
(3) Technical Assistance Letter(s)

- June 26, 1985

JUN 26 1985

Mr. Courtland Fowler
Mohegan Tribal Office
1841 Norwich, New London Turnpike
Uncasville, Connecticut 06382

Dear Mr. Fowler:

The Branch of Acknowledgment and Research has conducted a preliminary review of the petition for Federal acknowledgment submitted by your group in order to identify obvious deficiencies and significant omissions, as required by the Acknowledgment regulations in 25 CFR 83.9(b). Although the documented petition reads well and reflects substantial research, there are several areas where we feel additional discussion and documentation are necessary to strengthen the petition. The questions and requests for documentation outlined below indicate the areas which we strongly recommend you supplement before the petition is placed on active consideration. In addition, we have attempted to anticipate other information which may speed the evaluation of the petition at the time it is placed on active consideration.

In order to be able to trace adequately the process of cultural change from aboriginal to modern times, a discussion of the aboriginal or pre-contact range, territory, economy, and social and material culture of the Mohegan Indians needs to be submitted. Please provide this information, including a succinct statement regarding the very first European contacts and the first sustained contacts with Europeans which appear in the historical record.

While the British influence is apparent in the Connecticut region during the seventeenth century, there were also some Dutch settlements and trading activity with certain Southern New England tribes. Please describe any Dutch influence among the Mohegans during this era, including any visible or lasting effects of this influence.

Please explain the various legends surrounding the tribal affiliation of Uncas. Page six of the petition narrative states that ". . . Uncas is widely believed to have been a disaffected Pequot Indian." What is the consensus, if any, among historians who have addressed this question, and what do the known facts suggest?

What was the nature of the relationship between the Mohegan Indians and the British Crown? Please address the character of this relationship from first sustained contact to the American Revolution, with emphasis on the early period. Were there treaties between the two sovereignties, or were land grants made to the Mohegans? Was there British settlement encroachment upon traditional Mohegan lands, and was there antagonism over competition for resources?

Do any specific historical descriptions exist concerning the shift from single-leader (sachem) governance of Mohegan tribal affairs to the council (elders) system reflected in documents dated around 1769? In the absence of any single, specific descriptions, what can be said about the problems surrounding the inability of the Mohegans of the time to choose a new sachem, or this shift in governance as a whole?

Please explain the issues and describe the merits of the 1899 land claim of the Mohegans which was handled by Attorney Morrison. What efforts did Morrison expend toward prosecuting the claim? In addition, please describe in similar terms any and all subsequent land claims, whether related to this 1899 claim or not, which the Mohegans filed in the twentieth century.

Please provide a fuller description of the 1920 Mohegan Indian Association, including its activities relating to both internal and external matters. Is there an extant membership list of this Association. If so, please provide it, and any meeting minutes or resolutions passed by this association. Should they exist, please provide the same sorts of materials and/or data concerning the earlier Mohegan Indian League (1899) and the later Council of the Descendants of the Mohegan Indians (1967).

Please provide a full account—including history, impact, and any lasting effects—of the dispute between John Hamilton and the opposing faction of the Mohegans. Did the two factions of the group maintain separate membership lists? How was this dispute finally resolved? The narrative petition implies that Courtland Fowler succeeded Harold Tantaquidgeon as chief in 1970. However, copies of newspaper articles pertaining to the election of Courtland Fowler as chief state he was elected head of the group which had broken away from John Hamilton. Is there any relationship between the end of Harold Tantaquidgeon's tenure as chief and Fowler's election as chief? What was Harold Tantaquidgeon's reason(s) for relinquishing the title of chief?

DeForest, writing in 1849, claimed that only 46 acres of Indian lands were used by Mohegans of their total holdings of 2300 acres; that 600-700 acres were woodlands and the rest (approximately 1600 acres) was cultivated by Anglo-Americans. Please describe the history of Anglo-American encroachment and settlement upon Mohegan tribal lands prior to 1872, and the effect of this encroachment, if any, upon the land distribution of 1861.

If available, please provide more newspaper accounts regarding Mohegan tribal history between the 1809-1899.

It is not clear from the petition and the accompanying documents how the governing body relates to the membership as a whole. Please provide a detailed history and description of the governing system since 1900, and copies of all past governing documents and minutes of tribal meetings when these documents were adopted by the group. Include any relevant documents such as additional copies of the required biennium reports submitted to the State of Connecticut by the Council of the Descendants of the Mohegan Indians, Inc. Please submit a list of past leaders (officers), dates served, and the name of the organization at the time they served. The bylaws call for a "Tribal meeting" at least once every 90 days. Please provide samples of minutes of these tribal meetings at which major tribal issues were discussed and voted upon. Be sure to indicate the number of qualified voting members in attendance at these meetings. Include a copy of the minutes of the May 1970 meeting which concerned the leadership of the group. Since neither the constitution nor the bylaws mention the position of ex-officio officers, please explain what role an ex-officio member plays in the governance of the group.

Please provide a copy of Exhibit #27 which is missing from all copies of the petition supplied to our office.

Describe the relationship of the Mohegan to the Indian Rights Association of Philadelphia and also to the American Indians for Development of Meriden, Connecticut.

Provide a list of members of the Mohegan Congregational Church at ten-year intervals. Indicate on these lists those individuals who are or were members of the Mohegan tribal organization. Since the annual "Wigwam" is attended not only by members but the general public as well, are there activities which are exclusively for the members of your group? If so, please describe these and outline their history.

On page 103 of the petition (Vol. 1) is the statement, "... memories of separateness still are strong." Please explain this statement since it implies that the group no longer regards itself, nor is the group regarded by others, as being distinct.

It is not clear exactly how the group defines its membership. As defined by the constitution of the group, the only criterion for membership is that a person must have an ancestor whose name appears on a list of Mohegans as of or prior to 1861. However, in the narrative portion of the petition, it is stated that the "Tribal Council" determines who shall be a tribal member in accordance with the Constitution and "duly adopted procedure." No description of this procedure is provided. Further, in the petition it states that the present membership is in accord with the constitution and bylaws of the group and "accords with Mohegan tradition." Again no description of the tradition is provided. Usually the majority of members of a tribe consists of descendants of those who have over generations retained tribal relationships with each other as well as being lineal descendants of the aboriginal tribe. The criteria in the group's constitution indicate that any person can be admitted as a member as long as the name of the person's ancestor appears on one of the acceptable lists. Whether that person's immediate ancestors retained any tribal relationship with the group in the intervening years appears to be immaterial. The narrative portion of the petition implies that there is more to the membership criteria than what is stated in the constitution. Please describe in detail the criteria for membership in the group including a description of the "duly adopted procedure" that is followed by the "Tribal Council." Provide copies of the group's minutes of the meeting at which this procedure was adopted. Explain what is meant by "Mohegan tradition" when used in reference to the membership criteria.

Please describe in detail the exact procedure an individual must go through to be formally admitted into the group's membership. What is the process for the initial application? Is there a formal application? If so, provide a copy of this form. How does the applicant meet the criteria set forth by the group's constitution? Does the applicant provide the necessary documentation to prove descent from an ancestor on one of the acceptable lists? If not, does the group have some process to verify the applicant's eligibility? Once the eligibility is determined is there a procedure for being formally accepted by the group as a member? By what process are minor children or new-born infants added to the rolls?

The Connecticut Indian Affairs Council (CIAC) has set forth standards for determining membership by which an individual can apply to the CIAC—rather than the tribe—for "recognition of (their) Indian status." According to the CIAC's Rules and Regulations, such applications will be sent to the appropriate member tribe for consideration. Following notification of the member tribe's decision, the CIAC—rather than the member tribe—notifies the applicant of the tribe's decision and his/her right to appeal the tribe's decision to the CIAC. If the applicant lodges an appeal with the CIAC, the

CIAC will review the applicant's application. If by majority vote, the CIAC determines that the applicant has met the member tribe's criteria, the Connecticut Indian Affairs Council can direct the member tribe to add the applicant to its membership rolls.

Does the Mohegan Tribe, as an organizational member of the CIAC, accede to the Council's authority over its membership? Has there ever been an individual who applied for membership in the Mohegan Tribe through the CIAC? If so, describe the process and the final determination regarding the application. Has an applicant who has been denied membership by the Mohegan tribe ever appealed the decision to the CIAC? If so, describe the proceedings and the final outcome of the appeal.

Describe how the present membership roll was compiled; particularly how the roll has expanded from approximately 300 members in 1970 to 1,017 on the present roll. Section 83.1(j) of 25 CFR 83 defines a member of an Indian group as "an individual who is recognized by an Indian group as meeting its membership criteria and who consents to being listed as a member of that group." Did each adult on the present roll make a formal request to be placed on the roll? Was the present roll adopted by a formal meeting of the whole group? If so, provide copies of the minutes of this meeting.

Section 83.7(e) of 25 CFR 83 requires that a copy of each available former list of members be submitted. The petition implies that there should be such former lists as previous membership rolls required to be submitted to the Connecticut Indian Affairs Council and a list of members that was used to send ballots for the purpose of electing Courtland Fowler as the group's leader in 1970. Please submit these lists, if available.

Eighteen ancestor charts which contained names only were submitted with the petition. It will be necessary to provide, where known or available, dates and places of birth, marriage and death for the individuals and ancestors listed on each chart.

Please provide a copy of the constitution and bylaws of the Council of the Descendants of the Mohegan Indians, Inc. Explain this group's relationship to the Mohegan Indian Association. What were the differences in political authority between John Hamilton as president of the incorporated group and Harold Tantaquidgeon who served as chief from 1952 to 1970?

Please provide clear/readable copies of the originals of the following:

Exhibit 74 October 10, 1799: Memorial of Tribe—to inform General Assembly that they wish their heirs to be able to have "the benefit and improvement" of land when they are done with it.

Exhibit 80 May 12, 1807: Petition to General Assembly by Benoni Occum and Tabitha Cooper to sell four acres.

Exhibit 81 October 3, 1807: Mohegan Petition of Esther Pegee, Anne, Elizabeth and Josiah Horscoate (Hoscott) to sell land.

Also, please submit a full-size (readable and in one piece) map showing the 1861 allotments.

Mention has been made in the petition that in the years between 1790 and 1861 the Mohegans prepared wills. The 1861 Report of the Commissioners on distribution of lands of the Mohegan Indians reported that the will of Martha Uncas had recently been

contested in the Superior Court. We would like copies of any such wills drawn up by the Mohegans in this period and any papers pertaining to the case of Martha Uncas' will.

Should you have any questions about the requests made in this letter, or about the acknowledgment process in general, please do not hesitate to contact us at your convenience. Correspondence to the Branch of Acknowledgment and Research should be addressed to the Bureau of Indian Affairs, Room 32 - Interior South Building, 1951 Constitution Avenue, N.W, Washington, D.C. 20245. The phone number for the Branch is (202) 343-3568.

Sincerely,

Hazel E. Elbert

Acting

Director, Office of Indian Services

cc: Jermone M. Griner

cc:

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