Pequot antecedent to petitioner #35.

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1936	<p>(c)(1)(v) Application of Ralph F. Powers of Naumk, Connecticut, for Eastern Pequot tribal membership (Lynch 1998, 5.123-124); Connecticut, State of Thirtieth Biennial Report of State Park and Forest Commission 12/9/1936, 30 (#113 Pocket A-2; #113 Pet 1996, HIST DOCS1, Doc 41)</p>	<p>Powers, a descendant of Mary Marilla (Sebastian) Wilson, wrote to the Connecticut State Parks and Forest Commission asking that his name be included on the Eastern Pequot tribal membership. His application was endorsed by Ernest F. Saunders, Mrs. Grace Boss, Mrs. Sarah Holland, and Mrs. Calvin Williams</p> <p>Of these endorsers, Saunders is unidentified; the other three were Lantern Hill reservation residents.</p>	<p>No exact precedent on point for (c) may fall under 83.7(c)(1)(v) as affidavits to show descent from the historical tribe, but the issue here was not descent, but rather inclusion on a membership list.</p>	<p>Grace Boss was a Hoxie/Jackson descendant, and the widow of William Albert Gardner. Sarah Holland and Tamer Emeline Williams were Sebastian descendants. The third parties objected that the application was not endorsed by Atwood I. Williams, which it should have been according to the 1933 Superior Court order (Lynch 1998a, 5.123-124) However, the absence of his endorsement may show that there was internal leadership recognized within the tribe separately from the state appointment of Atwood I. Williams The limited material associated with this one application is not adequate to determine this</p> <p>Catherine Harris, claimed by the petition as a leader, was also on the reservation, but did not endorse this document. The 1938 authorization for reservation residency by Arthur Sebastian referenced by the third parties was not accompanied by endorsements in the citation (Lynch 1998a, 5.125-126)</p>	<p>Meets (c) in combination with other evidence from the period</p>

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1960	(c) State legislation.	1940, Connecticut transferred the oversight powers over Indian tribes in the state, placing the tribes and their lands under the Commissioner of Welfare. The requirements for an annual settlement with the comptroller and biennial report to the governor continued. The 1941 law provided that: "Said commissioner, as such overseer, shall have the general care and management of the property of any Indian residing upon a reservation owned or maintained by the state. Said commissioner shall cause the property of such Indians to be used for their best interest, and the rents, profits and income therefrom to be applied to their benefit (#113 Pet. 1996, HIST DOCS II, Doc. 61; citing SUPP. CONN. GEN. STAT., TITLE 51, Land and Land Titles; CH 272, Aliens and Indians; SEC. 692f, Overseer of Indians (1941); #35 Pet. Narr. 1998a, 99 cited Conn. Gen. Stat. 1587c (1939)).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)  "There are no clearcut, significant examples of the exercise of political influence or authority among the Indiana Miami between the early 1940's and the late 1970's an exercise of such influence or authority was no demonstrated by alternate means" (Miami FD 1992, 4)  "... there is no evidence of any effort to maintain a functioning tribal governing body and little evidence of individual political leadership between the early 1940's and 1967" (Mohegan PF 1989, 6).	These provisions remained in effect unchanged in 1949 and were incorporated into the 1958 revised statutes (#113 Pet. 1996, HIST DOCS II, Doc. 63, citing REV. STAT. (CONN. 171-173, TITLE 47, CH. 824, SEC. 47-59). They were repealed effective July 1, 1961, and replaced by "An Act Concerning the Management of Indian Reservations" (#113 Pet. 1996, HIST DOCS II, Doc. 64; citing PUBLIC ACTS 338-339, #304)  This provides no data concerning political authority or influence for the Eastern Pequot tribe, but provides contextual information concerning the situation in which it took place. For practical purposes, there is no indication that the Welfare Department consulted the tribal leadership in making decisions, but rather referred residents or potential residents to its local agent, as in the 1948 referral of Helen LeGault to Mr. Ellsworth Gray of North Stonington who "has been agent for a number of years and any matter concerning assistance of your residence on the reservation should be referred to him" (Squires to LeGault 6/14/1948).	Neither meets nor disproves (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1960	(c) "Enclave leaders" asserted by the petition (Burgess 1998, 9-11)	The petition identifies Emeline Sebastian (Aunt Liney) as the leader of the reservation enclave. According to the petition, she was succeeded by Catherine Harris, while Burgess has her successor by her daughter, Sarah Holland (Burgess 1998, 9-11). Frank Sebastian Sr. is identified as the leader of the Old Mystic enclave, followed by his son Royal Sebastian Sr., and then grandson, Roy Sebastian, Jr. the current chief of the Eastern Pequot. Alden Wilson is identified as leader of the Mystic "enclave." Burgess states further that political interaction between the three enclaves was "constant" (Burgess 1998, 9-11).		The petition states that there were enclave leaders. It states that "on a daily basis at least" each of the enclaves "looked to leaders or elders, whose experience, social ties, economic resources, or leadership skills made them the most suitable people to solve family disputes; [and] straighten out problems with the State Parks and Welfare Department representatives." (EP Narr 7/98 p. lxxx) "The specific time periods for this leadership were not stated in the petition. Judging by the age of the individuals mentioned, the time period referred to began as early as the 1920's and extended to the 1960's when, according to the petition, leadership patterns changed.	Meets (c) 1940-1960
				There is information to establish that there were at least two individuals of some influence as informal leaders, Emeline Sebastian and Alden Wilson, possibly somewhat localized. The evidence did not indicate that these were specifically enclave leaders.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
c. 1941	(c)(1)(iii); (c)(4)(v) Connecticut, State of Office of Commissioner of Welfare, J R Williams Notebook c. 1941, [24].	Interview by a state researcher with a descendant of the Gardner/Edwards family: Mrs. Calvin Geer - 1/4 Indian Her mother was half Indian, 1/4 yankee, 1/4 spanish. Her father a yankee. She has married a ... yankee farmer named Geer. Has seven children ... ( ... 1/8 Indian). Mrs. Geer wanted it understood that there was not a drop of negro blood in her. She was indignant at the "Indians" on the reservation at Lantern Hill who she says are a bunch of negroes. Her aunt, a Mrs. Atwood Williams, of Mystic is married to another part Indian and they were active some years back in the "Indian Federation" but has since dropped since so many negroes came in (Williams Notebook c. 1941)	"The level of conflict between the subgroups was quite high [in the 1930s], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17).  "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22).	This interview with a member of the Gardner/Edwards family line now associated with petitioner #113 provides further data concerning the underlying tensions which were developing on the Lantern Hill reservation between the two factions antecedent to the two current petitioners.  However, it provides no information concerning internal leadership within the Sebastian line antecedent to petitioner #35. In these documents that group appears as the object of other people's opinions, but not as actors whose actions would illustrate a bilateral political process.	Does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
c 1941	(e)(1)(iii) Connecticut State of Welfare Department J.R. Williams Notebook c 1941.	Mrs. Calvin Williams: Father was Sebastian the Portuguese Negro. Her mother Tanner Brussels [sic] a Pequot. She is 72 years old, lives with her daughter a Mrs. Holland, widow Mrs. Williams's first husband was Swan "From Cuby". She has a prayer meeting in her house three or four times a year. Anybody comes that wants to... (Williams Notebook c. 1941). <u>Mr. &amp; Mrs. Harris</u> Mrs. Harris is niece of Mrs. Williams (i.e. her grandparents were Tanner Brussels and Sebastian, her father a brother of Mr. Williams). Her mother was from Long Island and had "Long Island Indian Blood" in her. Mrs. Harris is... middle aged, and deaf... (Williams Notebook c. 1941).	"The level of conflict between the subgroups was quite high [in the 1930s], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17).  "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940s and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22).	The statement concerning the prayer meetings in the home of Tanner Eineline (Sebastian) Williams provides important independent confirmations of the recollections of "Fourth Sunday" meetings from the oral histories cited by the petitioner.  The Williams notebook, however, in its coverage of the Sebastian family members, does not provide the types of comment concerning intertribal tensions and conflicts that it does for petitioner #113. Throughout the record for this period, the Sebastian line rarely if ever made comments concerning the activities of Atwood I. Williams and Helen LeGault.	Meets (c) in conjunction with the oral history data
1941-1948	(e) Connecticut, State of Welfare Department (cited Lynch 1998, 5, 127-130); Lynch 1998a, 5, 130.	Reports on Benjamin Harrison Sebastian, Frank Sebastian, Calvin H Sebastian, Mrs. Peter Harris, Mrs. Calvin Williams, Mrs. Sarah Holland, letter to Moses Sebastian re: residency application	No rule or precedent, included for informational purposes.	Most of the state-generated data from this period pertained specifically to issues of residency applications and persons in need of assistance from tribal funds. It did not directly address the issues of political authority or influence. The definition of those persons who were on the reservation or applying to reside on the reservation may provide some context for more specific information concerning political activity within the group antecedent to petitioner #35, but the petitioner did not analyze this material.	Unanalyzed, does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950-1959	(e)(1)(ii) Connecticut, State of Welfare Department. (cited Lynch 1998a, 5:131-138)	Various correspondence re: residency, construction on the Lantern Hill reservation, to Arthur W. Sebastian, Jr.; Mrs. Charles Lewis, Lillian Sebastian.	No rule or precedent, included for informational purposes	As of 1956, residents on the reservation were Brushell/Sebastian (3); Hoxie/Jackson (5); Gardner/Edwards (1) plus Arthur Sebastian Jr. as a lessee. This doesn't count Franklin Cleveland Williams' widow, who was a Narragansett (and also the sister of the wife of Hoxie/Jackson resident Paul Spellman)	Unanalyzed, does not meet (c)
				This correspondence, with members of the Sebastian line (in other data in the State of Connecticut's files), if analyzed, may contain data concerning political actions of the Sebastian family in regard to conditions on the reservation. Only one of these items was cited in the #35 petition.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1955-1979	(G)(i)(ii) CIAC Hearing Testimony 8/10/1976; Obituaries The Westerly Sun 6/7/1979; Providence Journal 6/8/1979.	One obituary stated: "As Grand Chief Sachem, he was the leader of the Eastern Pequot Tribe, which has a reservation in North Stonington," and that he was a board member of the Rhode Island Indian Affairs Council (A.I. Williams Jr.: Chief of Eastern Pequot Indians. Providence Journal, hand-dated 6/8/1979).	No precedent on "does not meet" in the precedent bank.	The #35 petition stated that Atwood Williams "may have been" succeeded by his son, but did not describe the person's leadership nor give a source for this beyond his obituary. There is no other evidence in the written record concerning any leadership activities of Atwood I. Williams Jr. Since his only known appearance was at the 1976 CIAC hearing in opposing the membership of the group antecedent to petitioner #35 in the Eastern Pequot tribe, he cannot be considered to have exercised a leadership function which included the portion of the Eastern Pequot membership antecedent to petitioner #35.	Does not meet (c).

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1955	(G)(M) Helen E. Le Gault, Union City, CT, to Clayton S. Squires, State Welfare Dept. 10/28/1955)	October 28, 1955, Mrs. LeGault wrote: "I wish to state that the people you took over to this property in question the day I talked to you last July are not related to the former occupant in any way or anyone else that has any rightful claim to this or any other Indian Reservation. This you know. If you have the authority to allow anyone [sic] who has applied for permission to occupy this property which has always been used by the family of my Uncle or his widow, and you let those people in there that I saw you with, myself and every one concerned will feel justified in believing that you have a very personal reason or reasons  When I say all concerned I mean people who have a right to call themselves descendants of real Indians, and who have been allowed such a very small part of what really belongs to them  It seems people who have no Indian blood at all, camouflage their intentions by Applying for state aid, at the same time claim to be Indians and are placed on the small piece of land that has been set aside for the Indians, its really a joke, from themon [sic] they are favored and given preference.	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)  "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community." (Miami FD 1992, 22).	During the 1950's, Mrs. LeGault confirmed her earlier activities in urging that certain persons be permitted to reside, or prohibited from residing, on the Lantern Hill reservation. Her opposition to residence by members of the Sebastian family line indicates clearly that she was not providing leadership to the group antecedent to petitioner #35, but did generate correspondence and memoranda which provide useful information describing the group antecedent to petitioner #35 (see CT FOIA) during the 1940's through the 1970's. It does not provide direct data on the Sebastian subgroup's internal political authority or influence.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960	(c)(1)(i) Squadrino to Richardson 8/27/1960; CT FOIA #68.	Letter concerning sale of cottage on the Lantern Hill reservation by Thomas Squadrino (non-Indian lessee) to Mrs. Idabelle Sebastian Jordan, daughter of Arthur Sebastian	No rule or precedent, included for informational purposes.	The petitioner did not analyze the State of Connecticut's material concerning the activities of members of the Sebastian line in the 1960's in assuming possession, by various means, of reservation properties that had previously been leased to non-Indian tenants. Without analysis, there is no way to tell if these were solely the actions of individuals, or whether they reflected coordinated political activity within the Sebastian group antecedent to petitioner #35.	Unanalyzed, does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(c) State legislation #113, Pet 1996, HIST DOCS II, Doc 64, citing PUBLIC ACTS, (1961) #304	Connecticut repealed prior legislation in regard to its Indian reservations effective July 1, 1961, and replaced it by "An Act Concerning the Management of Indian Reservations" (#113 Pet 1996, HIST DOCS II, Doc 64, citing PUBLIC ACTS 338-339, #304). Oversight remained with the Commissioner of Welfare. The reservations were listed specifically, future leases were prohibited, and the powers of the welfare commissioner to manage buildings, make repairs, and establish health and safety regulations were codified into legislation. The act defined eligibility for residency as follows: "SEC. 2. Reservations shall be maintained for the exclusive benefit of Indians who may reside on such lands, except that any person, other than an Indian, who resides on a reservation on July 1, 1961, may continue to reside thereon. The lawful spouse and children of an Indian may reside on a reservation with such Indian for as long as such Indian so resides. The burden of proving eligibility for residence on a reservation shall be on the claimant. A reservation may be used for recreational and social purposes by Indians, descendants of Indians and their guests at such times as the welfare commissioner may provide.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan Pf 1989, 6)	While the 1961 act defined eligibility to reside on a reservation, Section 4 provided appeal provisions for "any person aggrieved by a decision of the welfare commissioner in regard to admission to or eviction from a reservation". It did not establish any provisions for determining tribal membership other than stating that, "SECTION 1. . . . Indian means a person of at least one-eighth Indian blood of the tribe for whose use any reservation was set out" (#113 Pet 1996, HIST DOCS II, Doc 64, citing PUBLIC ACTS, (1961), #304)  The terminology in this act made no reference to a decision-making process which involved the tribal leadership. One student of Connecticut's Indian policy has maintained that "Throughout the 1960s, the government continuously asserted control over and claim to reservation lands. Statements such as: 'The Indian Reservation lands are set aside for their use until they shall no longer be needed.' The Indians do not own the lands. At best, they may be allowed occupancy with approval and under supervision of the State Welfare Commissioner" were commonly made by the Welfare Department (Afrave 1993 [13-14], no source citation)	Neither needs nor disproves (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1976	(c) The petitioner asserts that Roy Sebastian, Jr took over as general leader in the 1960's (KB 1998, 10).	Burgess states that in the early 1960's, the EP predecessor group "began to have 'Indian meetings' held at the homes of various members and that these were "precursors" to a formalized government (Burgess 1998, 10). The petition lists attendees drawn from several branches of the Sebastians, i.e. a reasonably broad representation.		The petition offers no evidence for this as opposed to his becoming leader in the early 1970's, when documentary evidence indicates that the EP antecedent group began to organize. There was no information concerning the nature of these meetings, and thus they cannot be evaluated as evidence for political processes in the 1960's. No sources were cited.	Does not meet (c)
1963-1971	(c) Sebastian Family Foundation (EPNarr 7/98; Burgess 1998, 10)	This was a foundation established by Roy Sebastian, Sr. which collected funds to aid needy families. The funds, according to the petition, were collected at powwows or otherwise from members.		The bylaws of the foundation indicate that its membership was limited to the descendants of Frank Sebastian Sr (father of the present chairman Roy s)(Sebastian Foundation 1963). The officers, donors and all of the identifiable recipients of funds were from this same subline. None of the BAR interview materials indicated its activities extended more broadly among the Eastern Pequot. Thus this does not provide evidence to substantiate the petitioner's position that it shows tribal political influence.	Does not meet (c)
1964	(c)(1)(ii) Sebastian to Shapiro 6/7/1964.	Letter from Arthur W. Sebastian to Bernhard Shapiro, Commissioner, State Welfare Office, concerning the drinking water situation on the Lantern Hill reservation			

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966	(c)(1)(ii) Barrell to Wilson 7/1/1966 (Lynch 1998a, 5:142)	Letter from Florence Barrell, State Welfare, to Lawrence E. Wilson re: proposed plan for construction and sanitary facilities with reference to the cottage on the Eastern Pequot Reservation previously occupied by Mrs. Catherine Harris			

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966-1973	(G)(1)(v) Connecticut, State of Welfare Department. File Itabette Sebastian Jordan 6/7/1966, CT FOIA #68). LeGault to Connecticut State Welfare Department 3/1/1969, Connecticut, State of Welfare Department. Memorandum from Dorothy M Shaw to Frank Mehran 1/2/1973	Reports by state officials and correspondence between Helen LeGault and state officials supporting or opposing the residence of various individuals on the Lantern Hill reservation.	The level of conflict between the subgroups was quite high in the 1930's, providing evidence of mobilization of political sentiments among the membership along subgroup lines." (Miami FD 1992, 17).  "An important potential means of demonstrating that tribal political processes existed within the Miami after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	Mrs. LeGault did not represent herself as the spokesperson for a group. None of the state agents described her as the spokesperson for a group. For contents of these documents, see charts for criterion 83 7(b)  The record contained no written documentation, other than the above correspondence, concerning leadership exercised by Mrs. LeGault among the Eastern Pequot reservation residents, the Eastern Pequot membership as a whole, or any specified portion of the Eastern Pequot membership, namely the Gardner/Edwards and Gardner/Williams families. In light of the subsequent 1973 protest against her CIAA appointment by many of the Jackson and Spellman family (see below), it would not appear that the Hoxie/Jackson subgroup regarded her as a leader in the 1960's. There is no data pertaining to any interaction at this time between Helen LeGault and the other contemporary leader claimed by petitioner #113, Atwood I Williams, Jr. (see above)	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1968-1973	(c) Connecticut, State of Welfare Department, (#35 Pet., LIT 80; #113 Pet. 1996, HIST DOCS doc. 24); Connecticut, State of: Annual Report of Indians in Residence 7/9/1970 (Lynch 1998a, 5.144); 6/6/1973 (Lynch 1998a, 5.145).	Letters to: Lawrence E. Wilson, Marion M. Sebastian, Josephine C. Sebastian, Louis Jonathan Edwards, Bertha Edwards Brown re: residence on Eastern Pequot reservation			<i>These files need to be examined for any incidental information they may contain.</i>
1971-1973	(c) Connecticut, State of Welfare Department, Correspondence from Frank Mcهران	Letters to Lawrence H. Sebastian, Roy E. Sebastian, William Sebastian Jr., Raymond A. Geer, Benjamin Sebastian, Ruth E. Geer, Alfred C. Sebastian, Jeanne Lee Sebastian, Maurice G. Sebastian, John Holder, re: permission to reside on Eastern Pequot reservation.			<i>George, I would not be surprised, given the recent acceleration in Sebastian applications in the late 1960's and early 1970's, and ditto for Gardner/Edwards, if this did not indeed reflect some organized activity on the part of both groups, before CLAC, rather than just individual initiatives.</i>  N B: Were the Hoxe/Jacksons just sitting there?

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c) State legislation establishing the Connecticut Indian Affairs Commission (CIAC)	The 1973 bill, part of a compromise package, did not create the new Connecticut Indian Affairs Commission (CIAC) as an autonomous commission, but a rather as a liaison between the tribes and Connecticut's Department of Environmental Protection (DEP), which would take over administration of Indian Affairs from the Welfare Department. Became law October 1, 1973 (See 1990, 197). The new regulations declared that the Indian Affairs Council would advise the commissioner of environmental protection on the administration of Indian affairs, but the commissioner's decisions were the binding ones. It would be made up of representatives of each of the state's five tribes and three non-Indians appointed by the governor. In addition to its role as advisor, the council would be responsible for drawing up new programs for the reservations, for recommending changes in regulations pertaining to Indians, and for determining the qualifications of individuals entitled to be designated as Indians for the purpose of administration [of the statute] and shall decide who is eligible to live on reservation lands, subject to [statutory] provisions (See 1990, 198-199)	Neither rule nor precedent included for informational purposes.	The transfer of supervision of Connecticut Indian reservations from the Welfare Department to the Division of Environmental Protection was implemented in August and September of 1973. Submissions by both petitioners included extensive correspondence from the DEP for the remainder of the 1970's through the 1980's, plus documents and minutes from the CIAC. The new CIAC continued to receive numerous applications for residence on the state's reservations and in 1974 put a temporary hold on issuing permits "until such time that the Council is in a position to accurately determine the membership of the recognized tribes" (Harris Memorandum, CIAC 3/14/1974; Lynch 1998, 5:145), although this placing of permits in abeyance did not stop the flow of incoming applications. In the specific case of the Lantern Hill reservation, the issuance of residency permits became inextricably involved with the questions of CIAC representation and the associated issues of tribal membership, complicated by continuing litigation.	

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c) Appointment of Helen LeGault as CIAC representative on recommendation of the "Authentic Eastern Pequot Indians of North Stonington, Conn." (#113 Pet. 1994 NARR Supporting Documents, Folder A-1).	Letter, July 17, 1973. Signers: Ruth E. Gear, Mildred Holder, John Holder, Byron A. Edwards, Helen L. Edwards, Atwood I. Williams R. Francis Young, James L. Williams Sr., Agnes E. Cunha, Richard E. Williams, Helen E. LeGault, Bertha Edwards Brown	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).	All twelve signers were members of either the Gardner/Edwards or Gardner/Williams families. Two of these persons were Gardner/Williams descendants who have subsequently enrolled as Western Pequot, one Edwards signer cannot be identified on the basis of #113's genealogical submissions. Thus, this significant action was taken by only a small proportion of the overall body of Eastern Pequot descendants; and without participation of the Hoxie/Jackson and Brushell/Sebastian lineages. They were, however, neither unaware nor unconcerned, as can be seen by developments from later 1973 through the present.	Neither meets nor disproves (c) for petitioner #35; included for informational purposes.

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c)(1)(v) Eastern Pequot Indians of Connecticut Letter to Commissioner of Environmental Protection, Hartford, Connecticut, 10/14/1973; Smith to Wood 9/26/1973.	We the undersigned Pequot Indians do protest and challenge the Appointment of Mrs. Helen Le Gault and her sister Bertha Brown as representatives to the Indian Affairs Council." Signers: Alton E. Smith, Sharrell Jackson, Sharon Jackson, Harold Jackson Jr., Alice Brend, Martha Langwin, Richard R. Brown, Arlene Brown, Paul L. Spellman, Rachel Crumb, Lucy Bowers, Barbara Moore, Hazel Sneed, Rachel Sylvia, Harold C. Jackson, Ernest M. Jackson, Marion Jackson, [Ulira?] Jackson "	<p>"The bitter faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)</p> <p>"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15).</p> <p>The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miami after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them . . . continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community." (Miami FD 1992, 22)</p>	<p>This protest was initiated by Arlene (Jackson) Brown and signed primarily by Hoxve/Jackson descendants. The only member of the Brushell/Sebastian lineage associated with it was Alton E. Smith, who presented it to the CIAC at Ms. Brown's request because he lived in the state capital. Smith's accompanying letter added: "The meeting called and conducted by Mrs. LeGault was not attended by long time residents of the reservation. The reason for non-attendance was simply that no invitation was extended. . . . If a majority portion of the Eastern Pequots were excluded from the meeting then the selections made were in opposition to Public Act 73-660. . . . There is a steady undercurrent of disagreement about rights and privileges on the reservation (Smith to Wood 9/26/1973, #35. Pel. LIT 79)</p> <p>Smith subsequently aligned with the group antecedent to petitioner #35. However, the leadership of this 1973 initiative was not spearheaded by the group antecedent to petitioner #35, but rather by a third faction of Eastern Pequot, the Hoxve/Jackson descendants</p>	Does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(e)(1)(iv) CIAC Minutes, Amended Minutes of regular meeting 12/4/1973. [2]	<p>The CIAC, on December 4, 1973, came up with the following interim solution to the issue of Eastern Pequot representation: CIAC went into executive session, with Mrs. LeGault disqualifying herself.</p> <p>"1. Mrs. Legault will remain as the Eastern Pequot representative, with Mr. Alton Smith, as spokesman for the challenging group, serving as her alternate.</p> <p>2. At such time that a census of the Eastern Pequot people is completed, an election will be held with participation in such an election based upon census information.</p> <p>3. The tribal members of the IAC will work with the Eastern Pequots to assist them in developing an internal organization so that one body will in the future represent the Eastern Pequot people."</p>	<p>"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992. 15)</p>	<p>Testimony by the following given under oath and recorded: Paul Spillman, Arlene Brown, Alton Smith, Helen LeGault. The two Lantern Hill residents who testified Brown and Spelman, were Hoxie/Jackson descendants, not Brushell/Sebastian descendants. For further data on this initiative, see the criterion 83 7(c) charts prepared for petition #113</p> <p>The interim solution was still in effect as late as August 5, 1975 (LeGault and Smith to Eastern Pequot residents 8/5/1975). The temporary <i>modus vivendi</i> came to an end about the same August 1975 date, when the CIAC requested that each of the state-recognized tribes prepare and submit a list of members. A newspaper article discussed the CIAC's proposed abandonment of the 1935-1941 tribal genealogical lists gathered by the State Park and Forest Commission and 1/8 blood quantum requirement in favor of letting the tribes decide their own membership (Sandberg, Jon Indians May, Rule on Members, <i>Hartford Courant</i> 8/28/1975, quoting Brendan Ketcher of DEP/CIAC)</p>	Does not meet (c) for petitioner #35.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1975	(c) Eastern Pequot Indians of Connecticut 6/10/1977, 1	In August of 1975, several members of the Eastern Pequot Indians of Connecticut organization attended a CIAC meeting and were told that "it should organize the tribe before being recognized before the Council [CIAC]. We, the Eastern Pequot Indians of Connecticut, proceeded to organize with much effort and dedication. Recruitment of membership was based on the Eastern Pequot genealogical records of the State of Connecticut from the State Welfare Department. In November 1975 and December, 1975 we scheduled two organizational meetings . . . .	83.2(c) Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations. The fact that a group that meets the criteria in § 83.7 (a) through (g) has recently incorporated or otherwise formalized its existing autonomous political process will be viewed as a change in form and have no bearing on the Assistant Secretary's final decision.	The petition states that Roy Sebastian, chairman in 1976, and his brother William had been holding elected office from 1971 (#33 Pet 1989 Submission 54.7(c), 1). This would indicate that organization began before the adoption of a written set of bylaws.  Their ability to get a group to the CIAC in 1975 implies that there was some kind of pre-existing organization, even if it wasn't very formal. If there were more detailed information concerning how this formalization came about, it might provide evidence concerning political influence, issues of importance to members, political communication, and the like.	Does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976-1999	(c) EP Minutes	<p>The petitioner submitted a detailed discussion of "tribal business" from the point of formal organization until 1998, the date of the petition narrative. The petitioner submitted a substantial run of minutes and related documents in support of this part of the petition. The BIA researcher obtained additional minutes during the March 1999 field trip.</p>		<p>All of these materials were reviewed to evaluate the petitioner's position. Over all, minutes covering 305 council meetings and other events, constituting 1755 pages, were reviewed. The BIA did not have interviews and notes from a prior petition researcher for review. The petitioner's argument for bilateral political process described 12 specific categories of business and events, in support of the general argument described above. These included holding elections and seating tribal officers; assessing and collecting membership dues; and organizing the tribe's annual powwow. These activities in themselves are not distinguishable from a voluntary association. For these to be useful evidence, the petitioner needs to show that there was widespread participation, political communication, and the like (83 7(b)(4)(ii)). There was little evidence in the minutes to show where there were expressions of membership opinion, interest, or participation in the central actions of the council.</p>	Does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c) Eastern Pequot Indians of Connecticut 6/10/1977, 1-2	"In February, 1976 a meeting was called for the Eastern Pequot of Indians of Connecticut to approve the By-Laws that had been previously formulated, to approve the structure and to review the membership list. . . . In February, 1976 the Eastern Pequot Indians of Connecticut submitted a package of the membership role [sic], the By-Laws and an illustration of the structure of the tribe to the Indian Affairs Council. Receipt of the same was not acknowledged by the Council [CIAC]."	83.2(c) Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations. The fact that a group that meets the criteria in § 83.7 (a) through (g) has recently incorporated or otherwise formalized its existing autonomous political process will be viewed as a change in form and have no bearing on the Assistant Secretary's final decision	On March 1, 1976, Roy F. Sebastian, Jr., Acting President of the eastern Pequot Indians of Conn., transmitted a copy of the by-laws to the CIAC (R. Sebastian to Harris 3/13/1976; #35 Pet LIT 70). During the spring of 1976, the Eastern Pequot Indians of Connecticut also protested several proposed CIAC actions pertaining to the Eastern Pequot reservation, most of this correspondence being signed by Roy Sebastian (R. Sebastian to Gill 3/6/1976; R. Sebastian to Harris 3/6/1976)	Unanalyzed data does not meet (c)
1976	(c) Packet on the "Authentic Eastern Pequot"	In April 1976, Helen Legault supposedly submitted a packet on this group, including by-laws, a list of officers, and a membership list, to CIAC, as being the full Eastern Pequot tribal organization. No copy of this packet was identified in the record. For reference to it, see testimony at the August 10, 1976, CIAC hearing		Although the petition doesn't explicitly claim that the conflict with PEP represents evidence under 83.7(c)(1) of an issue of importance to the membership, it does present extensive data and discussion of the conflicts with the latter from the formation of the CIAC until the present. BAR field data indicated that at least at present, the conflict was an issue of importance in terms of this being an attack on their claim to be Indian. An additional, related issue, retaining the rights to the reservation land, is an issue of importance, given the sheer number of people that mentioned visiting the reservation and relatives there earlier in their childhood (BAR 1999 Burgess 1997, 1998)	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(C)(1)(v) Letter, William O. Sebastian or Irving Harris and Brian Kelleher 4/26/1976, #35 Pet LIT 70.	On April 26, 1976, William O. Sebastian wrote the CIAC asking why the group had received no acknowledgement of its March 13, 1976, submission, and questioning the dual role of Helen LeGault in both representing the Eastern Pequots as a whole and organizing her own group. It also made the first reference to the CIAC's scheduling of a hearing on the Eastern Pequot membership issue: "We are questioning your reasons for a public hearing without a formal charge or challenge to this organization" (W O Sebastian to Harris and Kelleher 4/26/1976, #35 Pet LIT 70).	83.2(c) Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations. The fact that a group that meets the criteria in § 83.7 (a) through (g) has recently incorporated or otherwise formalized its existing autonomous political process will be viewed as a change in form and have no bearing on the Assistant Secretary's final decision	For information concerning the group by whom Helen LeGault had been chosen as the Eastern Pequot reservation to CIAC, see the criterion 83.7(c) charts prepared for petition #113	
1976	(C)(1)(v) Letter, Helen LeGault to W.O. Sebastian 5/15/1976, #35 Pet LIT 70.	In answer to your letter of April 1, 1976, I shall start by stating that I am the Representative of the Eastern Pequots, elected legally by twelve Pequot Indian descendants [sic] not by the Indian Affairs Council. It really doesn't make a great deal of difference whether you recognize [sic] me as such or not. I'm still the Representative. "To keep you informed of all the correspondence pertaining to Tribal Business etc. one would spend one's time doing nothing else, sorry, but you will have to attend the Council meetings at Hartford each every month to be properly informed, this is what I do (LeGault to W O Sebastian 5/15/1976, #35 Pet LIT 70)	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)	The original letter from W O Sebastian is not in the record, so it is not clear whether he wrote as an individual or as a representative of the EP group	

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	<p>(c)(1)(iv) Siernan, Patricia Pequot Indians Suing State for Representation. Hartford Courant 9/4/1976; Tribal Feud Splits Eastern Pequot Indians. The News 9/13/1976; Hascock, Bill, Recognize Descendants of Two Persons as Pequots, the News 9/13/1976</p>	<p>In September 1976, EP filed a suit against CIAC over the representation issue. There is extensive coverage in the record. The Hartford Connecticut newspaper reported that the "six members of the Eastern Pequot Indian tribe" were suing because they said Mrs. LeGault did not represent them "because she isn't elected," but had been appointed by the state. The reporter also interviewed Brendan Kellher of the CIAC. "Kellher [sic] said Mrs. LeGault was appointed to the council in 1973 because of letters from members of her family submitted to the commissioner of the state department of Environmental protection" (Siernan, Patricia Pequot Indians Suing State for Representation, <i>Hartford Courant</i> 9/4/1976). The Hartford article added that "The lawsuit resulted from an 150-year old struggle in which two factions of the tribe have been at odds over whether one side which has habitually married blacks and Portuguese is as equally Eastern Pequot as one side which habitually married whites," said Lawrence Sebastian of Lantern Hill Road, North Stonington, one of six related plaintiffs."</p>	<p>"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)</p>	<p>The contention concerning a 150-year struggle represented a certain amount of hyperbole: there is no evidence in the record that the "struggle" predated the activities of Atwood I. Williams in the early 1930s; so it was more like a 45 year old conflict. Mrs. LeGault, on the other hand, said for publication that, "she believes the six plaintiffs, all members of the Roy E. Sebastian family of New London, are trying to get her to move from the reservation..." Of the Sebastians, she said, "They're only exposing their own questionable backgrounds for scrutiny, and I'm confident that their claim to Indian citizenship will be determined false before this is all over" and alleged that the Sebastians were attempting to win control over the tribe's funds held by the state. The attorney representing the plaintiffs stated: "We don't want to make Mrs. LeGault leave either the reservation or the Indian Affairs Council, we just want to get her to recognize that the Sebastians are actually Eastern Pequot Indians" (Siernan, Patricia Woman Named in Lawsuit Defends Appointment to Panel, <i>Hartford Courant</i> 9/5/1976)</p>	

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c)(1)(i); (c)(1)(iii) CIAC Eastern Pequot membership decision 11/8/1976	This declared that lineal descendants of both Marlboro Gardner and Tamar (Brushell) Sebastian, with 1/8 blood quantum, were eligible for Eastern Pequot membership. The CIAC declared both to be full-bloods. It did not address lineage through Rachel (Hoxie) Jackson, through Agnes (Wheeler) Gardner by her prior marriages, or through the Fagins family.  The Sebastians presented extensive documentation and testimony for this hearing. Arthur Sebastian stated: "My grandfather, Solomon Sebastian, said that, told us that we belonged up on that reservation. He said we, they have always had arguments, pro and con, going on ever since, ever since he could remember. . . ." (Lynch 1998a, 5, 146)	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	The descendants of Rachel (Hoxie) Jackson were still excluded from the proposed membership list prepared by Helen LeGault (see charts for 83 7(c) for petition #113, under prior membership lists).  It is not clear from the evidence why her split with the Jacksons and exclusion of them from proposed Eastern Pequot membership did not receive equivalent publicity to her disputes with the Sebastian group.  It is not clear from the evidence in the record to what extent the testimony by the Sebastian family reflected a widespread effort within the petitioner's antecedent group as a whole, or was the product of only a small number of individuals, without widespread knowledge or communication with the group as a whole. However, the petition did not present an extensive analysis of the internal process leading up to the CIAC hearing testimony.	Does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c)(1)(ii); (c)(1)(v)	This newspaper coverage took place in regard to the CIAC Eastern Pequot membership decision 11/8/1976.	The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)	Helen LeGault declared that she was "not pleased with declaration Bruschel [sic] was an Indian" (Cusick, Martha Pequot Membership Requirements Are Altered, Norwich Bulletin 11/9/1976) In December 1976, she, her brother, and her sister, filed suit against the CIAC and the Eastern Pequot Indians of Connecticut, challenging the decision. The suit was the occasion of the second hearing on January, 18, 1977. As a consequence of the challenge, another hearing was conducted on January 18, 1977.  Mrs. LeGault's actions reflect only the activities of the group antecedent to petitioner #113, and do not in themselves provide information pertinent to petitioner #113	Does not meet (c)

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(e)(1)(i); (e)(1)(ii) The Day, New London, CT, 12/13/1976, #35 Pet. CIAC; see also Eastern Pequot Indians of Connecticut 6/10/1977, 2	The Eastern Pequot Indians of Connecticut sent notice of a "tribal membership meeting" to be held on December 19, 1976, to the members of both groups. The announced purpose was to "establish an official role [sic] and to adopt By-Laws for the Eastern Pequot Indians of Connecticut."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).  The level of conflict between the subgroups was quite high in the 1930's, providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17)	Although, in accordance with the terms of the CIAC ruling, this was announced as a "Tribal Membership Meeting of all lineal descendants of Marlboro Gardner and Tamer Brushel Sebastian, found to have at least one eighth percentage of their blood" (The Day, New London, CT, 12/13/1976), the members of the "Authentic Pequot Indians" did not participate in this organizational initiative. Thus the by-laws adopted in February, 1976 and subsequent governing documents adopted by the Eastern Pequot Indians of Connecticut have pertained only to petitioner #35.	Neither meets nor disproves (c)
1977	(c) CIAC Eastern Pequot Membership Decision 4/18/1977. See also CIAC Hearing 1/17-18/1977, #113 Pet. 1996, HIST DOCS II, Doc. 72, #35 Pet. CIAC. This material includes extensive follow-up correspondence and memoranda.	In the decision resulting from the second hearing, the CIAC maintained the one-eighth blood quantum requirement (CIAC, Eastern Pequot Membership Hearing 4/18/1997, 1). However, after the second hearing: "Upon consideration of the complete record, the Council hereby finds Marlboro Gardner to be full blood Eastern Pequot Indian and Tamer Brushel Sebastian to be at least one-half blood Eastern Pequot Indian" (CIAC Eastern Pequot Membership Hearing 4/18/1997, 2)	No rule or precedent, included for informational purposes.	This had the practical effect of halving the blood quantum ascribed to all Sebastian descendants, sharply reducing (to three individuals) the proportion who were eligible to vote for an Eastern Pequot representative on the CIAC under the 1/8 blood quantum requirement that CIAC had maintained	Neither meets nor disproves (c)
				For the issue of the accuracy of the CIAC determination, see the charts prepared under criterion 83 7(c) for both petitions #35 and #113	

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977-1979	(c)(1)(iii) EP Membership Notice (#35 Pet. INTERNAL). Eastern Pequot Indians of Connecticut 6/10/1977.	April 28, 1977, EP sent a notice to members regarding the CIAC action on determining Tamar Brushel's blood quantum. EP also began a challenge to this determination, filing a lawsuit on May 10, 1977, against the CIAC. On June 10, 1977, the EP board of directors consisted of: Roy Sebastian, President; William Sebastian, Vice-President; Donald Sebastian, Treasurer; Katherine Sebastian, Secretary; Lawrence Sebastian, Eleanor Manson; James Jones; Doris Cook; Arthur Sebastian. This statement defined the Eastern Pequot Indians of Connecticut as "an organization which is constituted of members of the Eastern Pequot Indian Tribe . . . ."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	This CIAC action stemmed from the 1977 decision. It effectively gave Helen LeGault authority to determine the tribal membership according to the definition established by P1:P. This decision was challenged by #35 through litigation.	Neither meets nor disproves (c) for EP.
1977	(c) CIAC Minutes 8/2/1977, III.	"Helen LeGault submitted a copy of the Eastern Pequot Indians of Connecticut tribal roll. In so doing she completed the requirements for participation in the Council established by the regulations of this body. Helen LeGault will be representing the Eastern Pequot tribe on the Council with Richard Williams serving as alternate. No further action taken" (CIAC Minutes, 8/2/1977, III)	Neither rule nor precedent, included for informational purposes.	This CIAC action stemmed from the 1977 decision. It effectively gave Helen LeGault authority to determine the tribal membership according to the definition established by P1:P. This decision was challenged by #35 through litigation.	Neither meets nor disproves (c) for EP.

Eastern Pequot Indians of Connecticut: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1982	(c) Paucatuok Eastern Pequot Indians of Connecticut to CIAC 1/11/1983.	Notification to CIAC of the election of Helen LeGault and Richard Williams as representatives, held July 18, 1982.	No rule or precedent; included for purposes of context.	Richard Williams was a son of Atwood I Williams, Jr. This is the first official appearance of a Gardner/Williams line representative in the PEP leadership, although they had been members on LeGault's lists since 1977.	Neither meets nor disproves (c) for EP

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1982	<p>(e)(1)(y) Geer, Raymond. Letters on behalf of Paucatuck Eastern Pequot Tribal Council to Idabelle Jordan, Josephine Wynn [Josephine C. (Sebastian) Winn], Arthur Sebastian, Lawrence Sebastian, re: objection from Eastern Pequot reservation 7/23/1982; letter, Roy and William Sebastian to Raymond Geer re: residency on Eastern Pequot reservation, Morgan and Hescock, Attorneys at Law, correspondence with Raymond A. Geer representing PEP in the objection effort 1982 (#113; Per. 1994, A-3). Sebastian, Lawrence H., to Dan Price, Connecticut Legal Services, re: attempted ejectment by Paucatuck Eastern Pequot Indians 12/1/1982.</p>	<p>In the summer of 1982, the PEP tribal council undertook to eject the EP members who resided on the Lantern Hill reservation. As PEP Chairman, on July 23, 1982, Raymond Geer signed letters to this effect, which were sent to all reservation residents who were members of the other group. EP strongly protested this attempt to remove them from the reservation to the CIAC. The CIAC considered the matter in August and September. In November 1982, EP requested that CIAC cease disbursing all funds to the reservation until the matter of the CIAC seat had been resolved (R. Sebastian and W. Sebastian to CIAC 11/3/1982). On November 11, 1982, CIAC issued notice of a public hearing to be held on November 21 (CIAC 11/11/1982).</p>	<p>"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).</p>	<p>The next stage of the developments at the CIAC cannot be understood without a discussion of an initiative undertaken by PEP.</p>	<p><i>George, this series of correspondence has lots of great stuff about who was doing what to whom. PEP was literally, using its definition of itself as the tribe, attempting to throw all the Sebastions off Lantern Hill reservation. Contrary to Helen Lettitt's various allegations, EP has never tried to eject the others—I think she was projecting her own made those accusations.</i></p>

Eastern Pequot Indians of Connecticut: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1983	(c) Paucatuck Eastern Pequot Indians of Connecticut to CIAC 4/2/1983; Paucatuck Eastern Pequot Indians to CIAC 4/29/1983.	Notification to CIAC of election of Richard Williams as Eastern Pequot representative on April 1, 1983; notification to CIAC of election of Agnes (Williams) Cunha as alternate representative on April 22, 1983.	No rule or precedent, included for informational purposes.	See the following challenge by EP to this PEP action.	Neither meets nor disproves (c) for EP
1983	(c)(1)(v) Roy Sebastian and William Sebastian to Sitson Sands, Chairman, CIAC 4/27/1983.	Letter urging that the Eastern Pequot seat on CIAC remain vacant until a future hearing.	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)		

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1983	(c) CIAC Hearing June 1983; CIAC Hearing October 1983 (#113 Pet 1996, HIST DOCS II, Doc. 73, Doc. 74); CIAC Minutes 11/11/1983; CIAC Eastern Pequot Decision 3/12/1983, 1-2	"One of the first questions the CIAC has attempted to answer is whether or not there is evidence of a clearly defined, equitable and justly administered practice and usage for determining membership in the Eastern Pequot tribe. Further, there must also exist evidence that such practice and usage attempted to include all eligible members of the tribe and that such practice and usage was duly submitted and received by the CIAC" (CIAC 3/12/1983, 1)	No rule or precedent, included for informational purposes.  The short version of the CIAC 1983 decision concerning who may live on the Lantern Hill reservation, as summed up in a newspaper article, was: "The Connecticut Indian Council has ruled that the [Gardner and Sebastian] families should join forces, forming one tribe which will be known as the Eastern Pequot Pequot tribe. The council's decision gives both families full tribal membership and calls for the construction of a new tribal government". "The investigation took a year and a half to complete" (McDonald, Maurcen. Peace Made in Pequot Clan Faid (hand-identified and hand-dated <i>Norwich Bulletin</i> 12/16/1983: #113 Pet 1994 A-6).	After six years of conflict, CIAC issued another decision on Eastern Pequot tribal membership eligibility on March 12, 1983. It cited the statutes and administrative regulations that "empower the CIAC to decide challenges to individuals who profess to represent the tribe to CIAC" (CIAC, Eastern Pequot Pequot Decision, 3/12/1983, 1) CIAC, concluding that the necessary conditions had not been met, while conceding that it had received numerous submissions, concluded that as of the time of the challenge, December 7, 1982, there was no qualifying practice and usage and stated: "Further, given the absence of a tribal practice and usage for determining membership the CIAC will determine the eligibility and eligibility criteria of members of the Eastern Pequot Pequot tribe" (CIAC, Eastern Pequot Pequot Decision 3/12/1983, 1)	Neither meets nor disproves (c)
		"The CIAC will recognize only one legal tribal government in accordance with the Conn Gen Stats that created the CIAC and the Conn state Agency Regs: that govern its operations. This tribal government must be selected by a fair representation of tribal members in a process that attempts to provide a fair opportunity for the participation of all individuals eligible, pursuant to the above criteria, to participate as tribal members. The CIAC, therefore, determines that it will recognize as legitimate and eligible tribal members, any individual who presents adequate evidence that she/he is eligible within either the State statutes or the above criteria to be recognized as a member of the Eastern Pequot Pequot tribe" (CIAC 3/12/1983, 2)	On December 23, 1983, PEP sued CIAC, appealing this decision.	CIAC asserted the right to determine standards for tribal membership rather than seeing tribal membership eligible as a right inherent within the sovereignty of the tribe (irrespective of whether one or the other or both of the disputants might constitute the tribe) The draft technical report quotes	

Eastern Pequot Indians of Connecticut: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1984-1987	(c)(1)(ii); (c)(1)(v) Eastern Pequot Indians of Connecticut. Proposed Agreement and Resolution between the Paucatuck Eastern Pequots and the Eastern Pequot Indians of Connecticut (#35 Pet INTERNAL, n.d. [c. December 1986 or January 1987]	Proposed compromise efforts worked out between Raymond Geer for PEP and Roy Sebastian for EP. The first version of the proposition provided: "1. There shall be a mutual recognition and merger of both tribal bands into one autonomous and sovereign tribal body; 2. There shall be a mutual recognition of both tribal councils with regard to their respective tribal entities and during the transition to a full merger with both tribal councils shall be mutually recognized as representing with authority their respective tribal bands for purposes of carrying out the provisions of this agreement. 3. With respect to pending litigation regarding the representative of the tribe to the CIAC, the lawsuit to be resolved pursuant to this agreement, this agreement to be substituted for the 1983 CIAC decision, and each council to appoint a CIAC representative, the two to work in concurrence; 4. Committee comprised of at least two representatives of each group to draft a new constitution	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992: 4)	The petition does not describe this event, but alludes to it. It states that "Eastern Pequots" who have wavered on [excluding the Sebastians] and approached the Sebastians with an eye to working out a compromise have been denied the support of fellow tribal members and forfeited their leadership positions" (Grabowski p. 208). The event is evaluated because it sheds light on the continuing conflict between the two groups.  It does not provide evidence under (c)(2)(ii), which requires that to show "sufficient" evidence, a group must "Settle disputes between members of subgroups by mediation or other means on a regular basis." This was a one-time effort. The evidence in the record shows no other instances of internal efforts to mediate the conflicts between PEP and EP.	

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1987	(G)DKV Revised version of proposed merger agreement 1/30/1987 (#35 Pct. INTERNAL)	On January 30, 1987, a revised version of proposed merger agreement addressed council terms, officers, by laws, to pursue Federal recognition, housing, economic development, roll and genealogy will be submitted by both tribal bands and reviewed for accuracy by the tribal council. "Descendancy will be the determining factor" provision for amendment	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4)	While a number of EP members had questions (K. Sebastian-Sidbery to Eastern Pequot Tribal Council 2/10/1987), it was the opposition of petitioner #113 which scuttled the proposal. Geer indicated that preceding the meeting, he had developed some support among the membership for this proposal (BAR 1998). However, at a meeting to discuss the proposal, he encountered very strong opposition. There was no information concerning who or how many members participated in this meeting. However, the proposal generated sufficient opposition within the membership that Geer felt compelled to resign (BAR 1998). He is succeeded by Agnus (Williams) Cunha. Since the failure of this initiative, conflict between the two groups has continued, with continuing litigation and interim court decisions.	

Recommendation: The petitioner, the Eastern Pequot Indians of Connecticut, #35, or the predecessor Eastern Pequot Tribe, Lantern Hill Reservation, from which it has evolved as a portion, has not shown the existence of political authority or influence for the period from 1883-1920, or for the period from 1960 to the present. The petitioner therefore does not meet the requirements of criterion 83.7(c)