
(3) Technical Assistance Letter(s)

- March 13, 1990



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

Tribal Government Services - AR

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Mr. Roy Sebastian
Lantern Hill Reservation
RFD 7, Box 941
Ledyard, Connecticut 06339

Dear Mr. Sebastian:

The Branch of Acknowledgment and Research (Acknowledgment staff) has completed an initial review for obvious deficiencies and significant omissions of the Eastern Pequot Indians of Connecticut's documented petition for Federal acknowledgment as an Indian tribe. This letter describes the deficiencies and/or omissions that have been noted in the Eastern Pequot petition.

The obvious deficiencies (OD) review is provided for in the Acknowledgment regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The OD review is not a preliminary determination of any case. This OD letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in this letter. Nor does the fact that a petitioner responds to the OD review imply in any way that the group meets the seven mandatory criteria by simply submitting additional data. The OD review of the petition merely provides the petitioner the opportunity to submit additional information or clarification prior to the actual active consideration period. The OD review is a limited review conducted over a period of several weeks by a staff anthropologist, genealogist, and historian. Only during active consideration is the petition reviewed and evaluated in depth by the Acknowledgment staff to determine whether the group meets the requirements to be acknowledged as an Indian tribe.

With the requested information and/or documentation, the Acknowledgment staff can begin to evaluate the petition when it is placed on active consideration. The Acknowledgment staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The Acknowledgment staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have at times done in the past.

Petitioners have the option of responding in part or in full to the OD review or of requesting us to proceed with the petition using the materials already submitted. The decision as to whether the group chooses to address the deficiencies noted in the OD review should be made by the group and not solely by its researchers. If your group requests that the

materials submitted in response to the OD review also be reviewed as to their adequacy, the Bureau of Indian Affairs (Bureau) will provide the additional assistance. The additional review will not be automatic. It will be conducted only at the request of the petitioner. The limits of these preliminary reviews must be taken into consideration. We do not know all of the questions that an in-depth review during active consideration might raise.

Our comments and questions are organized below in the following order: (1) general comments and questions, and (2) comments and questions pertaining to the specific Acknowledgment criteria.

GENERAL COMMENTS AND QUESTIONS

Our review indicates that there are significant deficiencies in the petition. We recommend that the Acknowledgment criteria be reviewed carefully and that the research be directed toward providing evidence that will demonstrate that your group meets each criterion. Your researchers should contact the Acknowledgment staff to discuss the criteria in order that we can provide additional technical assistance.

Your petition focuses on the current group and does not trace adequately the history of the Eastern Pequot as it relates to the Acknowledgment criteria. So that you might gain a better idea of all that can be involved in both preparing and evaluating a petition, we have enclosed a copy of our proposed finding on the Mohegan Tribe of Indians of Connecticut. Since this group is close to your locality, we think you will find the technical reports and bibliography helpful in finding other potential research sources. We also recommend strongly that the Eastern Pequot obtain the assistance and consultation of a professional ethnohistorical researcher in locating and evaluating sources of documentary information.

COMMENTS AND QUESTIONS REGARDING SPECIFIC CRITERIA

CRITERION (a):

The requirement of this criterion is to demonstrate the ethnic identity of the petitioning group continuously throughout history. The identification should be on a "substantially continues basis" or "essentially without interruption" since first sustained contact with Euro-Americans. It should demonstrate the identification of the group as an Indian entity rather than the Indian identity of its individual members. The identification must also be external, meaning from outside the group as opposed to self-identification. It is usually necessary to show evidence of a number of kinds of external identifications. These various identifying sources often provide evidence for criteria (b) and (c) as well.

The documentation you submitted under this criteria is from limited sources and skips over entire generations. At one point it jumps from 1879 to 1935. Document (c) provides identification of Indian individuals

rather than identification of the group, and documents (m) and (n) are internal or self-identifications which are not acceptable as evidence for meeting the criteria.

The overseer's account ledgers and the DeForest volume are good examples of the kinds of sources that should be used. The Mohegan proposed finding should give you ideas about other regional sources, such as local newspaper morgues, the Connecticut State Archives, Yale University, etc.

CRITERION (b):

Your petition has shown the existence of a geographical community centered around the Eastern Pequot reservation. The genealogical information you submitted shows that members of the group are closely related, and that there has been intermarriage between Eastern Pequot descendants in previous generations. However, the petition also needs to describe the group's social community. In other words, to describe the social bonds and relationships which allow the group to maintain a cohesive community. Social cohesion can be demonstrated by describing current and recent visiting patterns, lines of communication, and kinship and/or other social networks within the group. This description should include those group members living on or near the reservation as well as those living elsewhere. Descriptions of formal and informal group activities, significant social contacts such as weddings, funerals, powwows, etc., and the interaction of family groups can also provide evidence of group cohesion. So too can descriptions of formal and informal communications and marriages between group members. Likewise, descriptions should be provided of other aspects of the group's formal and informal organization, including any political and/or kinship subdivisions, volunteer organizations, clubs, churches, gatherings, ceremonies, events, or cooperative organizations. Accounts by ethnographers and/or other researchers familiar with the group may also provide evidence that it constitutes a community.

Your petition presented some useful evidence of community. For example, it described the current residence pattern of the Eastern Pequots. It stated that the group has had an annual powwow since 1971, and it demonstrated that form letters have been used by the group on occasion to communicate with its membership. However, these facts need to be elaborated on and integrated with other kinds of evidence, as suggested above, in a narrative which describes your contemporary community and how it is organized.

Beyond describing the current Eastern Pequot community, the petition must demonstrate that the group has maintained a community historically and that its contemporary community is the historical descendant of an earlier community. The key question is how have the Eastern Pequots maintained a cohesive community throughout history? Documentation of the historic community should include descriptions of past settlements, social institutions, and communal activities. It should also demonstrate that those outside the community have historically viewed it as an Indian community and distinct from other populations in the area, both non-Indian

and Indian. In this regard, you should describe both the modern and historic relationship between the Eastern Pequot and the Mashantucket and Paucatauk Pequot. Sources also show other Eastern Pequots living on the reservation in the 19th Century. What happened to these people and their descendants?

CRITERION (c):

This criterion calls for a demonstration that the group now exercises some significant authority over its membership and has also done so in the past. The petition should show that there are leaders who have followers they influence, and that there has always been such group leadership. It should also demonstrate that the group is and has been able to make significant decisions and maintain a consensus among its members.

Political authority or other influence can be demonstrated in a variety of ways. For example, the petition may show that the group's political leadership apportions important resources among group members, that it maintains a consensus on behavior standards, and/or that it settles disputes among members. The petition might also demonstrate that the group's leaders have been authorized to represent it to outsiders or mediate with outsiders in significant matters. Strong social cohesion among the group's membership is important supporting evidence that tribal political authority can be exercised and maintained.

Your petition identifies the present leadership of the Eastern Pequots and provides good evidence of ways in which the current Tribal Council exercises authority, such as its control over the reservation and its role in resolving disputes between reservation occupants. It also demonstrates how leadership decisions have recently been communicated to the membership. However, these aspects of political authority and influence need to be demonstrated as far back as possible for the period prior to 1971. You need to provide specific examples of how group leaders and the governing body made decisions, resolved conflicts, and/or enforced standards of behavior. How did they garner group support? What kinds of issues did they address? What sanctions did they impose on those who ignored or rejected their authority or influence? How did group members communicate with the leaders, and how were leadership decisions disseminated? What were the major disputes and internal conflicts dealt with by the group? These are the kinds of questions with which our evaluation under this criterion is concerned.

It would be extremely beneficial to our evaluation of the history of your group's leadership if you could provide a chronological list of leaders and council members going as far back as possible. If there were no clearly defined leaders at various times in the group's history, evidence should be provided to show how political processes and authority were maintained within the group. We would also like any further minutes and attendance records you may have of meetings of the present and any previous councils.

CRITERION (d):

We would like a copy of the minutes of the February 29, 1976, meeting at which the group's bylaws were adopted. We also ask that you provide the dates on which each amendment to the bylaws was adopted and copies of the minutes for each tribal council meeting at which these amendments were adopted.

CRITERION (e):

If available, please submit a copy of the March 13, 1976, list of members submitted to the Connecticut Indian Affairs Council.

The membership list submitted for acknowledgment purposes appears to list only persons 18 years or older who would meet the membership criteria set forth in the group's bylaws. The bylaws do not define the status of minor children (those under the age of 18 years). Therefore, please describe the status of minor children in the context of the group's membership.

If a petitioner is acknowledged as a federally recognized tribe, the membership list submitted for acknowledgment purposes may be used as the tribe's base roll for some time to come in determining any funding, benefits, and services that would be available to a federally recognized tribe and its members. If the group is acknowledged and minor children are to be considered members, then they should be included on the group's membership list submitted for acknowledgment purposes. The list of minor children can be considered as an addendum to the membership list the group submitted with the petition. The list should be certified by the Tribal Council as a list of minor children that should be considered as part of the membership list submitted for acknowledgment purposes. It is not necessary to submit ancestry charts or individual history charts for the minor children. We suggest that you continue using the same roll form that you used for the membership list submitted with the petition, since this form will show the dates of birth and names of parents.

You should continue to keep your membership list current by recording new births and deaths which will take place in the interim before the petition is placed on active consideration. When you are notified that the petition is being placed on active consideration, a supplemental list should be submitted which will include additions to the membership, such as newborn infants and those individuals who were inadvertently omitted from the list. The supplemental list should also note those members, named on the list submitted with the petition, who are deceased.

If your group chooses to respond to this OD review letter, we encourage you and your researchers to consult with the Acknowledgment staff before preparing a response, so that you may utilize your research resources more effectively. The Acknowledgment staff can provide technical assistance, but cannot be responsible for actual research on the part of the petitioner. It is likely that additional new questions will be raised by your response to the OD review, and it may be necessary to request additional information during the period of active consideration of your

petition. The Acknowledgment staff will make every effort to consult with you and your researchers regarding these questions and/or requests prior to the publication of a proposed finding.

We recommend that you contact Bruce Thompson, the Acknowledgment staff member who has administrative responsibility for Northeast petitioners, so that we can make arrangements to provide additional technical assistance to you and your researchers. You may write him c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, N.W., Washington, D.C. 20240, or call him at (202) 343-3592.

Sincerely,

Ronald Eden

Acting Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

Enclosure

cc: Eastern Area Director

cc: Surname, Chron, 440RF, BAR Chron, HOLD
440B:MLawson:maw:3/2/90:343-3592:"R-SEBASTIAN"(ESTPQ-OD/YELLOW #4)