
(6) Final Determination Documents

- March 7, 1994

Summary Under the Criteria and Evidence for
Final Determination for Federal Acknowledgment

of the

Mohegan Tribe of Indians of the State of Connecticut

Prepared in response to a petition
submitted to the Assistant Secretary of
the Interior for Indian Affairs for
Federal acknowledgment that this group
exists as an Indian Tribe.

Approved: March 7, 1994
(date)

Adele E. Bell
Assistant Secretary - Indian Affairs

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INTRODUCTION

ABBREVIATIONS

BAR = Branch of Acknowledgment and Research
CIAC = Connecticut Indian Affairs Council
CR = Cohen Response
CTAG = State of Connecticut, Attorney General
Ex. = Documentary Exhibit submitted by either the petitioner or respondents
FD = Final Determination
FN = Field Notes
FR = Federal Register
MT = Mohegan Tribe of the State of Connecticut, Inc.
MT Final Reply = Mohegan Tribe of the State of Connecticut, Inc. Final Reply to Proposed Finding, March 1, 1991
MT Response = Mohegan Tribe of the State of Connecticut, Inc. Response to Proposed Finding, August 30, 1990
PF = Proposed Finding

BASES FOR THE FINAL DETERMINATION

This final determination is based on a consideration of new evidence and arguments submitted by the Mohegan Tribe of the State of Connecticut in response to the Proposed Finding; by the Attorney General of the State of Connecticut in response to the Proposed Finding; by Attorney Robert Cohen, Esq., who for many years represented John E. Hamilton, leader of one of the Mohegan tribal factions, in response to the Proposed Finding; by several members of the general public in response to the Proposed Finding; and by the Mohegan Tribe of the State of Connecticut as a final reply.

The extensive evidence and arguments presented for the Proposed Finding or generated by the Branch of Acknowledgment and Research's (hereafter BAR) staff in conducting its own research in preparing the Proposed Finding were also considered in making this final determination. Therefore this final determination report should be read together with the Proposed Finding and accompanying technical reports. Conclusions reached in the Proposed Finding were not addressed again in the technical report accompanying the final determination unless relevant points had been raised in the responses to the Proposed Finding.

BACKGROUND OF THE PROPOSED FINDING

The Mohegan Tribe of the State of Connecticut (hereafter MT) submitted a letter petition for Federal acknowledgment on June 28, 1978. Their documented petition was submitted December 17, 1984. The Attorney General of the State of Connecticut (hereafter CTAG) presented documentation in opposition to Federal acknowledgment of the petitioner on August 5, 1985. The MT submitted additional materials on January 17, 1986, in response to the BAR's June 26, 1985, letter of obvious deficiencies based on its preliminary review of the petition under 25 CFR 87.9(b). Active consideration was begun November 2, 1987.

Because of the extensiveness of these materials, the period for preparation of the Proposed Finding was extended several times. The Proposed Finding was published November 9, 1989.

OVERVIEW OF THE PROPOSED FINDING

The Proposed Finding concluded that the Mohegan Tribe of the State of Connecticut met criteria (a), (d), (e), (f), and (g). The Proposed Finding also determined that the petitioner qualified under criteria (b) and (c) through 1940, but failed to meet criteria (b) and (c) since 1941.

RESPONSES TO THE PROPOSED FINDING

Extensive Responses. At the request of both the MT and the CTAG, the 120-day comment period provided in the regulations for comment on the Proposed Finding was extended from March 9, 1990, until October 30, 1990. At that time, the petitioner was advised that the extension was granted with the understanding that the BAR team assigned to Mohegan would pick up another case and that this might delay the final determination of the MT petition.

MT Response. The MT Response to the Proposed Finding, consisting of two volumes of narrative and four volumes of exhibits (documents), was received August 30, 1990.

CTAG Response. The CTAG's Response to the Proposed Finding was received October 29, 1990, consisting of a one-volume narrative brief and six volumes of exhibits (documents).

Cohen Response. A response to the Proposed Finding prepared by Robert Cohen, Esq., attorney representing John Hamilton, was submitted on October 30, 1990, consisting of a narrative brief with one volume of exhibits (documents).

In the letter from Robert B. Cohen to Office of the Assistant Secretary, dated 31 October 1990, to accompany his

extensively documented response to the Mohegan PF, he stated:

In 1988 John E. Hamilton died, leaving trunks filled with historical papers and memorandum together with countless letters, newspaper clippings, contracts, minutes of meetings, and other valuable reference work, all relating to the Mohegan tribe of Indians and the group activities of the individuals constituting the Tribe and a chronical [sic] of the political leadership exercised by John Hamilton from the 1920's through the time of his death.

Unfortunately, the sheer volume of the material has not allowed this office time for cataloging, editing, and filing. The material which is partly in the possession of this office and partly in the possession of the members of the Tribe, clearly indicates that from the 1920's through the 1980's and up until the present day, a group of individuals with common ancestry of the Mohegan Tribe regularly took part in activities relating to Mohegan Tribal customs . . . Regular meetings, for which minutes were kept of the Mohegan Tribe and the various organizations which assisted the Tribe and its leaders, are contained in a file in our office and date from the 1920's, 1930's, 1940's, 1950's, 1960's, 1970's and 1980's (CR, Cover Letter, 1-2).

In November 1993, the BAR historian made a brief visit to the office of Cohen and Channin, Attorneys, verifying the material submitted in this response and attempting to place some of it in context.

CTAG Corrected Response. The CTAG submitted a Corrected Response to the Proposed Finding, of one volume, on December 7, 1990.

Petitioner's Final Reply. In accordance with the regulations 25 CFR 83.6, the petitioner was allowed to submit a Final Reply taking into account the responses of other interested parties, as well as the PF. The MT Final Reply, taking into account the comments submitted by others, and consisting of one volume of narrative and one volume of exhibits, was submitted on March 1, 1991.

Material Not Taken Into Consideration. In January of 1993, the MT sent three volumes of additional material. The CTAG requested two years to respond to the petitioner's new material. BAR also received a request from the Town of Montville, Connecticut, to be allowed to intervene if new material was accepted in connection with the petition. This additional material was not submitted in a timely fashion

under the regulations. In April, 1993, the MT officially requested that these three volumes not be taken into consideration in preparation of the final determination.

The MT petition was returned to active consideration for issuance of a final determination on November 1, 1993, initiating the 60-day period for issuing the decision.

Brief Responses. The substantial comments on the Proposed Finding, received in responses from the petitioner, from the Attorney General of the State of Connecticut, and Robert Cohen, Esq., are discussed in the body of this report on final determination. Brief responses from several individuals are discussed below.

June Hatstat, also known as "Princess Chikara," of the Mohegan Tribe and Nation (also known as the Preston Mohegans), filed a comment dated October 15, 1990, in response to the PF "on behalf of our Queen of the Mohegan Tribe, Rippling Waters (Eleanor C. Fortin), successor of our late beloved Grand Sachem Chief Rolling Cloud (John E. Hamilton)." This group, from 1986 onward, was associated with John Hamilton, and is also a petitioner for Federal acknowledgment. The majority of the attached material consisted of copies of briefs which had already been filed in 1990 with the Superior Court, New London Judicial District, Norwich, Connecticut. Most applied to controversies between the group represented by Ms. Hatstat and the Connecticut Department of Environmental Protection, particularly the Connecticut Siting Council, concerning land in the Town of Preston, Connecticut. While the documentation included a copy of the land claims suit filed in 1977 by John Hamilton on behalf of the MT, none of the material was applicable to an evaluation of the MT petition under 25 CFR Part 83. Rather it pertained to an application by New England Energy Consultants to build and operate a mass-burn resource recovery project in Preston, Connecticut.

A comment dated August 20, 1990, was received from Laurie Weinstein-Farson, Ph.D., Assistant Professor of Anthropology at Western Connecticut State University, Danbury, Connecticut. This was based heavily upon the MT oral histories taken in 1990 and included in the MT Response. These oral histories are addressed by BAR researchers in the body of this FD.

A comment dated August 22, 1990, was received from Ann McMullen, Department of Anthropology, Brown University, Providence, Rhode Island. It contained no additional factual data relevant to the points at issue in the FD. Professor McMullen maintained that the PF:

assembles data removed from their meaningful contexts, judges the Mohegan according to a culturally inappropriate set of standards, and ignores the multi-faceted strategies the Mohegan have used to maintain social, cultural, and political continuity (McMullen 1990, 1).

Dr. McMullen provided a discussion of "culture as a set of manipulated symbols and the nature of Mohegan identity as the product of interaction and identification with the past in order to explicate Mohegan social continuity" and provided some analysis of the political system (McMullen 1990, 1-2). This analysis is addressed in the body of the FD.

The comments of Weinstein-Farson and McMullen were critical of the Proposed Finding from an anthropological standpoint.

Brief, letter-length comments were received from Kevin A. McBride, Assistant Professor, Department of Anthropology, University of Connecticut, Storrs, Connecticut (August 14, 1990); Trudie Lamb Richmond, Director of Education, American Indian Archaeological Institute, Washington, Connecticut (August 24, 1990); James D. Wherry, Socio-Economic Development, Mashantucket Pequot Tribe (July 5, 1990); and Joan Lester, Chief Curator, Boston Children's Museum, Boston, Massachusetts (August 7, 1990). Comments were submitted too late for consideration by Dr. Karen Ordahl Kupperman, Department of History, University of Connecticut, and by Russell G. Handsman, Director, Center for Public Archaeology, University of Rhode Island.

LITIGATION

In 1977, John E. Hamilton on behalf of the Mohegan Tribe of the State of Connecticut filed two land claims in U.S. District Court for the District of Connecticut: Mohegan Tribe v. Zaugg, Civil Action H77-435 and Mohegan Tribe v. Connecticut, Civil Action No. H77-434.

In 1980, the members of the MT under Courtland Fowler as president voted by a 97% majority to back the land claims suit. This was followed by considerable controversy as to whether the Hamilton or Fowler group had legal authority to retain counsel in the case: Jerome M. Griner, Esq., who had formerly worked for Hamilton but by 1982 represented the Courtland Fowler group, or Robert Cohen and Howard Wheeler, who had been subsequently retained by Hamilton.

After a series of court actions, on November 8, 1984, Senior U.S. District Judge Joseph M. Blumenfeld granted plaintiff's

request to stay proceedings in the consolidated Mohegan land claims suit until the BIA had decided whether to acknowledge the Mohegan as a tribe.

TERMINOLOGY

The official name of the petitioner is the "Mohegan Tribe of the State of Connecticut." For the sake of brevity, "the petitioner" or the abbreviation "MT" is used for the incorporated group in most instances. When referring to the development of the petitioner's precursor group prior to filing of the petition for Federal acknowledgment in 1978, the word "Mohegan" is ordinarily used.

**SUMMARY CONCLUSIONS UNDER THE CRITERIA
(25 CFR 83.7 (a-g))**

INTENT OF THE ACKNOWLEDGMENT REGULATIONS

The Federal government has an obligation to protect and preserve the inherent sovereign rights of all Indian tribes, whether a tribe has been recognized in the past or not. The regulations governing the Acknowledgment process (25 CFR Part 83) state the requirements that unrecognized groups must meet to be acknowledged as having a government-to-government relationship with the United States.

The legal and policy precedents for acknowledgment are codified in the regulations. These precedents also provide the fundamental bases for interpreting the regulations. The acknowledgment criteria are based on and consistent with past determinations of tribal existence by Congress, the courts, and the Executive Branch. These past determinations have required that to be acknowledged as having tribal status a group must have maintained its social solidarity and distinctness and exercised political influence or authority throughout history until the present.

The criteria used by the Interior Department between 1934 and 1978 to recognize tribes are found in the 1942 Handbook of Federal Indian Law, by Felix Cohen, and are commonly referred to as the "Cohen criteria." These summarized Executive Branch practice as well as judicial and legislative precedents. One of these criteria required that a group have "exercised political authority over its members through a tribal council or other governmental forms" (Cohen 1942, 171). A supplementary consideration was the "social solidarity of the group." The Cohen criteria also considered previous Federal recognition, e.g., treaty relations, executive orders, Congressional acts, or other actions.

Fundamental to the definition of a tribe is the nature of tribal membership. The Department has long said that an Indian tribe is an entity whose members maintain a bilateral political relationship with the tribe. The courts have supported this interpretation, most recently in a March 13, 1992 decision in Masayesva v. James 792 F. Supp. 1178 [D. Ariz. 1992])

The preamble to the Acknowledgment regulations, published in 1978, indicated their intent by stating that "groups of descendants will not be acknowledged solely on a racial basis. Maintenance of tribal relations--a political relationship--is essential" (Bureau of Indian Affairs 1978).

The review of petitions for acknowledgment must balance the fundamental requirements of the regulations with the effect of historical influences on, and changes in, past and present Indian society. Unrecognized tribes often face limitations which differ from those of recognized tribes, such as lack of resources, difficulty maintaining a separate land base, and absence of Federal support for political institutions. Although these historical and social conditions may have made it difficult for some unrecognized groups to meet the requirements of criteria b and c, the regulations require that petitioners maintain a significant level of community and political influence or authority in order to be federally acknowledged as entitled to a government-to-government relationship.

CRITERION A

- 83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian" or "aboriginal."**

Proposed Finding. The Proposed Finding concluded that the MT is based in the village of Mohegan, in the Town of Montville, Connecticut, on land which was traditionally and aboriginally Mohegan. This organization represents a group of lineal descendants of the Mohegan Indians whose ancestors have inhabited this area since first sustained contact with European settlers in 1638. The Mohegan have been identified as being American Indians from historical times until the present, and distinct from other Indian groups in Connecticut.

Comment. All historical arguments presented in the responses to the PF pertained either to Criterion 83.7(b) or to Criterion 83.7(c) and are discussed in those sections. This includes the CTAG comments on the 17th-century relationships between the Mohegan and the Pequot.

Summary Conclusion under Criterion a. The conclusion of the PF that the MT meets Criterion 83.7(a) stands.

CRITERION B

- 83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

Proposed Finding. The Proposed Finding (PF) for the petition of the Mohegan Tribe of Connecticut, Inc. (MT) was published in 1989. It made the following conclusions based on the evidence available at that time. Group endogamy, one indicator of social cohesion, had not been practiced by the Mohegan since the late 1800's. Since the early part of the 20th century a substantial portion of the Mohegan Indian descendants had not resided within the historical Indian settlement in the vicinity of Mohegan Hill. Mohegan customs and social activities that provided for broad-based social interaction among the Mohegan started to decline before 1941. Until that year, the Mohegan had maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base. In 1941, the last known annual Wigwam Festival was held. From 1946 to 1956, the Mohegan Congregational Church was closed.

The PF concluded that since 1941, there was not sufficient evidence to demonstrate the continued maintenance of social relations within the historical Indian settlement area. Neither was there evidence that the Mohegan living around Mohegan Hill and those Mohegan who lived further away had maintained social contact with each other. In the 1980's, only about 9 percent of the group's members resided in the village of Mohegan and the members of the MT were not socially distinct from their neighbors.

Summary of Evidence under Criterion b. New evidence submitted by the petitioner and other interested parties, provided new information on social community from 1941 to the present. The new evidence also required a reinterpretation of earlier evidence available at the time of the PF in 1989. The following is a summary of how the new evidence has been evaluated, focusing on the period from 1941 to the present. For more detailed information on the period before 1941, please see the technical report that accompanied the PF.

The Final Determination establishes that there was a high level of community ties and social interaction through 1941 and from 1966 to the present, not declining in the 1930's and absent from 1941 to the present. The new evidence demonstrates that social community continued to exist between 1941 and 1966, albeit at a somewhat reduced level in comparison with the periods preceding and following.

The reduced level of social community from 1941 through 1966, represents, in part, a fluctuation of tribal activity. The reduction in activity was due to two major factors which impacted the Mohegan living in the social core area (10-mile radius around Mohegan Congregational Church). The first factor was the absence of adult men from Mohegan Hill who were serving in the military during World War II and the Korean War. The second factor was the dying out of several Mohegan families (Dolbeare, Skeesucks, and Matthews). These families had lived on Mohegan Hill and were socially and politically active until they died out in the 1950's. They had always lived on Mohegan Hill and had offered leadership and support for events such as the annual Wigwam Festival.

The regulations state that "the petitioner shall not fail to satisfy any of the criteria herein merely because of fluctuations in tribal activity during various years" (83.7(a)). The language concerning fluctuations, which applies to all of the criteria, recognizes that acknowledgment determinations should take into account that the level of tribal activity may decrease temporarily for various reasons such as a change in leadership or a loss of land or resources.

These two factors cited above required an adjustment in the petitioner's social and political structure during the 1940's and 1950's, resulting in a fluctuation in activity. The situation from 1941 to 1966 is considered to be a fluctuation in activities for two reasons. The first reason is the direct, positive evidence for some social and political activity from 1941 to 1966. The second reason is the continuity in political and social activities and leadership before 1941 and after 1966.

The data on Mohegan kinship, demographic trends, and social interaction, indicate that the Mohegan have maintained a social community from 1941 to the present. The MT is a closely related group in terms of kinship, though, because group endogamy was practiced until the late 1800's, they are descendants of more than one Mohegan family line. There were only 96 Mohegan (adults and children) alive in 1901. Of this group of 96, only 33 individuals have descendants on the 1993 membership roll. As indicated in the kinship chart in Appendix B, none of these 33 MT ancestors were more

distantly related than second cousins. In 1901, 48% of the 96 living Mohegan still resided in the geographic core (a 1.5-mile radius around Mohegan Congregational Church, which basically encompasses the Mohegan reservation which was sold in 1861; see Appendix A, Map 1). Even more significant is that 90% of the Mohegan in 1901 lived within the social core area (a 10-mile radius around the Mohegan Congregational Church; see Appendix A, Map 2). These social patterns basically held through 1941. There is a more detailed discussion of the concepts geographical core and social core area in the technical report accompanying the final determination.

Demographically, the Mohegan experienced significant changes in the 1940's and 1950's which affected social and political life in the area in which the social community resided. There was only a slight population increase from 1901 to 1949. As a consequence the number of Mohegan adults remained low, never surpassing 75 through 1959. Coupled with the two major factors noted above (temporary migration away from the geographic core to perform military service and the dying out of three key Mohegan family sub-groups), this caused a diminution in both social and political activity, especially in the geographical core.

Demonstration of social community does not require the demonstration of separate institutions, but such evidence can be used as strong support for the existence of social community. New evidence presented since the 1989 PF demonstrates that two institutions that were important to the Mohegan before 1941 have continued to be important to them through the present. These two institutions are the Mohegan Congregational Church and the Mohegan burial grounds. Social and political events involving these institutions provide limited evidence of social interaction for the period of diminished activities from 1941 to 1966. Strong evidence was not found that the Tantaquidgeon Indian Museum and Mohegan representational activities were supported by the Mohegan as a whole.

The Mohegan Congregational Church's significance can only be understood in the larger Mohegan context. Since it was founded in 1831, the church has served as a focal point of Mohegan social and political activity. It has never been a place used only for holding religious services. While the church has had both Mohegan and White members since it was founded, the Mohegan have always provided the overwhelming majority of members and leaders for the church. Many of the church leaders were also political leaders for the tribal organizations that emerged over time. The pinnacle of Mohegan Hill, where the church is located, was the site of the annual Wigwam Festival from the late 1800's to 1941. It

was also the site of carnivals sponsored by the Mohegan children from 1945 to 1952. Both the Wigwam Festival and the carnivals functioned as annual Mohegan homecomings, with a large number of Mohegan attending. Another, previously undocumented, Wigwam Festival was held in the same location in 1956. The 1956 Wigwam Festival, like all the Wigwams before it, required considerable mobilization of community resources (financial resources for purchasing food and other items for sale, and labor to construct the wigwam, staff the event, and cleaning up afterwards).

Mohegan political organizations have frequently held meetings at the church. Access to the church for the purpose of holding meetings became a political issue for the Mohegan in the 1970's and 1980's after the repudiation of John Hamilton as a Mohegan leader in 1970. Ultimately, the locks on the building were changed to prevent Hamilton from gaining access, though he was allowed to have his memorial service there in 1988.

New evidence demonstrates that the Mohegan Congregational Church did not close completely from 1946 to 1956 as originally concluded in the PF. Like other Mohegan community activities from 1941 to 1966, church activities were diminished. Worship services were not held in the sanctuary during this ten-year period, because of the need for repairs to the building. Nevertheless, the church continued to have a pastor assigned to it through 1951 and worship services were held in the church annex (adjoining the sanctuary) until around 1950. At that time the entire church building was closed, but hymn sings continued to be held in the homes of individual Mohegan living on Mohegan Hill. It was a Mohegan, Courtland E. Fowler, who took the initiative and provided the leadership necessary to restore the church on the occasion of its 125th anniversary in 1956. Mohegan from all the major families groups contributed labor and money to the restoration and attended the rededication service on November 11, 1957. The support shown by the Mohegan for the church demonstrates that it is a tribal concern, since not all of the Mohegan are Congregationalists.

The PF documented that the Mohegan burial grounds have been a significant political issue since at least the late 1800's. New evidence concerning political and social events surrounding the burial grounds provide evidence for the continuous maintenance of social community through the present. One such political event resulted from the burial of a non-Mohegan (the man buried was the grandfather of a Mohegan) at Fort Shantok in 1944. The controversy over the decision to allow this burial mobilized most of the Mohegan families and led to the formation of a cemetery committee

that has continued to function through the present. During the 1970's and 1980's the cemeteries arose as a political issue again. This time it was because the Mohegan living on Mohegan Hill perceived John Hamilton's land claim suit as a threat to their control over the traditional burial grounds. The Mohegan community was mobilized to fight against, and eventually intervene in, the land claim suit. The Mohegan opposition to John Hamilton's leadership after 1970 always involved the vast majority of Mohegan adults.

There is other evidence that the Mohegan were maintaining a social community from 1941 to 1966. There is evidence for cross-family group attendance at Mohegan funerals held at Fort Shantok and weddings on Mohegan Hill from 1941 to 1966. A local Mohegan resident's diary indicates that she was familiar with the details of the lives of Mohegan on Mohegan Hill and in the neighboring towns and that she had strong opinions about them. The correspondence of Mohegan members concerning John Hamilton in the form of letters to each other, to the newspaper editor, and to the Bureau of Indian Affairs, demonstrates that they had strong opinions about his misrepresentation of Mohegan culture and his claim to be sachem. After a 1957 field visit, an anthropologist identified the Mohegan as existing as a social group.

In the 1960's, the Mohegan experienced both a social and political renaissance. Mirroring population trends in the United States generally, they registered 144 births in the 1950's and 182 births in the following decade. One-third of the 1993 Mohegan membership was born since 1950. In the late 1950's and the 1960's several important Mohegan families moved back to Mohegan Hill, and took on the social and political roles formerly filled by aging Mohegan and members of the Dolbeare, Skeesucks, and Matthews family subgroups which died out. The migration of some Mohegan families back to Mohegan Hill during the 1950's and 1960's is important as evidence that the Mohegan homeland continued to have significance even for those Mohegan who had moved away. The return migration also clarifies the process of social and political reorganization that the Mohegan went through from 1941 to 1966.

The Mohegan have continued to maintain a concentrated community in the vicinity of Mohegan Hill to the present. According to the 1993 membership list (N=974), at least 7% of their members live in the geographical core. They tend to live clustered together on only a few streets. In addition to the concentration around the geographic core, 34% of the MT lives within the social core area. A minimum of 89% of the members have at least one significant social connection to the social core. These connections to the social core include either living in the social core area,

having primary kin who live in the social core area, being born in the social core area, or other known contacts with the social core. There is direct evidence for the maintenance of social community such as the holding of an annual homecoming since 1979, which draws a large number of Mohegan, from all the primary family groups.

In 1993, 98% of the Mohegan adults are no more distantly related than fourth cousins. Most of the MT (98%) can be subsumed under three dominant family groups: the Fieldings (47%), the Bakers (25%), and the Storeys (26%). The descendants of Amy Cooper, a less significant family numerically and politically, accounts for the remaining 2% of the MT.

The same two separate Mohegan institutions that have been important to the Mohegan since the 1800's are still supported by the majority of the Mohegan. The Mohegan Congregational Church continues to be used by the Mohegan for religious, social, and political meetings. Except for one white person, the church's leadership is Mohegan, and the wide majority of people who attend the church are Mohegan or Mohegan marital kin. The Mohegan won more protection of their three traditional burial grounds during the 1980's. Their cemetery committee, which was formed after 1944, is functioning as part of the tribal council and has successfully enforced its rules regarding the burial of non-Mohegan there. This is a clear indicator that they know who their group members are.

There has been a high level of involvement in the political process since 1966, which involves most of the Mohegan adults. This broad-based and extensive political participation of Mohegan adults, concerning issues important (land claims, burial grounds, Federal acknowledgment) to the Mohegan as a whole, is indirect evidence for the existence of a social community.

No significant data was submitted or found that allowed the BAR to determine the breadth or depth of Mohegan community support for the Tantaquidgeon Indian museum, marching in parades, or appearances in other local events since 1941. Nearly all of the Mohegan interviewed by BAR staff alluded to the museum's personal significance to them in terms of their Mohegan identity and educating outsiders about Mohegan history and culture. Non-Mohegan from the Montville area identified the museum as a Mohegan institution. A plaque on the museum's wall commemorates gifts of money and labor from interested family and friends to support the expansion of the museum in 1958. But there is no specific data on who contributed to the expansion, what families they represented, or if non-Mohegan friends contributed. With

regard to the representational activities, no evidence was submitted or found that the Mohegan community was involved in selecting the people who participated or supported them in any other way.

Response to CTAG Comments. A response to the PF was received from the Connecticut Attorney General (CTAG). The CTAG supported the PF's conclusion that the MT had not met Criterion b. But bases for the CTAG's conclusion were very different from BAR's. The CTAG Response stated that the MT failed to meet Criterion b because they did not live in a specific area, but were spread out over a wide area in southeast Connecticut. It also stated that the Mohegan were not culturally or socially distinct from other neighboring populations. The CTAG Response misinterpreted the intent of Criterion b, which requires demonstration of social community, not residence in a specific area in the sense of an exclusive territory. Petitioners are not required to prove cultural distinctiveness to meet this criterion, though such distinctiveness can be used as supporting evidence of political influence and social distinctiveness. The CTAG is correct in concluding that the MT is not culturally distinct, but incorrect in reasoning that this constitutes a failure to meet the requirements of the criterion (CTAG Response 1:109). The criterion does not require a demonstration of cultural distinctiveness, but of the existence of a distinct social community. Cultural distinctiveness, where it exists, is an example of positive evidence for the existence of a distinct social community. However, the lack of cultural distinctiveness does not mean there is no social community. That is, there is other evidence for the continuing existence of social community which is acceptable.

The CTAG recorded the depositions of 23 Mohegan, from 1980 to 1983, in connection with John Hamilton's land claim suit. The PF, in its conclusions regarding Criterion b, cited these depositions as evidence against the continued existence of social community. In these depositions, the Mohegan did not specify or recall any tribal social or cultural events for the period from 1941 to 1966 and from 1970 to 1979. The answers given by the Mohegan were partially due to the nature of the questioning by the CTAG. The method of questioning was not intended to discover information in an unbiased, open-ended manner. Rather, the style of questioning, as well as the questions themselves, tended to elicit minimal answers. The BAR anthropologist, and the Mohegan in their collection of oral histories, pursued an open-ended style of questioning aimed at eliciting as much relevant information as possible. Follow-up questions were asked to obtain more details from informants. This kind of questioning was more productive

and resulted in the gathering of valuable new information on social activities from 1941 to the present that was previously unknown.

Summary Conclusion under Criterion b. The final determination establishes that there was a high level of community ties and interaction, and by separate evidence a significant level of evidence of political influence in the 1930's and also in the latter 1960's. The proposed finding had concluded that social community and political influence were declining in the 1930's and had not existed in the 1960's and afterwards.

The geographical, demographic, kinship evidence, and data on social interaction, considered accumulatively, provide substantial evidence for the maintenance of a social community among the Mohegan from 1941 to 1966. The closeness of kinship relations within the MT and the close proximity in which a substantial portion of the petitioner's members live are conducive to the maintenance of social relations. Evidence demonstrates that social interaction among people in the social core area did, in fact, occur from 1941 to 1966. In concluding that social community continued to exist from 1941 to 1966, we give special weight to the strength of evidence for community in the periods immediately before 1941 and after 1966. It is also important that there is evidence for a major political conflict in 1944 to 1945 which led to the creation of a permanent political structure, and activities mobilizing the entire group from 1952 to 1956.

The evidence from 1941 to the present demonstrates a continuity of Mohegan leaders, political issues, and the continued maintenance of Mohegan Congregational Church and the traditional Mohegan burial grounds as separate institutions. The geographical, demographic, and kinship patterns continue to be conducive to the maintenance of social relations within the social core area, and there is evidence that frequent and significant social interaction does occur.

We conclude, therefore, that the petitioner meets Criterion 25 CFR 83.7(b).

CRITERION C

- 83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

Proposed Finding. The PF reached the following conclusions under Criterion c. The Mohegan governed themselves through a sachem and council form of government leadership from the time of contact with Europeans until 1769. Important group decisions were made by the chief in consultation with the members of the council. After 1769, the Mohegan refused to appoint the sachem that the colony of Connecticut's government wanted, so the sachemship came to an end. The Mohegan continued to govern their affairs from 1769 to the late 1930's through some form of council. A number of Mohegan, both males and females, representing all the family groups, provided leadership for the several Mohegan organizations that emerged from 1897 to the late 1930's. Details on these political organizations and leaders through 1941 are available in the technical reports accompanying the PF. In summary, the political issues from the mid-1800's to 1941 were fourfold: the promotion and preservation of Mohegan history and culture, support for the Mohegan Congregational Church, the pursuit of their land claim, and the protection of and control over the traditional Mohegan burial grounds.

For the period from 1941 to the present, the PF concluded that there was not sufficient evidence to demonstrate the Mohegan had continued to maintain political influence. The PF noted a particular lack of evidence for political influence and process from the late 1930's to 1966. The PF further noted that there was some political activity from 1966 to 1970, under the Council of the Descendants of the Mohegan, Inc., but that it was a short-lived organization, dying out after only three years of activity. The PF concluded that the organization died out for lack of interest. A new entity was incorporated in 1980, The Mohegan Tribe of Connecticut, Inc. (MT). But the PF concluded that there were insufficient data to characterize how broad-based and extensive participation in either of these two organizations (the Council of the Descendants and the Mohegan Tribe of Connecticut) had been and how significant the political issues they raised were to the Mohegan as a whole. The PF found the data to be insufficient to determine whether or not a bilateral

political relationship had existed between these groups and their leaders.

Summary of Evidence under Criterion c. The MT Response to the PF provided more data on the exercise of political influence from 1941 to the present. The evidence for the maintenance of political influence from 1941 to 1966 remains limited. This is the same period for which evidence for social community under Criterion b was thin and uneven. The demographic changes experienced by the community on Mohegan Hill, and the Mohegan as a whole, in the 1940's and 1950's are also relevant to the exercise of political influence. Under Criterion b, it was concluded that several politically and socially important families that had been resident in the geographical core area had died out and there was a temporary migration away from the core by other adults. As a result of these two factors, there was a diminution of social and political activity in comparison to the periods before 1941 and after 1966. There is not much documentation for the social and political activities which did occur.

The new evidence for the exercise of political influence from 1941 to the present required a reinterpretation of the data available at the time of the PF. The new evidence demonstrates that the same issues that were important to the Mohegan before 1941 have remained important to them through the present. The new evidence demonstrates continuity of political leadership from 1941 to the present as well.

The new evidence also indicates that significant formal and informal political processes were operating in the late 1930's, rather than declining. Particularly important was the political battle that developed between Harold Tantaquidgeon and John Hamilton. Tantaquidgeon was a socio-cultural leader for the Mohegan from the 1920's until his death in 1982. John Hamilton was active with the Mohegan land claim from the late 1920's and was elected land claims representative in 1933. He served as such until 1970. There is evidence that the bitter rivalry between the two men began as early as 1935, when Tantaquidgeon started the Indian Social Club and sponsored Burrill H. Fielding as the new Mohegan Chief. Hamilton and Tantaquidgeon had very different leadership styles and priorities for the group. Primarily, Hamilton was concerned with financial compensation for land taken from the Mohegan while Tantaquidgeon was more concerned with preserving and passing on Mohegan culture and caring for Mohegan landmarks such as the Mohegan Congregational Church. Also at issue was the portrayal of Mohegan Indian culture and history. Hamilton was more pan-Indian in his approach, while Tantaquidgeon thought it was more important for the Mohegan to be true to their Algonquin heritage. Nevertheless, each man was

accepted by the majority of the Mohegan in their respective roles through 1970.

The new evidence submitted by the petitioner did include some specific examples of informal political process and the exercise of political influence by individuals from 1941 to 1966. The evidence is mostly in the form of oral histories, as Mohegan told about political events that took place.

Based on the evidence available in 1989, the PF concluded that the last annual Wigwam Festival was held in 1941. This Wigwam Festival was considered to be the last major community event that demonstrated the exercise of political influence because it required the extensive, broad-based mustering of social and material resources. The Wigwam was sponsored by John Hamilton and his organization, the National American Indian Defense Association (NAIDA). In the past, the Ladies Sewing Society of Mohegan Congregational Church had sponsored the Wigwams. Though NAIDA was the main sponsor, this festival was planned and executed with all of the Mohegan family groups participating. Traditionally the money raised by the festival went to support the church. In 1941, however, this did not happen. Conflict developed over what happened to the money.

Another political event occurred in 1944 which involved many of the Mohegan family groups. This was the controversy over the burial of a non-Mohegan at Fort Shantok. The individual, who was originally from California, was the father of a Mohegan spouse. He died in the vicinity of Mohegan Hill during World War II. Because there were no resources for shipping his body home it was suggested that he be buried at Fort Shantok. There was significant opposition in the Mohegan community to this, which even created divisions within family groups, especially within the Fielding group. Burrill H. Fielding (then chief) and his daughter, Loretta Schultz, were said to be the ones who persuaded the rest of the Mohegan to go along with the burial. Loretta Schultz was severely criticized for the decision to bury Mr. Brown at Fort Shantok, even more than Chief Burrill H. Fielding. The end result of the controversy was the formation of a cemetery committee which has functioned through the present, making decisions concerning eligibility for burial in the cemetery.

Both Tantaquidgeon and Hamilton were absent from the Mohegan social core area for significant periods from 1941 to 1966. Harold fought in both World War II (1941 to 1945) and the Korean War (1952 to 1956). John Hamilton was absent from the area between 1951 and 1966, in part to work with a variety of Native American tribes on their land claims.

While they were away from Mohegan, there is evidence that indicates other individuals exercised influence within the group at different times, including Gladys Tantaquidgeon, Burrill H. Fielding, and Loretta Schultz.

Gladys Tantaquidgeon, like her brother Harold, was a Mohegan socio-cultural leader. She was away from Mohegan Hill for much of her early life studying anthropology at the University of Pennsylvania and working for the Bureau of Indian Affairs from the 1920's through the 1940's. Even while she was away from Mohegan Hill, Ms. Tantaquidgeon was active in Mohegan Affairs, serving as an officer in Mohegan organizations, giving lectures on Mohegan culture, and writing reports. Since she returned to Mohegan Hill in the 1940's, she has continued to exercise influence over the Mohegan as an elder and socio-cultural leader through her work at the Tantaquidgeon Indian Museum. In this capacity, she has taught Mohegan culture to young Mohegan, like her niece Melissa Fawcett, as well as to non-Mohegan. She has also influenced decision making, such as the decision to allow John Hamilton to have a memorial service at the Mohegan Congregational Church.

In addition to his part in the 1944 Fort Shantok cemetery controversy, Burrill H. Fielding, provided leadership for the Mohegan Congregational Church, Mohegan land claims, and enculturation of young Mohegan. Fielding served as sexton for the church until his death in 1952. Maintenance of the church and its surrounding property has continued to be filled by a Fielding descendant ever since. He was among the first to donate money to the land claim effort on January 12, 1935. In 1941, he appeared with Julian Harris at the Connecticut State Legislature as part of the Mohegan effort to be compensated for land they felt had been taken illegally.

Loretta Schultz was a leader who represented the Mohegan to outsiders from the 1930's to the 1950's. She was the elected Mohegan representative to the American Indian Federation in the late 1930's. In 1952, when her father died, the press turned to her to find out who the next chief would be, and she announced it would probably be Harold Tantaquidgeon. Her daughter and niece agreed that she was the person Mohegan turned to from the late 1930's to the 1950's when they had a question concerning Mohegan tradition. Both Loretta Schultz and her father, Burrill Fielding, were socio-cultural leaders, enculturating the next generation of Mohegan during the first half of this century. Mohegan who grew up as children on Mohegan Hill in the 1930's to 1950's recalled that they both passed on knowledge of traditional medicines, information about places

sacred to the Mohegan, as well as Mohegan folklore and folktales.

In 1956, there were two political events that demonstrate the exercise of political influence among the Mohegan. One was the renovation of the Mohegan Congregational Church and the other was the revival of the Wigwam Festival. The renovation of the church was led by a Mohegan, Courtland E. Fowler. He appealed to all of the Mohegan heads of families to support the renovation of the church and many of them did. Fowler continued to be an active leader and sexton at the church after its renovation.

The PF concluded that there were no more Wigwam Festivals after 1941. The new evidence provided by the petitioner indicates that there was another Wigwam Festival on Mohegan Hill, near the Mohegan Congregational Church in 1956. This festival was initiated by Harold Tantaquidgeon, who provided leadership for the event. This Wigwam Festival, like the festivals held before 1941, was supported with contributions of time and money from adults in all of the primary Mohegan families. Much labor was required to construct the brush arbor, prepare food and handicrafts for sale, set up the booths for the sale of items, staff the booths, and clean up afterward. This is strong evidence for the exercise of political influence.

In contrast to this informal political activity, there is no evidence for the formal political activity from the late 1930's to 1966, though there are two weak pieces of evidence from 1939 and 1946 that there was a formal organization in existence. There is no evidence for a functioning council and there are no extant meeting notices, minutes, or records of votes for this period.

After he became chief in 1952, Harold Tantaquidgeon continued his role as a socio-cultural leader. Tantaquidgeon was on military duty in Japan in 1952 when Burrill H. Fielding died. Fielding suggested Tantaquidgeon should become the next chief. There are no primary sources that indicate Tantaquidgeon was ever elected by the Mohegan to hold this office. Harold did not provide leadership for the Mohegan land claim between 1952 and 1970. Instead, he and his sister, Gladys Tantaquidgeon, concentrated their efforts on preserving Mohegan culture through the Tantaquidgeon Indian Museum, enculturating young Mohegan through the teaching of Mohegan history, folktales, handicrafts, and Indian dancing. It was very important to them to stem the tide of the national trend toward pan-Indianism which threatened the uniqueness of Mohegan Indians. This goal of Harold Tantaquidgeon was stated as early as 1931. This was a shared value with other Mohegan,

as demonstrated by the letters written by Mohegan between 1941 and 1988 concerning John Hamilton's appearance at public events in a Plain's Indian headdress. Tantaquidgeon unsuccessfully objected to the Mohegan Fire Department adopting an Indian in a Plains Indian headdress as their symbol in the 1960's.

There is less evidence that Hamilton was involved in Mohegan affairs from 1945 to 1966, as compared to before and after. This is mainly because he was away from the area helping other Indian tribes in the west with land claims. Newspaper clippings and private correspondence provide some evidence that he made sporadic, ineffectual efforts to pursue the Mohegan land claim from 1939 to 1953. During its field research in November of 1993, the BAR staff reviewed some of Hamilton's private papers which are still held by his attorney. A complete review of Hamilton's papers was not conducted, however, since the mission was to verify information already submitted by the petitioner and other interested parties.

The new evidence clearly demonstrates a high level of political process, the exercise of leadership, and a bilateral political relationship from 1966 to the present. The conflict between Harold Tantaquidgeon and John Hamilton that was so evident from 1935 to 1941 did not come to life again until Hamilton returned to the Mohegan area in 1966. Hamilton's return is important for at least two reasons. One is that it resulted in a return to formal Mohegan politics. The second is that, with the holding of meetings and Hamilton's high-profile style with the news media, there is more written evidence for the exercise of political influence, bilaterality, extensive and broad-based political participation, and the continuity of important political issues.

Upon his return to Mohegan in 1966, Hamilton started holding meetings with the purpose of renewing the Mohegan land claim. To do this, he decided to start a new, revitalized Mohegan political organization. In 1967, the League of the Descendants of the Mohegan Indians was dissolved and the Council of the Descendants of the Mohegan Indians was incorporated. In contrast to the PF, the new evidence demonstrates that most Mohegan adults participated in the Council of the Descendants and supported John Hamilton's land claim activity through 1970. The main goal of the Council, as Hamilton saw it, was the pursuit of the Mohegan land claim, which by now had grown from the 16-acre Norwich burial ground to all of the land between Norwich and New London on the West bank of the Thames Rivers.

By 1969, the council that served under Hamilton was chafing under his leadership. In that year the council wrote a letter to Jerome Griner, their attorney, concerning an interview with John Hamilton that had been published in the New London Day newspaper. The council complained that he had not gotten their permission to talk to the press. They also objected to Hamilton's attempt to sell the parsonage, a piece of land that the Mohegan still owned as a group.

In addition to this, the council members were becoming increasingly upset with Hamilton's style of leadership. He appointed himself "Grand Sachem" of the Mohegan Indians and claimed broad political powers as such. He also published false information about the genealogy of his Mohegan rivals, especially the Tantaquidgeons, saying they were not Mohegan. At the same time, he continued his practice of adopting non-Mohegan supporters into the tribe, saying that he was the only one who had the power to decide who was and who was not Mohegan.

When this situation became intolerable, several female Mohegan leaders, including Virginia Damon (John Hamilton's niece), led the effort to repudiate Hamilton as a Mohegan leader. On May 17, 1970, the Mohegan council held a meeting to reject Hamilton as President of the Council of the Descendants and elect Courtland E. Fowler as his successor. At first there was a contentious debate between the supporters of Hamilton and those who felt they could no longer support him as land claims representative. After 8 to 10 of Hamilton's supporters walked out of the meeting, Fowler was elected by a majority of the approximately 25 Mohegan who stayed behind. At that time there would have been around 100 Mohegan adults in the group.

The Council of the Descendants realized that the majority of Mohegan adults had not been present, because of bad weather, so the heads of Mohegan families were sent a notice on June 7, 1970, informing them of the change in leadership. The letter said they were being asked to respond in writing if they had any objections to Courtland Fowler becoming chief. It is not known if anyone had any objections, but the election of Fowler stood.

After 1970, Hamilton never again enjoyed the support of the Mohegan majority. His supporters never included more than a few Storey and Baker family members, chiefly. Before long, he submitted papers to dissolve the Council of the Descendants and had started a new organization, the Mohegan-Pequot Confederation and Affiliated Algonquin Tribes. Through this entity he continued his land claims activity, entering a law suit in Federal court in 1977 and submitting an undocumented petition for Federal acknowledgment, on

behalf of the Mohegan, in June of 1978. A decision in the court case is pending, awaiting a decision on the Federal acknowledgment issue.

New evidence provided by the Mohegan in response to the PF demonstrates that the Council of the Descendants did not go out of existence for lack of interest in 1970. After Hamilton dissolved the Council of the Descendants, the Mohegan majority continued to meet under that name. The function of the tribal council was assumed by Native Mohegans, Inc., begun by Virginia Damon in 1973. Native Mohegans, Inc. served as the Mohegan council until 1980, when the Mohegan Indian Tribe of Connecticut was incorporated with a constitution and by-laws.

During the early 1970's ad hoc leader Jayne Fawcett, Harold and Gladys Tantaquidgeon's niece, challenged John Hamilton. The non-Mohegan living in Montville were starting to worry that the Mohegan Indians might actually take away their land. Fawcett lived in Montville and was part of the Tantaquidgeon family group, which always prided itself on the good relations between the Mohegan and local whites. In 1972, she decided to start a petition denouncing Hamilton, and again rejecting him as the Mohegan leader. She successfully gathered signatures of just about every single Mohegan adult alive at the time.

Another focus of group interest which drew support and took action was the Indian Parents Committee. This committee functioned from 1973 to around 1977. It used grant money from the Federal government to educate Mohegan youth about their history and culture. It achieved its main political goal which was the prevention of forced bussing of Mohegan children to schools further away from Mohegan Hill. In a blurring of the lines that is typical for the Mohegan, the budget of the Indian Parent's Committee was listed as part of the Mohegan Congregational Church's budget, and the committee's official correspondence with the Federal government was signed by Courtland E. Fowler, as Mohegan chief.

Like the Tantaquidgeons, Courtland Fowler was concerned about the accurate portrayal of Mohegan culture and history, a shared value among the Mohegan. At the request of the tribal council, Fowler wrote letters in 1980 concerning misrepresentations of Mohegan history in a booklet on Connecticut Indians by the Department of Environmental Protection. The tribal council also had Fowler write a television producer because the producer had not consulted the Mohegan concerning a program on New England Indians he was about to air.

But Fowler, who was more aggressive in his leadership style than the Tantaquidgeons, was more than a socio-cultural leader. At the request of the Mohegan council, or based on a vote by the Mohegan as a whole, Fowler worked on the following issues. He successfully fought for better protection and maintenance of all three Mohegan burial grounds. Fowler led the Mohegan through the drafting and adoption of a new constitution and by-laws, and founding The Mohegan Tribe of Indians of Connecticut, Inc. With regard to the Mohegan land claim, Fowler deferred to the Tantaquidgeons as late as 1975. But by 1980, the Mohegan majority voted to intervene on Hamilton's land claim suits, and under Fowler's leadership they did so. Also under Fowler's leadership, the Mohegan submitted a documented petition for Federal acknowledgment.

A bilateral political relationship and political process were evident in the election of Ralph Sturges as president of the council and chief in 1992. Most of the minority of Mohegan who supported John Hamilton in 1970 eventually returned to support Courtland Fowler and the MT. When Fowler died in 1991, many Mohegan felt that Lawrence Schultz, as a member of the Fielding family group, was the best candidate to replace him. Instead, Schultz nominated Sturges for the position of council president and chief in 1992. Sturges was an ideal compromise candidate for the healing of old political wounds since he had supported Hamilton in 1970, continued to be active with the Mohegan majority after that. He represented neither of the family groups that had been involved in the 1970 controversy (he was a Baker, not a Fielding or a Storey), and therefore represented a bridge between the two. Sturges was elected by 98% of the Mohegan adults who voted in 1992. His general approach to Mohegan politics is inclusive not exclusive.

The Mohegan council continues to hold meetings and address issues of importance to the Mohegan as a whole. These issues are the same issues that have been significant to the Mohegan throughout this century: the traditional Mohegan burial grounds, the Mohegan Congregational Church, accuracy in educating Mohegan and non-Mohegan about their history and culture, and the Mohegan land claim. Federal acknowledgment as an Indian tribe has also been a major concern since 1977.

BAR's Response to the CTAG. The PF's conclusions concerning Criterion c were challenged by the CTAG. In general, the CTAG agreed with the BAR's conclusion that the Mohegan leaders had not exercised political influence over its members since the early 1940's. However the CTAG made two additional arguments for denying the MT Federal acknowledgement under Criterion c. 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 17th century. Second the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut (1769 to 1872). For these two reasons, the CTAG concluded the MT did not meet the "autonomous entity" requirement of Criterion c.

Neither of these points means the petitioner fails to meet the criteria. First, the time period during which the Mohegan lived with the Pequot is so brief as to be inconsequential. Second, the 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. The CTAG has misinterpreted the requirements of the criterion because the overseer system of the state of Connecticut is not an Indian tribe. A more detailed response to the CTAG argument concerning political autonomy can be found in the technical report accompanying this Final Determination.

The CTAG, based on two lines of evidence, also argued that the Mohegan leaders had not exercised political influence over its members. First, the CTAG stated that the Mohegan role of "chief" had been honorary, and that these chiefs were merely figureheads and had not exercised any significant political influence. The second line of evidence was the leadership crisis, based on the rivalry between John Hamilton on the one hand and Harold Tantaquidgeon and Courtland E. Fowler on the other, which the CTAG said resulted in confusion among the Mohegan after 1970, which reflected a lack of political cohesion.

The CTAG has misstated several of the requirements concerning the exercise of political influence under Criterion c. The exercise of political influence is not based on formal titles, such as chief, whether honorary or otherwise. Anyone in the group, male or female, may exercise political influence, whether they are identified as a "chief" or not. The narrow focus on males who held formal, elected office was a weakness of the original MT Petition as well. As has been demonstrated, there were several Mohegan, some of them females, who were not chiefs, but were politically influential. An essential requirement of this criterion is that group leaders influence the opinions or actions of a substantial number of group members on issues regarded as significant to the group as a whole and whether or not the actions of leaders are influenced by the group.

There was a Mohegan leadership crisis in 1970, but there was no lack of political cohesion. The evidence that group opinion of the vast majority of Mohegan adults solidified so quickly against Hamilton, indicates just the opposite.

Until 1970, the majority of Mohegan had followed John Hamilton as their claims representative (elected in 1933 to this position) and Harold Tantaquidgeon as their chief. While these two men differed in their styles of leadership and over the issues they each felt were most important to the Mohegan, they were both supported by the majority of Mohegan until 1970 to perform their respective tasks. What the CTAG portrays as confusion was politics by group consensus building. There is evidence that the Mohegan, in particular, have historically used consensus building as their main form of political process.

BAR's research on political process and the exercise of influence focuses on political issues and events, including conflict and conflict resolution, not just on individuals and formally elected offices. Based on the new evidence provided by the petitioner and other interested parties in response to the PF, there are a number of political events that demonstrate that the four political issues of concern to the Mohegan from 1897 to 1941 have remained the same from 1941 to the present. These issues include the preservation and promotion of Mohegan history and culture, support for the Mohegan Congregational Church, the pursuit of land claims, and the protection of and control over the traditional Mohegan burial grounds. The political process by which the Mohegan pursued these issues and the maintenance of political influence is especially clear from 1966 to the present. It is less clear from 1941 to 1966.

Summary Conclusion under Criterion c. The MT Response to the PF provided more data on the exercise of political influence from the late 1930's to the present. Particularly important is the data submitted on political process from 1966 to the present. There is evidence which clearly demonstrates political process, the exercise of leadership, and a bilateral political relationship from 1966 to the present. The evidence for the period from 1941 to 1966 remains limited. This is the same period for which evidence for social community under Criterion b was limited. The same two factors cited in the Summary under the Criteria for Criterion b are applicable here. That is, in comparison to the decades leading up to 1941 and after 1966, there was a fluctuation in political activity and, for the political activities which did occur, there is a paucity of documentation. Under Criterion b, it was concluded that this was the result of the dying out of several politically and socially important families that had been resident in

the geographical core area and the temporary migration away from the geographical core¹ by other adults.

We conclude that the Mohegan have provided sufficient evidence that they have continued to maintain political influence over their membership throughout history to the present. In reaching this conclusion, it is recognized that the evidence for political influence and leadership is unbroken, though limited, from 1941 to 1966. New evidence was found which indicated a higher level of political activity in the late 1930's than previously known. Evidence from 1966 to the present demonstrates the exercise of political influence and the political process. This is further strengthened by the continuity of political issues, process, and leadership from the mid-1800's to 1941 and from 1966 to the present. For these reasons, we are accepting a lower level of political activity from 1941 to 1966 than would otherwise be allowed. We conclude that the petitioner meets Criterion 25 CFR 83.7(c).

¹The "geographical core" refers to the immediate vicinity of Mohegan Hill, approximately a 1.5-mile radius centered around the Mohegan Congregational Church. Mohegan Hill is bisected by State Route 32, which runs north and south, between Norwich and New London. Mohegan Congregational Church is located on the summit of Mohegan Hill. This 1.5-mile radius is roughly coterminous with the Mohegan reservation of 1861.

The "social core area," by comparison, is a 10-mile radius area around the church in which the Mohegan have continued to interact with each other on a frequent, substantive basis.

CRITERION D

- 83.7(d) A copy of the group's present governing document or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

Proposed Finding. The Proposed Finding concluded that a copy of the MT's formal governing document had been submitted in accordance with this criterion.

Comments. No comments were received pertaining to Criterion d.

Summary Conclusion under Criterion d. The conclusion of the PF that the MT meets Criterion d stands.

CRITERION E

- 83.7(e) A list of all known current members of the group and a copy of each available, former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

Background. For acknowledgment purposes, it is necessary that BAR have a current membership list of the petitioner. Because of the length of time which had passed since the petition was submitted, the BAR obtained a 1993 membership list from the MT. This list was used as a basis for analysis of geographical, kinship, and other social patterns in the FD.

Proposed Finding. The Proposed Finding concluded that approximately 85 percent of the 1,032 members of the MT on the list in 1989 could meet the group's genealogical membership requirement, which is descent from an individual on a list of Mohegan Indians prepared in or before 1861.

Documentary evidence exists establishing their ancestry back to such lists.

MT Action. In response to the finding by the BAR that descent from the historical tribe could not be documented for 15 percent of the 1989 membership. Either the descent claimed could be disproved or there was insufficient information to determine whether the individual descended from the historical tribe. These 15 percent were mostly the family members of three non-Mohegan who had been active in American Indian Development, Inc. They were taken into the tribe to make better use of their political clout. There is evidence that the Mohegan elders clearly knew they were non-Mohegan. In April, 1990, the tribal council decided to remove from the tribal rolls all of them from the membership list.

As of the date of preparation of the final determination, the membership list contained 972 persons, all but two of whom (whose ancestry is unverified but not disproved) met the genealogical descent criteria established by the MT of having an ancestor on the 1861 or earlier tribal roll.

Summary Conclusion under Criterion e. The conclusion of the PF that the MT meets Criterion c stands and has been strengthened by the membership actions taken since issuance of the PF.

CRITERION F

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

Background. The criterion in section 83.7(f) of the regulations requires that a petitioner be principally composed of persons who are not members of an already recognized tribe. The definition of membership in a recognized tribe (in section 83.1(k)), has two parts, each with two subparts. To meet the definition of "Member of an Indian Tribe," the individual must meet at least one subpart in each of the two halves of the definition, but any combination of one of the subparts of part 1 with one of the subparts of part 2 will suffice. Section 83.1(k) defines a member as follows. Number and letter designations in brackets have been added to delineate parts and subparts of the definition:

"Member of an Indian tribe" means an individual who

- [1] [a] meets the membership requirements of the tribe as set forth in its governing document
or
 - [b] is recognized collectively by those persons comprising the tribal governing body,
- and
- [2] [a] has continuously maintained tribal relations with the tribe
or
 - [b] is listed on the tribal rolls of the tribe as a member, if such rolls are kept.

Proposed Finding. The Proposed Finding concluded that no evidence was found that the members of the MT were members of any other Federally acknowledged Indian tribe.

Comment. This criterion was addressed by the CTAG Response, which maintained that because of the subordination of the Mohegan to the Pequot during part of the first half of the 17th century, and the fact that the Mashantucket Pequot were Federally recognized by act of Congress in 1983, the MT did not meet criterion (f).

Analysis. An extensive analysis of the meaning of criterion 83.7(f) was prepared by the BAR in the final determination in favor of acknowledgment of the San Juan Southern Paiute Tribe. The language reads:

Intent of the Regulations:

Membership in an already recognized tribe was an issue throughout the development of the regulations, in the context of prohibiting groups which were largely composed of members of recognized tribes from being separately acknowledged. The intent of the regulations was to exclude from eligibility for acknowledgment groups which were already maintaining tribal relationships with another, recognized, tribe, i.e., were not politically autonomous (see definition of autonomous in section 83.1(i) of the regulations) while acknowledging groups with a historically autonomous, separate existence. Thus it was appropriate to specify maintenance of tribal relations as part of the definition of membership in a recognized tribe.

Historically, the Mohegan have not been regarded as Pequots, either by the Pequot, by external observers, or by themselves, for more than 350 years. The Mohegan have not maintained tribal relations with the Pequot. Throughout

historical times, Connecticut has administratively treated them as separate groups.

Summary Conclusion under Criterion f. The existing members of the MT have never been enrolled as members of the Mashantucket Pequot Tribe or any other tribe. The existing members of the MT do not qualify as members of the Mashantucket Pequot Tribe by any of the standards applicable under the regulations in 25 CFR Part 83.

Therefore, the conclusion of the PF that the MT meets criterion (f) stands.

CRITERION G

83.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

Proposed Finding. The PF concluded that no evidence was found to indicate that the MT or its members had been the subject of Federal legislation which had expressly terminated or forbidden a relationship with the United States government.

Comment. No comment was received from any party pertaining to criterion 83.7(g).

Summary Conclusion under Criterion g. The conclusion of the PF that the MT meets Criterion g stands.

**TECHNICAL REPORT SUPPORTING FINAL DETERMINATION
FOR FEDERAL ACKNOWLEDGMENT OF
THE MOHEGAN TRIBE OF CONNECTICUT, INC.**

PROPOSED FINDING SUMMARY

The Proposed Finding (hereafter PF) against acknowledgment of the Mohegan Tribe of the State of Connecticut (hereafter MT) as a Federally recognized Indian tribe was published in the Federal Register, Vol. 54, No. 216, Thursday, November 9, 1989, 47136-47137. The PF determined that the petitioner met five of the seven acknowledgment criteria. The Mohegan had been identified as an Indian entity throughout their history until the present (criterion a), had a government document (criterion d), 85 percent of the members were descended from the historic Mohegan tribe (criterion e), none were members of an already recognized tribe (criterion f), and the group was not subject to legislation terminating or forbidding a Federal relationship (criterion g).

The PF also determined that the MT met criterion b (maintenance of a social community distinct from non-Indians, continuously from early historic times) and criterion c (exercise of tribal political processes involving leaders or organizations with a broad following on issues of significance to the overall membership) through 1941. The petitioner demonstrated continuity with the historic tribe, but the evidence presented for the PF indicated that it was greatly changed in character, with the remaining extent of social interaction and social ties among members reduced to a low level. While some form of leadership and/or organization representing the Mohegan existed continually throughout the group's history, the evidence presented for the PF indicated that after the 1930's this became so greatly diminished that significant political processes apparently no longer existed. Therefore, the PF determined that the MT failed to meet criteria (b) and (c) since 1941.

ROLE OF THE FINAL DETERMINATION

Interpretation by the Attorney General of the State of Connecticut. The Attorney General of the State of Connecticut (CTAG) submitted an extensive response to the PF. Among the contentions made in the CTAG response was that:

The BIA in this case is being asked to perform a task on behalf of the United States District Court, which has deferred to it.

The Bureau is acting essentially in a quasi-judicial capacity (CTAG Response 1:3).

BIA Position. The BIA position in this matter is as follows. Prior to the promulgation of the acknowledgment regulations in 1978, the Department of the Interior processed requests on an ad hoc basis to accommodate groups that desired to be placed on the list of recognized tribal entities. One purpose of the regulations was to provide uniformity in the acknowledgment process. Since 1978, the BIA has achieved expertise in this area. James v. Department of Health and Human Services, 824 F.2d 1132, 1138 (D.C. Cir. 1987). Where Federal recognition has been given by the executive branch, the courts generally accept this as determinative of tribal existence. Mashpee Tribe v. New Seabury Corp., 592 F.2d 575, 582 (1st Cir.), cert. denied, 444 U.S. 866 (1979). It is inaccurate to say that the BIA is assuming a function of the judiciary when the opposite is true.

Interpretation by the Attorney General of the State of Connecticut.

There are many interests at stake besides the petitioner's.

They include those of many citizens who have purchased land in good faith (CTAG Response 1:3).

BIA Position. In response to this point made in the CTAG Response, the BIA position is as follows. The BIA is charged with applying the knowledge and expertise of its staff to determine whether a particular group petitioning for acknowledgment actually exists as an American Indian tribe (25 CFR 83.2). The consequences which accompany acknowledgment by the BIA include services, benefits, immunities, privileges, and responsibilities flowing from and to the Federal government. The consequences of Federal acknowledgment upon third parties is not a consideration of whether a group exists as a tribe.

METHODOLOGY

Field Work. From November 3-10, BAR staff carried out a field trip to Uncasville, Connecticut, and surrounding areas, to verify the information provided in all of the relevant and timely responses to BAR's Proposed Finding (PF).

In the PF, it was concluded that the original petition did not contain sufficient evidence to support the claim that the petitioner continued to exist as a community viewed as American Indian and distinct from other populations in the area. The conclusion that a social community did not continue centered around the cessation of the annual Wigwam Festival in 1941 (interpreted as the loss of the only forum

for social interaction among the members of the petitioning group as a whole), and the fact that the Mohegan Congregational Church was used by non-Indians and Indians alike.

The argument against finding political influence (Criterion c) from 1941 to the present was based on the lack of evidence provided to substantiate political activity and leadership and the apparent confusion over who was leading the Mohegan since the late 1960's.

The petitioner did not submit much evidence for this period with the original petition, but this was not due to a lack of social or political activity. Members of the petitioning group stated that much information was withheld during BAR's original field trip in 1987, prior to the PF, because of an on-going factional dispute concerning a very sensitive land claim and distrust of BAR staff.

During BAR's 1993 field trip, BAR staff interviewed members and non-members of the petitioning group. Most of the Mohegan interviewed were elders or others knowledgeable about Mohegan affairs for the period from 1941 to the present. These included the current chief and council president, the tribal historian, the son of the immediate past council president, and numerous others who held office in various Mohegan organizations or were active in some other manner during this period.

It is an important part of the BAR's task to evaluate the reliability and veracity of sources of information. In this light, it is important to distinguish between two groups of non-member informants. The first group of non-members were those who typically expressed no opinion regarding the outcome of the petition, but lived and/or worked in the Uncasville area for the duration of the period in question (1941-present). For simplicity's sake, they will be referred to below as Group I informants. Typically their work, education, or social life (sometimes all three) brought them into contact with the Mohegan. For this reason, they exhibited a somewhat more intimate knowledge of the Mohegan. Because of this they were able to provide details on Mohegan social and political activities from 1941 to the present, which were typically confirmed by documentary evidence.

The second group of non-member interviewees consisted of those who were overtly opposed to the MT receiving Federal recognition. They will be referred to as Group II informants. Generally these non-members had not lived in the Uncasville area for the entire period in question, though some had. Broadly speaking, those who expressed no

opinion regarding the outcome of acknowledgment presented information that verified Mohegan claims to have continued to exist as a social community from 1941 to the present. Most of the information provided by those who were opposed to acknowledgment was irrelevant to Criteria b or c. Irrelevant information from these interviews included comments about Mohegan assertions that they burned fields and picked blueberries as unique Indian activities. It is understood that during the 1940's and 1950's both of these activities were not unique to the Mohegan. Non-Indians on the east coast of the United States adopted such practices long before 1941. For this reason, such evidence, in and of itself, is not considered as proof of a social community culturally distinguishable from people in the surrounding community. The rest of their assertions were directly contradicted by interviews with Mohegan members, Group I non-Mohegan, newspaper articles, tribal minutes, and private correspondence. More pertinent information that was contradicted by other sources will be dealt with in the Technical Report which summarizes data gathered to evaluate whether or not the petitioner met Criteria b and c.

Interviews were conducted with the following non-Indians who were resident in Montville² during the period from 1941 to the present (Group I): the first and current Fire Chiefs of Montville; two former first selectmen of Montville; the former director of Gager's Funeral Home, who handled most of the Mohegan burials at Fort Shantok from 1956 to 1986; a teacher who has taught at Mohegan Elementary School for 17 years; a volunteer with the Montville historical society during Montville's 1986 bicentennial.

Group II interviewees, those opposed to recognition, included: the current Montville Mayor, Town Clerk, Town Planner, a researcher hired by the town of Montville in 1993 to look for information to refute claims found in the petitioner's response to the PF, a former Montville selectman, and a real estate lawyer, who was Courtland E. Fowler's attorney until his death in 1991. Individual interviews were conducted with the Town Planner (by phone) and the real estate lawyer (in person, at the Montville Town Hall). All other Group II informants were interviewed in

² In this report, "Montville," refers to the residents of the Town by that name. For the people who live on Mohegan Hill, their mailing address is Uncasville, CT, even though they live in the Town of Montville. Thus, in the statistical discussions concerning residence that follow, "Uncasville" is used when referring to Mohegan addresses as listed on their 1993 membership roster. As such, it refers to a subset of the town of Montville. Specifically it refers to those Indians and non-Indians living in Montville on, or in the immediate vicinity of, Mohegan Hill (see Appendix A, Map 1).

one large group interview, which also included the Town Planner, on the last day of fieldwork.

Continuity Braid. To assist in distinguishing the cultural dynamics of the Mohegan community in the following discussion, and in understanding the interaction of the various sub-groups in Mohegan community and political life during the past century, the following technical distinctions have been made in the way participants in various activities are listed in the footnotes:

- (1) Women after marriage continue to be identified with their birth family, as that is how the Mohegan themselves think of them (i.e., Phoebe Antoinette "Nettie" "Nana" (Fielding) Fowler continues to be marked as a Fielding to the day of her death). Mohegan kin groups are oriented to the maternal ancestress.
- (2) In order to track the interrelationships of the various kin groups and their participation in different Mohegan activities over the course of a century, the BAR historian developed a "continuity braid," parts of which are contained in the footnotes of this technical report.³ In this braid, for ease of identification, Baker Family members are underlined; **Fielding** Family members are in boldface; FOWLER Family members are in small capitals; Tantaquidgeon/Quidgeon Family members are double-underlined; *Storey* (also spelled Story) Family members are in italics; [Non-Mohegan individuals] appearing in the cited documents are in brackets. Names in normal type, not designated by one of the above keys, represent other Mohegan families, all of which except the Cooper and Hunter lines have died out or dropped from tribal relations--Matthews, Dolbeare, Skeesucks, Congdon, Nonesuch, etc. See below for a more extensive analysis of the major family groups and their roles.

³ A "continuity braid" is an application of network analysis principles developed by social historians for use in diagramming past communities for which year-to-year documentation is thin.

Strong continuity is demonstrated when an individual (or group of individuals) consistently appears in the same or similar functions over the course of time: for example, in 1924, HOPE HOLDER, the future wife of COURTLAND FOWLER, served ice cream and soft drinks at the Wigwam at the Mohegan Congregational Church (MT Orig. Pet., Ex. 220); in 1956, HOPE FOWLER (SPOUSE) was secretary-treasurer for the Wigwam at the Mohegan Congregational Church (MT Response, Ex. 51). A "continuity braid" develops from the intertwined relationships of group members over the course of time.

Genealogy. For the preparation of the PF in 1989, the BAR genealogist developed a chart indicating the proportion of the Mohegan belonging to each of the major kinship groups at that time: Baker family, 225 individuals;⁴ Fielding and Harris families, 186 individuals (101 in the Fielding branch and 85 in the Harris branch);⁵ FOWLER family, 17 individuals; Tantaquidgeon (also Quidgeon) family, 228 individuals; Storey family, 199 individuals; other Mohegan lines, 26 individuals (Thompson 1989). As an illustration of the impact of the fertility rate on a group as small as the Mohegan, the 17 Fowlers, 85 Harrises, and 228 Tantaquidgeons are the descendants of three sisters (See Appendix B).

Biographical Schematic. For the Final Determination, the BAR historian prepared a listing, arranged in accordance with the genealogical relationships, of all Mohegan individuals in tribal relations who were adults between 1896 and 1970, listing for each individual, in chronological order, all Mohegan community activities in which that person was documented to have participated. This enabled the BAR staff to determine the level of participation by residents living inside and outside the social core community and to some extent the interaction of the core and the periphery.

HISTORICAL IDENTIFICATION AS AMERICAN INDIAN

The PF concluded that

⁴ In the early 1900's, the wife of Moses Baker left him. He was forced to place his family of small children in temporary foster care. When he was able to reestablish a household for them, it was no longer on Mohegan Hill, because he found work some 12 miles away. For much of the 20th century, this numerically large line rarely appeared in the Mohegan continuity braid. It did, however, maintain a sense of Mohegan identity. The children and grandchildren of Moses Baker resumed active participation in tribal affairs in the 1960's and continue to be active in the 1990's. The other, numerically smaller, families of Baker descendants (first and second cousins of Moses Baker's children and grandchildren) appear on a regular basis in the continuity braid.

⁵ Technically, if the analysis were to be purely symmetrical, the Harris line should be treated separately, since the maternal founder, Gertrude (Fielding) Harris (b.c. 1849) was a sister of Nettie (Fielding) Fowler (b. 1857) and Harriet (Fielding) Tantaquidgeon (b. 1865). All three women were sisters of Chief Lemuel Occom Fielding and of Chief Burrill Hyde Fielding. However, the Harris descendants have continued to work very closely with the Fieldings rather than to assume independent roles, except during the 1970's when the Pawtucket, Rhode Island, branch of the Harris family were strong supporters of John Hamilton.

The Mohegan Tribe of Indians is based in the village of Mohegan, in the Town of Montville, Connecticut, on land which was traditionally and aboriginally Mohegan. This organization represents a group of lineal descendants of the Mohegan Indians whose ancestors have inhabited this area since first sustained contact with European settlers in 1638. The Mohegans have been identified as being American Indians from historical times until the present, and distinct from other Indian groups in Connecticut (Federal Register (hereafter FR) 1989, 47136).

The colonial historical development of the Mohegan was thoroughly analyzed in the PF and does not need to be repeated in the Final Determination (hereafter FD). The PF also traced in considerable detail the functioning of the Mohegan under the system of state overseers during the 19th century, until the dissolution of the reservation by act of the State Legislature in 1872 (Mohegan PF 1989, Historical Technical Report. 26-27).

The CTAG Response submitted extensive materials pertaining to both Mohegan-Pequot relationships in the first half of the 17th century and relationships between the Mohegan and the State of Connecticut in the 19th century. As these materials were specifically applicable to the questions of political autonomy and tribal continuity, they are analyzed below under the heading of "Political Authority and Influence."

As all historical questions on Mohegan development that need to be discussed in the FD pertain either to the issue of community (25 CFR 83.7(b)) or political authority and influence (25 CFR 83.7(c)), they have been integrated into the following sections rather than analyzed independently.

SOCIAL COMMUNITY

Requirements of Criterion b. 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 (see Appendix

B). Close social ties within narrow social groups, such as small kin groups, do not demonstrate that the members of the group as a whole are significantly connected with each other.

The intensity of social interaction and strength of relationships is not normally uniform within the membership of a tribe. It is not required that all of the membership maintain the same or even a strong degree of social cohesion. There may be a "social core" which has a high degree of social integration while the periphery of the membership has a lesser degree of integration. Characteristically, peripheral members have significant connection with the social core, although generally not with each other. It is essential to demonstrate that most of the peripheral individuals maintain social ties and interaction with the social core.

In addition, the regulations require that a tribe be a distinct community from other populations in the area. The members must maintain at least a minimal social distinction from non-members. This requires that they identify themselves as distinct and are identified as different by non-members of the group. However, the existence of only a minimal distinction provides no supporting evidence for the existence of social cohesion within the membership. Where a community exists, there characteristically are differences in the extent and nature of tribal community members' interaction with outsiders compared with their interaction with non-members of the community. For example, there may be limitations of and/or differences in their relationship with non-Indian relatives and their participation in non-Indian institutions such as schools and churches may also be limited or otherwise distinct from that of non-Indians. However, there is no requirement under 25 CFR 83 that to qualify for Federal acknowledgment, members of an Indian community must have totally abstained from membership in the veterans', charitable, and social organizations that exist in the wider American society.

Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require, however, 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.⁶ 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. Informal relationships also contrast with those among members of a club, society or other organization. The social ties among members of such organizations are normally limited to relationships which derive from their common membership and participation in the organization. Social interaction occurs only in the context of meetings or other activities of the organization.

Summary of the Proposed Finding's Conclusions on Criterion b. The Proposed Finding concluded that "until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base," but that since the 1940's, the evidence presented did not show that the Mohegan had maintained group interaction or social relations, either within the historical Indian settlement or between those residents in or near the village of Mohegan and the ever-growing number of Mohegan Indian descendants living away from Mohegan Hill (FR 1989, 47136):

There is not enough documentary evidence regarding group activities following the cessation of the Wigwam festivals in 1941 to conclude that the petitioning group has maintained a cohesive community within which social interaction took place since that time. The available documentation shows that since 1941, the Mohegan have had few, if any, community events or political meetings of a tribal nature. No evidence was submitted or found regarding other internal events which might have served to bring a substantial number of group members together. There was no evidence of sustained social interaction between the families represented by the current membership. The only current social activity which brings different families together is an annual homecoming which was not started until the late 1970's (FR 1989, 47136).

The Proposed Finding also concluded that at present the members of the MT did not appear to be distinct socially from the non-Indian population. For example, there were apparently no limitations on marriage with non-Indians, attendance at non-Indian churches, or membership in non-

⁶ Analysis of this phenomenon is the purpose of constructing a continuity braid.

Indian social clubs. Mohegan children attended local schools with little discrimination. Through the 1940's and 1950's, the older Mohegan in the Mohegan Hill community were primarily supported by subsistence agriculture, but many younger men were already working in occupations such as accountant, electrician, teacher, career military, or government consultant.

Evaluation of the Proposed Finding on the Basis of New Evidence.

Historical Background of the Modern MT Community: 1896-1941. It is impossible to understand the issues involved in the Mohegan social community and its leadership (criterion 83.7(b), and Mohegan political leadership and influence (criterion 83.7(c) since 1941 if the analysis begins with the year 1941. The situation at that time was an outgrowth of developments of the preceding 40 years. Conditions at the time of presentation of the documented acknowledgment petition in 1985 were a direct outgrowth of what had been happening not only since 1941, but at least since the early 1930's.

The choice of 1896 for the beginning of an overview is not an arbitrary one. In 1896, the living adult males of the Mohegan were invited to participate in the celebration of the 250th anniversary of New London, Connecticut, dedicating the John Winthrop monument--an invitation accepted by Lemuel Fielding "on behalf of his tribe" (Mohegan PF 1989, Historical Technical Report, 33; copy of collation menu, BAR Files). This event, therefore, provides a listing of a significant proportion of the Mohegan who at that date were residing in the Mohegan Hill community and active in the affairs of the group.⁷

A year later, in 1897, the modern Mohegan claims activity began with the election of Emma Tyler (Fielding) Baker, author of the 1861 genealogy (Baker 1861) and president of the Mohegan Ladies Sewing Society at the Mohegan Congregational Church, as president of the Mohegan Indian Association (Mohegan PF 1989, History Technical Report, 33).

⁷ Alonzo Cooper, Charles Matthews, [Lester Skeesucks], Zacheus Nonesuch (spouse), Roscoe Skeesucks, Nelson T. Congdon; Donald Meech; Eliphalet Fielding, Burrill Fielding, John L. Fielding, Lemuel Fielding, Frank Fielding, W.W. Fielding, Everett Fielding, EDWIN E. FOWLER, Julian Harris, Lloyd Harris; EDWIN C. FOWLER; John W. Quidgeon, Burrell Quidgeon (MT Orig. Pet., Ex. 141-4).

"Eliphalet Fielding of New London . . . was present at the laying of the corner-stone of the Uncas monument in Norwich in 1833, and was a guest of that city in 1859 at the bicentennial celebration" (MT Orig. Pet., Ex. 141-3).

For the following two years, the claims focus was exclusively upon the 16 acres of the old Mohegan Royal Burying Ground in Norwich, Connecticut.⁸ On May 8, 1899, "at a regular meeting of the Mohegan Tribe of Indians held in Montville" a power of attorney was given to claims lawyer Francis M. Morrison of Worcester, Massachusetts (BIA, New York Indians Kansas Claims Applications, Brotherton 1901, Entry 903, Records of the Bureau of Indian Affairs, Record Group 75, National Archives, Washington, D.C.).⁹

In 1901, a number of Mohegan descendants who had collateral relatives who had gone to Brothertown with Samson Occum in the later 18th century petitioned to be included in the "Kansas Claims" settlements for the Brothertown Indians. While their petitions were denied by the commission on the grounds that they were, in fact, Mohegan Indians rather than Brothertown Indians, the activity had two results. The first was the compilation of a significant amount of genealogical information about the group. The second was the beginning of prolonged claims activity and claims leadership on the part of the Storey sub-group of the Mohegan--a circumstance which would lead to internal factionalism and tension among the Mohegan until the present day.

Late 19th-century and early 20th-century documents confirm that, historically, the Mohegan population has not been large. From a count of 85 total tribal members, 60 of whom were residing on the reservation, in the mid-19th century (Baker 1861) there was only a slight expansion to about 100 in 1903, 50 in the village of Mohegan and the remainder in adjacent towns¹⁰ from which "they only visit their people

⁸ Two 1899 newspaper articles discussed the Mohegan land claim and petition to the General Assembly of Connecticut (Poor Lo Petitions 1899 and Mohegan Claims Argued 1899, BAR Files). Mentioned: Elizabeth [~~SIC--should be Eliphalet~~] P. Fielding, Lemuel M. Fielding, A.V. Babbitt, EDWIN FAUCHER [~~SIC--SHOULD BE FOWLER~~], [Nathan J. Cuffee], Fidelia A. Fielding, W.H. Harris, Emma Baker, and Mary Story. That Eliphalet P. Fielding be authorized to prosecute against . . . Sarah Hubbard, City of Norwich, and others

⁹ Signed: Mrs. Emma F. Baker, President; Adelaide V. Babbitt, Secretary; L[emuel] M. Fielding, EDWIN C. FOWLER, Julian L. Harris, [Nathan J. Cuffee], Members of said Council.

¹⁰ Summary of places of residence for Mohegan Living in 1901

Mohegan/Uncasville	47
Norwich/Plainfield	22
New London/Groton	18
<u>Out of State</u>	<u>9</u>
Total	96

occasionally" (Speck and Prince 1903, 193; Speck 1909, 185). What Speck meant by "occasionally" is unclear, as contemporary documents demonstrate continuous, active involvement of Mohegan living outside the social core area in the Wigwams at this time period.

Speck's vocabulary overstates the actual population situation at the turn of the century. The 1901 Kansas claims papers filed with the BIA gave a nearly complete accounting of all Mohegan known to be alive at the time. They listed a total of 94 individuals (BIA, New York Indians Kansas Claims Applications, Brotherton 1901, Entry 903, Records of the Bureau of Indian Affairs, Record Group 75, National Archives, Washington, D.C.). One of the Mohegan filed a claim on behalf of the estate of another Mohegan who was deceased. There were two additional adult Mohegan men who did not file (the mother of one of them filed, as did the wife of the other), and one minor child was omitted from the listings. That brings the total of Mohegan living in 1901 to 96. However, of these, only 33 adults living in 1901 have descendants on the 1993 membership list.

In 1901, 87 out of 96 Mohegan were living within a 10-mile radius of the Mohegan Congregational Church on Mohegan Hill (see Appendix A, Map 1). It is from this group of 96 Mohegan that the current membership of 974 is descended. In fact, the Mohegan on the 1993 membership list are descended from no more than 33 Mohegan adults living at the time of the 1901 Kansas claims.¹¹

¹¹ The 33 adult Mohegan living in 1901 from whom the current membership descends are (see Appendix B for kinship chart which diagrams how these 33 are related to each other):

BAKER: Henry Greenwood and Emma Tyler (Fielding) Baker; their children Moses A. Baker, Alma Fowler (Baker) Jameson, Isabel (Baker) Cook, Charles T. Baker, and Mary Tantaquidgeon (Baker) Meech; and grandson Donald Meech;

CONGDON: Alice B. (Case) Fielding;

COOPER: Amy George (Cooper) Stetson and her son Alonzo William Cooper Saunders;

FIELDING: Gertrude L. (Fielding) Harris and her children Julian L. Harris, Lloyd G. Harris, and Gertrude M. Harris; Lemuel M. Fielding, Burrill H. Fielding, Albert G. Fielding; William Jamison Hunter and his daughter Rachel Annie (Hunter) Davis;

FOWLER: Edwin C. and Phoebe Antoinette (Fielding) Fowler and their son Edwin C. Fowler;

TANTAQUIDGEON: John W. and Harriet W. (Fielding) Tantaquidgeon;

STOREY: Mary Tracey (Fielding) Storey and her children Alice M. (Storey) Hamilton, Harriet S. (Storey) Morgan, Edythe B. (Storey) Gray, and Eva S. (Storey) Froelich; and grandchildren Florence M. Hamilton, Marion Ethel (Hamilton) Lee, and William Eugene Hamilton.

Since the 1930's, continued out-marriage and large families have caused an expansion to the current (1993) number of 972 (again including children) (MT, Tribal Roll 1993). Several 1861 family groups which were still active among the Mohegan as late as 1896 are no longer represented on the tribal rolls. These include Congdon and Nonesuch. Essentially, the Mohegan doubled in number from 1930-1950; doubled again from 1950-1970; and doubled again from 1970-1990. The natural increase (births over deaths) from the number of persons on the 1985 membership list determined to be of Mohegan ancestry (881 individuals) to the number of persons on the 1993 membership list is 91--almost a tenth of the petitioning group.

All analyses of the level of tribal community interaction and political activity and influence must take into account the very limited population base: while the same names reappear, over and over again, as leaders and participants in various activities, to a considerable extent these were the only Mohegan in their active adult years during any time period under consideration.

The modern Mohegan can be categorized into three primary family groups (see Appendix B): Fielding (including the politically significant Harris, Fowler, and Tantaquidgeon sub-families), Baker (including Sturges and Cholewa sub-families), and Storey (including the politically significant Hamilton and Gray sub-families) (MT Response, Ex. 66). The Mohegan say that their three family groups were founded by women: the "Fielding" group descend from Rachel (Hoscott) Fielding through her son, Eliphalet Fielding, while the "Baker" and "Storey" groups were founded by two of her daughters, Emma T. (Fielding) Baker and Mary (Fielding) Storey. Rachel Hoscott Fielding had a fourth child, Rachel H. Fielding, whose descendants only account for 1 $\frac{1}{2}$ of the 1993 membership. They are subsumed under the Fielding family group in the three-family groups model (see Appendix B). It should be noted that, in terms of Mohegan social and political life, the principle family group is sometimes the most important social group influencing attitudes and behavior, and sometimes the sub-family is more important.

A fourth Mohegan family group, which is smaller (only 2 percent of the 1993 membership) and less important politically, is represented by the descendants of Amy Cooper. The dynamics of this group are complex. In the last quarter of the 19th century, the three children of Amy Cooper were adopted by William H. and Fidelia A.H. (Smith) Fielding. The adoptive mother, Fidelia A.H. Fielding (d. 1908), is well known to anthropologists as the "last speaker"--or, more precisely, the last regular user on a daily basis--of the Mohegan-Pequot language. Though her

adoptive children moved to Massachusetts in search of work in the 1920's, they did not break contact with the central settlement on Mohegan Hill in Montville, Connecticut: a daughter of one of these men attended the Mohegan Homecoming in 1979 (MT Orig. Pet., Ex. 53) and came from Massachusetts to attend the November 6, 1993, meeting at the Mohegan Congregational Church (with two first cousins and a son). She recalled that when she was a child, her mother had brought the children to Mohegan "two or three summers" to stay with relatives and get to know them (DeMarce FN 1993). This family line, preserves many old photographs and other items of significance for Mohegan history.

A fifth major family group, the Matthews family (with its Avery, Dolbeare, Babbitt, and Skeesucks subfamilies), died out in the 1940's and 1950's. Members of this group were almost entirely resident in the community on Mohegan Hill, and were active in tribal politics, in the Mohegan Congregational Church, the Wigwams, and in claims activity: Adelaide A.V. Babbitt served as tribal secretary in 1897 under Emma (Fielding) Baker. With the dying out of this family group in the 1940's and 1950's (not a process of spin-off or a dropping of contact with the core area community, but a literal dying out because of individuals who never married and a succession of childless marriages), a readjustment of functional roles took place as other families--particularly the Fowlers in maintaining the church building and Jayne Fawcett in serving as organist--gradually assumed or absorbed the tasks and responsibilities which this line had traditionally performed.

John W. Tantaquidgeon/Quidgeon, immediate ancestor of the sixth modern MT family, was born in nearby East Lyme, Connecticut, in 1865 while his father was serving as a seaman in the United States Navy--seafaring, particularly on whaling ships, had become a customary occupation for Mohegan men in the 19th century, as noted in the genealogical report (Baker 1861). He became a full orphan before he was five years old and was reared by his Mohegan grandparents, Benjamin and Margaret (Wyax) Oney.

Remembered by his surviving children¹² and grandchildren as a quiet man who said very little (DeMarce FN 1993), John Tantaquidgeon strongly maintained Mohegan cultural traditions, such as basket-making and wood-carving. He was instrumental, with his son Harold A. Tantaquidgeon, in the founding of the Tantaquidgeon Museum in 1931. Ruth Tantaquidgeon recalled that when her sister Gladys, the

¹² Gladys Tantaquidgeon, Winifred (Tantaquidgeon) Grandchamp, and Ruth Tantaquidgeon.

oldest child of John Tantaquidgeon, was old enough to go to high school, it was the mother, Harriet (Fielding) Tantaquidgeon, who was instrumental in insisting that the family move temporarily to Norwich so that she could attend the Norwich Free Academy. John Tantaquidgeon would have preferred to remain permanently on Mohegan Hill, and the family moved back as soon as the children had finished their education (DeMarce FN 1993).

The Mohegan identify Edwin C. Fowler's children as Fieldings because of his marriage to Phoebe Antoinette "Nettie" Fielding. However, the family has to a considerable extent assumed a role within the group replacing the historic functions of the Matthews family and independent of that played by other Fielding kin. The Fowlers were closely associated with various members of the Matthews family in church work as early as 1899.¹³ At the time of her death in 1949, Nettie Fowler had been the dominant figure in the leadership of the Mohegan Congregational Church for at least 25 years. The assumption of this role by her grandson Courtland Fowler in 1956 represented a considerable cultural adaptation for the group, in that since the early 19th century at least, while external leadership had been a male function for the Mohegan, internal leadership had been a primarily female function. Although the "official" acceptance of the Mohegan to march in the 1896 New London parade was made by Lemuel Fielding (MT Orig. Pet., Ex. 141-3), the private letter of the parade organizer asking for the recruitment of additional participants was addressed to Lemuel's sister, Nettie Fowler (MT Orig. Pet., Ex. 94). For more extended discussion of this phenomenon, see the section on "Leadership Style" under the discussion of political authority and influence.

Demographic Geography Since 1900. No exclusively Mohegan settlement area existed 1993. A Mohegan community has continued to exist on Mohegan Hill in Uncasville, Connecticut, on the aboriginal land, centered around the tribally-owned Mohegan Congregational Church. The Mohegan Hill community was identified by Mohegan and non-Mohegan as a place where Mohegan Indians have always lived. One Mohegan woman recalled growing up on Mohegan Hill:

¹³ June 26, 1899, election of officers of the Second Congregational Church, Montville, reported to the Secretary of State, Hartford, Connecticut: Clerk [Henry A.W. Oppermann]; Treasurer, EDWIN FOWLER; Deacon, Henry Matthews, [Henry A.W. Oppermann]; Advisory Committee, Norman E. Hamilton (spouse), Mrs. Delana Skeesucks; Trustees, CYNTHIA M. FOWLER, [Henry A.W. Oppermann], Henry Matthews; Finance Committee, Norman E. Hamilton (spouse), Mrs. Ella Avery, Mrs. Adeline Dolbeare (MT Orig. Pet., Ex. 92-1).

As children we all played together. There was all the Stricklands, especially Donny because Donny was my age, Donny Strickland, and Katie, we were very, very close, my cousin Norma, Pauline and Roberta and Lawrence Schultz, they were the children of my aunt. We all played together, we went to school together, we had picnics as children, we would put on our own little plays and stuff up by the Church in the empty lot. We would always play together. We went all through school together. And to this day, we still correspond. Donny comes up from Georgia and my cousin Lucille comes from Florida. We still keep in contact. Everybody. On the street that I live on, my cousin Pauline, Norma, my sister Meryl and a nephew lives on Fielding Terrace, which is named after my father. So we all lived close by. And right up the hill, we always called it "The top of the hill, Mohegan Hill", there was Gladys, Ruthie and Winnie and Court are still there, and the Engelgaus - and the other Fowlers. So basically, right here in Mohegan, you'll still see us all (MT Response, Roberge OH 1990, 3).

In response to a question about Donnell Hamilton of the Storey family group, Mrs. Roberge continued:

. . . I also went to school with Vivian Story Hamilton [Donnell's half-sister], because that was her name. And her father owned, they were down at the bottom of the hill which is heading towards New London, which is now Herb's Deli and we used to hang around with her too. We always, always hung around together. Even down to Fort Shantock, we used to go through the woods as children, passed the Church, go down the woods, which is now Driscoll Drive and end on Fort Shantark [sic] Road, and everybody would meet there and go swimming at Fort Shantark. All of us (MT Response, Roberge OH 1990, 3).

Distribution of 1993 Membership. On the Mohegan membership roll delivered by the Mohegan Tribe in December 1993, there are a total of 974 members. That is the basis on which all of the following descriptive statistics are computed. At least 64 of the total 974 members (7%) still live on the 2,700 acres of land that belonged to the Mohegan in 1861, centered around Mohegan Congregational Church on Mohegan Hill. A portion of this area constitutes what the Mohegan now think of as their geographical core. Most of the reservation was divided in 1861 and sold to individuals.

There could be more than 64 Mohegan living in this limited area, but this is the most that could be confirmed from the available data. The map of the 1861 Mohegan reservation that is on file with BAR is not very legible, but it shows the reservation extending westward from the Thames River, through Mohegan, and as far west as Cohegan Rock. It extended as far north as Trading Cove, and as far south as Massapeag (essentially the area shown in Appendix A, Map 1). The 64 Mohegan living in this 1.5-mile radius comprise 31 families, some nuclear, some extended. Mohegan living this close to the core tend to be descendants of the Fowler, Fielding, and Tantaquidgeon families, and they interact on almost a daily basis (Austin 1993, FN).

The Mohegan living in this area constitute a minority of the total residents. Due to land sales to non-Mohegan, most Mohegan Hill residents in 1993 are non-Indian. Nevertheless, the Mohegan live on only 19 streets, mostly clustered near each other (See Appendix A, Map 1). It is significant that 7% of the people continue to live on the traditional lands more than 120 years since the reservation was disbanded and parcelled out to individuals. Based on interviews and observations the Mohegan living in this area interact with each other on a very frequent basis concerning family and tribal matters (Austin 1993 FN).

The data show that at least 34% of the Mohegan membership lives within a 10-mile radius of the Mohegan Church (referred to below as "the core area"),¹⁴ all within New London County. Conceiving of the area in concentric circles, with the Mohegan Church at the center (see Appendix A, Map 2; Appendix C; and Table 1), the percentage of population encompassed increases as follows:

¹⁴ Miles from Mohegan:

to points South:

Montville	2.0
Uncasville	2.5
Quaker Hill	7.0
New London	10.0
Oakdale	3.0

to points North:

Groton	10.0
Norwich	5.0
Jewett City	10.0

Table 1:
Mohegan living within a
10-mile radius of
Mohegan Church (1993)

4-mile radius	22%
6-mile radius	24%
8-mile radius	25%
10-mile radius	34%

The ten-mile radius is chosen as a rough indicator of the Mohegan social core because it includes the three main towns where the Mohegan population has been concentrated since the mid- 1800's (Uncasville, New London, and Norwich). Also, considering the roads available in the area, the ten-mile radius is so small that it is conducive to social interaction. Field data provide evidence that such social interaction has and does occur. Within this area the Mohegan actually interact with each other on a regular basis (at least twice a month). Mohegan living beyond this area participate in the monthly tribal meetings and annual events such as the Wigwam Powwow Festival, and informal family contacts (letters, phone calls, visits on holidays, etc.). As will be shown, the Mohegan living within this ten-mile range of Mohegan church have been especially active in Mohegan social and political affairs from 1941 to the present.

If the area is expanded to include all Mohegan living in New London County, at least 39% (378/974) of all Mohegan are accounted for (for a specific listing by town, see Appendix D). Zip code area has sometimes been used by BAR as a convenient measure of geographical proximity. Out of a total 922 Mohegan for whom zip code information was available, 406 (44%) live in the southeast Connecticut zip code area beginning with the numbers 063--.

Of the total Mohegan membership for whom city and state of residence is available (N=964) there are 392 (41%) who live in states other than Connecticut, Rhode Island, and Massachusetts. This means that 572 (59%) of the members live in the three state area.

Members by Birthplace and Age. Information on birth date was provided for 887 Mohegan members (see Table 2). The number of births remained low from 1900 to 1920, since the population only increased from 96 to 122 (according to the charter of the Mohegan Indian Association). It should be noted that the 122 Mohegan registered in the Mohegan Indian Association in 1920 excluded the family of Moses Baker. At the time he had only about 12 descendants (children and

grandchildren), but in 1993 he had many descendants on the Mohegan membership roll.

During the 1930's and 1940's, the Mohegan experienced a significant drop in the percentage of children born in the core area and remaining there, from 40% for the 1920's to 26% and 28% in the 1930's and 1940's, respectively. This is very important for the apparent lull in social and political activities during the 1940's and 1950's, suggesting there were few young adults in the core area to replace the dwindling number of elders (especially the Matthews family was dying out at this time) who had traditionally served as leaders and assisted with social events. This, coupled with the absence of key Mohegan men serving in the United States military during the 1940's and 1950's, explains the drop in Mohegan social and political activity. The Mohegan living outside of Uncasville have nearly always been dependent on Mohegan living in the immediate vicinity of Mohegan Congregational Church for taking the initiative in planning social and political events.

Throughout the 1950's, 1960's, 1970's, and 1980's, the Mohegan, mirroring demographic trends in the United States generally, experienced a growth spurt. This accounts for the youth of the present membership as a whole. The age distribution indicates that there are 254 Mohegan (29%) under 16 years of age (the age at which one can get a membership card and participate in elections) and 284 Mohegan (32%) under 18 years of age. This means that about one-third of the Mohegan membership have still not reached adulthood. Based on population statistics for the first three years of the current decade, this trend is predicted to continue. Of the current membership (974), more than 74% were born since 1950.

Table 2:
Births of Mohegan
on 1993 Membership List
by Decade

Decade	Total Mohegan Births ¹⁵	Number Born in Core Area Who still live there
1899	1	1 (100%) ¹⁶
1900-1909	8	3 (38%)
1910-1919	12	5 (42%)
1920-1929	25	10 (40%)
1930-1939	50	13 (26%)
1940-1949	71	20 (28%)
1950-1959	144	46 (32%)
1960-1969	182	63 (35%)
1970-1979	158	52 (33%)
1980-1989	179	71 (40%)
<u>1990-pres</u>	<u>57</u>	<u>21 (37%)</u>
Totals	887	305 (34%)

Those who had children born in New London were not necessarily resident there. Many Mohegan born in the 1940's and 1950's who had their children at the hospital in the town of New London were living close to the center of the Mohegan core area. New London simply offered them the closest obstetrics hospital (see Table 3). This explains the high number of people born in New London (170/836 or 20%), and the small number (14, or less than 2%) currently residing there.

Since the 1950's, a number of Mohegan born in New London moved to Groton (immediately across the Thames River). Also, there was a tendency for those Mohegan born in Norwich who moved away, to move to towns slightly north of Norwich (e.g., Moosup, Lebanon, Windham, Jewett City, Danielson, Occum) since 1950. Some of these towns are just outside the 10-mile radius core area. At the same time, some Mohegan born in Norwich have moved closer to the core area in the last three decades (e.g., to Uncasville and Montville).

Of those born outside the core area (367), only 28 have returned to the core, most of them since the 1950's. Upon arrival in the area, they proceeded to raise their own

¹⁵ This is based on current (1993) members only, and does not reflect the births of those now deceased. Birth dates were provided for 887/974 members only.

¹⁶ Percentage refers to the percentage of Total Mohegan Births for the decade of reference.

families. This helps explain the return of percentage of births in the core area to turn of the century levels (37-40%). By far, the majority of those born outside of the core area have remained outside the core (92%). However, the majority of these are children, not adults.

Of the 836 Mohegan for whom there were data on birthplace, 469 (56%) were born in the 10-mile core radius area (see Table 3).

Table 3:
Towns within Core Area
Where the Mohegan Live Today
and the Number Born in Each

Town	No. born there
Gales Ferry	0
Groton	8
Jewett City	1
Ledyard	0
Montville	9
New London	170
Norwich	278
Oakdale	0
Preston	0
Quaker Hill	0
Taftville	0
Uncasville	3
<u>Waterford</u>	<u>3</u>
Total	469

Of the 469 births recorded for the core area, 305 (65%) are currently resident there (1993). This is true even though many of the Mohegan move away temporarily from the core area to serve in the military.

Impact of World War II. Since the American Revolution, Mohegan men have frequently spent time absent from the community in the armed services:

In every war Mohegan men have taken part on land and sea. In World War II, seventeen Mohegans served in all the branches of the Armed Services including one woman in the Army Nurse Corps (G. Tantaquidgeon 1947; MT Orig. Pet., Ex. 237, 4; Last of the Mohegans 1967, 6).

Very little documentation was presented for Mohegan activities during World War II. Aside from numerous letters home from servicemen (almost every able-bodied Mohegan male was in the armed forces), the only souvenir anyone presented from this period was a letter to Harriet Strickland saying

that the admission price to 4-H camp was a cup of sugar (DeMarce FN 1993). It may be that little documentation exists. The New London Day for 1942 had only three items pertaining to the entire Town of Montville (whether Mohegan or non-Indian) when issues for 3/4 of the year were searched (DeMarce FN 1993). The Norwich Bulletin coverage of Montville for this period was essentially limited to official meeting announcements for civil defense, etc. (DeMarce FN 1993).

The military service of almost all young, able-bodied Mohegan men in World War II and Korea unquestionably had an impact on the level of community activity during those years. Earl Strickland and Harold Tantaquidgeon were inducted into the army on October 9, 1942 (Norwich Bulletin 1942a).¹⁷ Donnell Hamilton was to report to Camp Devens, Massachusetts, on November 10 of the same year (Norwich Bulletin 1942b). James A. Strickland was discharged in 1945 (Norwich Bulletin 1945c), as was Harold Tantaquidgeon (Norwich Bulletin 1950). Others who served during the Korean conflict were Ralph Sturges, Courtland C. and Carlisle Fowler, and Lawrence Schultz, at which time Harold Tantaquidgeon also returned to duty. There is a cycle of families leaving for military service and then returning. Loretta (Fielding) Roberge recalled:

As children we all lived together. We all played together and this was considered indian [sic] land. Even though we had to buy it. We had no place to go. My father was in the service. We came back here. We had to buy land. We had no place to go, but he wanted to come back to his home and he wanted his children raised here on Mohegan land (MT Response, Roberge OH 1990, 2).

The cycle of military service can affect the life cycles of Mohegan women, as well. From 1965 until 1977, Pauline (Schultz) Brown was with her husband at Fort Campbell, Kentucky, though the family subsequently returned to Mohegan Hill (MT Final Reply I:131).

The Relation of the Social Core to the Periphery. At least 89 percent of the Mohegan membership has a significant social connection to the social core. That is, they share at least one of the following four characteristics: 1). they

¹⁷ In one other impact of this military service, after the war, Earl Strickland attended Fond du Lac Commercial College in Wisconsin on the GI Bill (Fond du Lac Commercial College 1946). He died in Fond du Lac at age 32, but was returned to Fort Shantok for burial (Earl Strickland at Rest 1951).

currently live in the social core area; 2). they were born in the social core area; 3). they have primary kin living in the social core area; 4) they are known to interact with the social core through other data. Many of the Mohegan share more than one of these characteristics.

Of the 391 Mohegan living outside the 10-mile radius core area, 162 have primary kin (grandparents, parents, or siblings) living in the core area or are known through other data to associate with people in the core area on a regular basis through phone calls/letters, or visits to the Mohegan area. Some of the visits are timed to coincide with the Wigwam Festival Powwow; others are planned to coincide with holidays such as July 4th or Christmas. This is a conservative statistic, based on available data provided in the MT response to the PF and confirmed during fieldwork (Austin FN 1993). This accounts for 68% of the Mohegan membership (including men, women, and children of all ages) for whom there is complete address information either living in the core or having close enough relations with the core area members to assume that they are informed about Mohegan social and political activities ($331 + 162/722 = .68$). If the percentage were calculated based on Mohegan members 18 and over, the percentage would be much higher (77%), because 122 of the 639 Mohegan living outside the 10-mile core area are under 18 years of age.

While the 1979 Homecoming had significant participation on the part of Mohegan living outside the social core area, attendance sign-in sheets from the 1980 and 1988 Wigwam Festivals reveal that people attending those meetings were predominantly from the core area. In 1988, 77 out of the 105 Mohegan who signed in (73%) were from towns in the core area. Attendance at the November 7, 1993 tribal meeting showed a similar pattern: 78% of those participating in the meeting came from towns in the core area (81/105), roughly the same percentage. Members attending these events represent all Mohegan family groups (See Appendix E).

Marriage Patterns. One characteristic which would have allowed a relatively easy demonstration of community--close intermarriage--does not exist among the contemporary MT. Since the generation born in the mid-19th century, who married between 1880 and 1890, there has been virtually no intermarriage within the group. Because of the very limited size of the Mohegan population (see below) and the close blood relationships which existed among the Mohegan of an age to marry in the early 20th century, marriage within the group would not have been practicable for most individuals.

The Mohegan are divided into closely related kin groups which have much interaction with one another. In 1900, the

most distant relationship between any Mohegan individuals was that of second cousins. For the Mohegan, cross-kin group social relations occurs in a very limited context; that is, between members of the Fielding, Baker, and Storey family groups. Throughout most of the 20th century, all of the Mohegan shared a common set of great-grandparents. Research for the PF established that most were related more closely than that, usually on more than one ancestral line, due to extensive tribal endogamy in the early and mid-19th century. Because of endogamy, the Mohegan living in 1900, while few in number, represented several Mohegan family lines. There is more information on this in the genealogy technical report that supported the PF.

The Mohegan Indians remained closely related (sibling groups, first cousins, and second cousins) through the 1960's. The generation of leaders represented by Burrill Hyde Fielding (d. 1952), Nettie Fowler (d. 1949), and Edythe B. Gray (d. 1965) were all related as either siblings or first cousins. Of the Mohegan adults born in the late 19th century, only one family (three siblings) were not first cousins to their contemporaries.

In the succeeding generation of Mohegan leaders represented by Loretta Schultz (d. 1982), John Hamilton (d. 1988), and Gladys (living) and Harold Tantaquidgeon (d. 1989), leaders were related as siblings (the Tantaquidgeons), first cousins (the Tantaquidgeons and Schultz), or second cousins (Hamilton to the others). Even then, ties were close: Hamilton's parents moved back from Groton, some ten miles away, to Mohegan Hill when he was a small child, and he spent his formative years there.

Only in the current generation of leaders has it become possible for Tribal Council members to be related as third cousins or more remotely: Ralph Sturges (b. 1918), elected chief in 1991, is a third cousin of Jayne Fawcett and of Courtland C. Fowler; also a third cousin of Donnell Hamilton and Virginia Damon. Curtis Chapman, Vice-Chairman under Sturges in 1991, was a member of the Storey line, and Sturges' third cousin. However, Damon and Hamilton are first cousins; Chapman is their second cousin. Courtland C. Fowler, Jayne Fawcett, Donald Strickland, Carleton Eichelberg, and Roberta Cooney are not only all one another's second cousins, but all grew up together on Mohegan Hill and went to school together. Ralph Sturges (b. 1918) grew up about five miles from Mohegan Hill and recalled that his mother, Alma Sturges (d. 1962), had been a close friend of Lillian (Tantaquidgeon) Strickland, sister of Harold and Gladys, and that he had frequently driven them to visit at one another's homes (MT Response, Sturges Affidavit 1990, Ex. 251).

There have been occasional marriages into other New England Indian groups during the 20th century, but the overwhelming majority of the spouses have been non-Indian. No non-Indian spouse of a Mohegan has assumed a major leadership role in the group. However, since 1896, both non-Indian wives and non-Indian husbands have been effectively incorporated into the group in the sense of serving on church committees, on Wigwam festival committees, and taking part in other group activities.

Allocation of Group Resources. Another aspect of group activity which can be considered strong positive evidence of the existence of continuing community is the allocation of group resources. Since the dissolution of the reservation in 1872, aside from the costs of maintaining the Mohegan Congregational Church (discussed above) and funding claims activity, the Mohegan have had no "group resources" as such to allocate. Much of the internal factionalism in the past 50 years, however, has revolved about the allocation of the funds that were raised from members for these purposes (see below). Throughout the 20th century, both these tasks (church maintenance and claims funding) have been carried out with involvement of all major kinship groups.

External Identification. External identification of petitioners as a Native American community is an important requirement of the criterion. Identification by outsiders establishes the group as socially distinct from their neighbors.

All Group I and Group II informants (those who were neutral concerning the acknowledgment of the Mohegan and those who were opposed to it) identified members of the petitioning group, not only as American Indians, but as Mohegan. They referred to Mohegan family names (most commonly mentioned names were Fowler, Tantaquidgeon, Hamilton, Strickland, Schultz, Fawcett). Group II informants (opposed to acknowledgment) were adamant that the Mohegan ceased to be a social and political entity around 1941, though they offered no substantive evidence to support their views (Austin 1993 FN).

Group I informants (non-Mohegan who had lived in the area longer and exhibited more knowledge of Mohegan social life) were able to identify the Mohegan by families (in addition to those above, they mentioned Cooney, Heberding, Eichelberg, Dolbeare). These informants associated several place names and streets associated with the Mohegan community: Fort Shantok, Mohegan Hill, Tantaquidgeon Museum, Mohegan Congregational Church, the parsonage, Massapeag, Fort Hill, Gager's Farm, Church Lane, Fielding

Terrace. They were not only seen as Native American, but more specifically as Mohegan (Austin 1993 FN).

Neither Group I nor Group II interviewees were able to give many specifics about the internal social and political activity of the Mohegan from 1941-1956. Several Group I informants referred to an annual carnival held by the Mohegan children for a number of years after World War II ended (from 1945-1951 or 1952), on the summit of Mohegan Hill near the church. These carnivals were small town affairs with homemade food, rides, and attractions. One non-Indian who attended these carnivals, and played with the Mohegan during his childhood, estimated the carnivals lasted for 2-3 days and attracted around 150 people who would stay for an hour or two. The carnivals were mostly attended by Mohegan, though some non-Indians came as well. Mohegan members said that families providing leadership for the carnivals were the Stricklands, Schultzes, and Tantaquidgeons. This was corroborated in interviews with Mohegan elders (Austin 1993 FN).

In addition to the carnival, several non-Mohegan knew that the Mohegan had been active in the July 8, 1959 Norwich Tricentennial Parade (Austin 1993 FN). At this event the Mohegan leader, Harold Tantaquidgeon, marched with the war veterans, and then joined the Mohegan for a performance after the parade, thus showing his dual allegiance to the Mohegan and the United States. He was quoted as saying that the Native Americans were not the only Americans, just the first Americans. His belief that one could simultaneously be a loyal Indian and an American was a common theme throughout his life and is significant in considering his political role as leader below. At the 1959 parade, Donald Strickland and his son performed Indian dances. Also representing the Mohegan at the parade were Gladys Tantaquidgeon, Carleton Eichelberg, Lucille Eichelberg, Elmer Fielding, and Courtland E. Fowler. This is significant since these representational activities continued to set the Mohegan apart from non-Indians. But there is no evidence that such representational activities were supported by the Mohegan as a whole. Therefore, it is not supporting evidence for social community or political influence.

The MT response to the PF and several Indian and non-Indian residents of Uncasville pointed to the many places and organizations around Montville that bear Indian names and symbols as proof that there was currently an Indian community in Montville (Austin 1993 FN). In fact, many streets, towns, sections of towns, and social organizations do bear Mohegan Indian names. But this has no bearing on whether or not an Indian community continues to exist in the

area. It is recognized that streets, schools, fire departments, etc. can be named for sentimental and historical reasons, having nothing to do with current social reality.

Group II informants said that many of the petitioner's members had not claimed Indian identity until after the passage of the Indian Gaming Act in 1988, indicating that the petitioner's motive for pursuing Federal acknowledgment was the potential for financial reward only. If financial, or any other motivations for pursuing Federal acknowledgment were discovered, this would not have any bearing on whether or not the petitioner exists as an Indian tribe within the limits of the law. The most important point to be made here is that the petitioner has been identified as Mohegan throughout history.

Cultural Distinctiveness. Cultural differences between a petitioner and the surrounding non-Indian community are not a requirement of the regulations, nor are they necessary to demonstrate distinction under criterion 83.7(b). However, the maintenance of differences in culture is good evidence of such a distinction. The existence of such differences is also often strong evidence for the existence of significant social cohesion and internal political processes which have made it possible to maintain cultural differences against outside pressures to acculturate. The PF concluded that there were only minimal cultural differences between the Mohegan and non-Indians in New England, and no significant evidence to refute the conclusion was presented for the FD.

Conversely, the MT is not a simple descendancy group of interested persons who had an ancestor on the 1861 or an earlier Mohegan tribal roll. While the genealogical membership requirement is to show descendancy from a Mohegan listed on the 1861 or an earlier roll, members of the MT must also have demonstrated the maintenance of tribal relations in order to qualify for enrollment (MT Constitution, 1985 Amendment, Article III, Section I(2)--MT Orig. Pet., Ex. 294).

The PF did find that there was limited data to support a conclusion that most of the Mohegan (not just those most active in Mohegan programs and activities) had at least some self-identity as Mohegan, and hence were distinct in at least a minimal sense. In the responses to the PF, lacking the easiest ways to demonstrate the continued existence of community, the MT presented additional evidence which allowed a more detailed analysis of ongoing community interaction.

Mohegan Institutions: 1800's to 1993

Wigwams. From the mid-19th century, the annual Wigwam sponsored by the Mohegan Ladies Sewing Society was a major community event. Open to the general public and serving as a major fund-raiser for the Mohegan Congregational Church, these events and their uniquely Indian cultural components were well-documented in the early 20th century.¹⁸ A 1928 newspaper interview with Julian L.M. Harris, president of the Council, indicated that one would probably not be held that year (Kelly 1928). The PF concluded that a six-year break in the sequence apparently followed 1927 (Mohegan PF 1989, Historical Technical Report, 39). However, new evidence shows one was held in 1931 in connection with the centennial of the Mohegan Congregational Church: a newspaper photograph of Julian Harris and Loretta Schultz at this celebrations shows them in traditional "Indian dress," standing in front of the brush arbor, and the report stated that "at least 50" Mohegan attended (MT Response, Ex. 8-6, Ex. 9).¹⁹

¹⁸ 1906. Newspaper article on 46th annual Wigwam. Built this year by EDWIN FOWLER, Charles Matthews and Donald Meech. Decorating done by George Sturges (spouse) and (Mrs. Mary Muigrew). Three original members of the society remain: Mrs. Emma Baker, Mrs. Henry Matthews and Mrs. Lydia Fielding (spouse). Mrs. Baker was in charge as usual. [Mrs. Louis Brainard, grab bag]. For the forty-sixth time, Mrs. Fielding took charge of the candy table and had the assistance of [Miss Almira Adams, a visitor from Denver, Col.] Handwork made by the late . . . Matthews, Charles Matthews, Mrs. Adeline Dolbeare, Ella Avery. Gertrude Harris and Mrs. Delana Skeesucks. [Miss Fannie Browning]; assisting were Mr. and Mrs. Lemuel Fielding, Mr. and Mrs. Burrell Fielding, Mrs. Edwin Fowler, Miss Jamieson, Miss Emma Baker.

1910 Wigwam Brochure. Mrs. Avery, Mrs. Skeesucks, Mrs. Dolbeare, Mrs. Henry Matthews, John Tantaquidgeon, Charles Matthews, Mrs. Delana Miller, EDWIN FOWLER, CYNTHIA FOWLER, Shelly Hunter, Mrs. Harry Baker & daughter Emma Baker, Mrs. Almy Dunn, Donald Meech, Mrs. Isabelle Lamoine, Moses Fielding, Mrs. Eliphalet Fielding, Mrs. Burrell Fielding, Lemuel Fielding, Mrs. Harris.

1923 newspaper article, 63d annual Wigwam. Mrs. Adeline Dolbeare, Lewis Dolbeare, Mrs. Delana Skeesucks, Mrs. Ella Avery, CYNTHIA FOWLER; Donald Meech, Mary Meech; Burrill Fielding, Mrs. E.C.Fowler, Mrs. Elizabeth Fowler, Winnifred Quidgeon, Lucille Fielding (spouse), Gladys Quidgeon, Harriet Quidgeon, Lemuel M. Fielding, Kenneth Strickland, Earl Quidgeon, DORIS & BEATRICE FOWLER, Mrs. Albert G. Fielding (spouse), Ruth Quidgeon, Edith Strickland; Roland Harris, Arline & Vesta Harris, Mrs. Charles Harris, Raymond Harris, Gertrude I. Harris, Mrs. Lloyd G. Harris (MT Orig. Pet., Ex. 150).

¹⁹ 1931 newspaper article, The Christian Science Monitor, "Mohegan Indians Celebrate Centenary of Colony Church." Photograph: Julian Harris, Loretta Fielding (MT Response, Ex. 8-6).

1931 newspaper article, The Day, hand-dated Aug. 1, 1931, pg. 11 (MT Response, Ex. 9), centenary of church: C. Lloyd Gray of Noank sang the Mohegan death song and gave the Mohegan war dance, appearing in Indian regalia. Mr. Gray was taught these by his grandmother, Mrs. Mary Fielding Storey, when he was 12 years of age. . . Princess Tantaquidgeon [Gladys Tantaquidgeon was referred to as Princess Red Wing in some of these 1930's articles] was in general charge of the arrangements and was

Following the initiative of Harold Tantaquidgeon in 1935 to revive the "local"--i.e. Mohegan Hill core--tribal organization and the consequent election of Burrill Hyde Fielding as chief (see discussion below), the Wigwams were resumed in 1935 in association with Connecticut's bicentennial.

The Wigwams were, for Mohegan in the core area considerably more than just a church fund-raiser open to the public. They were a social event for the Mohegan community. Looking back in 1952, on the occasion of the death of Burrill Hyde Fielding (Chief Matagah), Clara Francis Rogers wrote:

At the end of the Wigwam when we were all dog tired and in the silly stage, they would roll up the rug and start a square-dance. Father John on the fiddle and Nana Quidgeon at the piano playing The morning after the wigwam we all gathered at the Church kitchen for Community breakfast. It was the custom to clean up the leftovers. Bokie would make a kettle of coffee, and you might have to eat a ham sandwich with it. (Rogers 1952).

While the 1935 Wigwam had considerable leadership by as well as involvement of the Mohegan living away from Mohegan Hill (CR, Ex. 10; Mohegan Wigwam Festival 1935, Festival of Mohegan Indians 1936; Indian Dances on Program 1935; Mohegan Begin Celebration 1935; Cross and Rogers to Speak 1935),²⁰ the 1936 event was held under the traditional Mohegan Hill leadership (Mohegan Church Starts Plans 1936; Name Committees for Wigwam 1936; Mohegan Indian Corn Festival 1936; Mohegan Indians Celebrate 1936),²¹ as was the 1937

assisted by these chairman: Mrs. Nettie Fowler of the supper committee, Burrill Fielding of the construction committee, and [Mr. Hicks, the pastor] of the program committee. . . decorations . . . garland by Mrs. Harriet Quidgeon.

²⁰ Letter from John E. Hamilton to Edythe B. Gray, August 26, 1935: Mentions that she will be "in charge of the affair" and he will be chef in the kitchen. "Have you got all your waitresses and other help that we will need for the service etc.? . . . I would like to have them assemble in the church early as possible Friday morning so I could explain everything in detail to them before we start any business . . . draw out a good system so we can work with pleasure instead of bumping into each other and getting no where. I know this because I've had this experience and know just what I'm talking about (CR, Ex. 10).

²¹ Preceding the 1936 Wigwam, there was a for-profit church supper on July 28, with the proceeds to apply to the purchase of Wigwam baskets (Wigwam program 1936a).

"dinner and sale under a brush arbor" for a full day, on the grounds of the church, referred to in the flyer as a "substitute" for a Wigwam (Wigwam Program 1937).²²

After a three-year break, another major Wigwam with leadership provided by residents of Mohegan Hill and other Mohegan living in the core area was held in 1941 (CR, Ex. 20).²³ The PF indicated that it was sponsored by NAIDA rather than by the Mohegan Women's Sewing Society, and indicated that it had more of the nature of an inter-tribal powwow (Mohegan PF 1989, Historical Technical Report, 41). However, the working committees came primarily from the Mohegan Hill community, with assistance from Mohegan not living on Mohegan Hill and the presence of some of Hamilton's NAIDA allies.²⁴ The sequence of wigwams in the

Committees: Mrs Nettie Fowler, general chairman. Kitchen committee: Mrs. Nettie Fowler, [Mrs. Rose Eldridge], Burrill Fielding and Donald Meech; Dining Room, Mrs. James Strickland and [Mrs. William Perrin]; Waitresses, Harriet Strickland, [Edna Perrin], Lydia Harris, [Cora Baldwin], Ruth Quidgeon, [Mrs. Clara Rogers]; Fancy work table, Mrs. Robert Schultz, Mrs. Myrtis Walsh, [Mrs. Herbert W. Hicks]; Candy table, [Mrs. Ethel Francis]; Cake Table Mrs. Bessie Harris (spouse); Ice cream and Soda, Fred Grandchamp (spouse), Harold Tantaquidgeon, MR. AND MRS. COURTLAND FOWLER (Name Committees for Wigwam 1936).

²² "You are cordially invited to the Mohegan Indian Church Dinner and Sale, Wednesday, August 25, 1937. "This will take the place this year of the annual Wigwam. Under a Brush Arbor on the grounds of the Church the famous Mohegan Indian Succotash, Clam Chowder and Yokeag will be served. Fancy Articles and Home Cooked Food will be for sale."

The PF referenced an interview with Gladys Tantaquidgeon done many years later which said that the last wigwam was in 1938 (Schusky 1957). However, no documentation for a 1938 festival could be found.

²³ Typed invitation from John E. Hamilton as president of NAIDA to Mr. John Tantaquidgeon and family to the 1941 Wigwam. August 16 (Hamilton 1941; MT Response, Ex. 31).

Handwritten letter from Edythe B. Gray to Ruth Tantaquidgeon asking if her father had any hand-carved items to be sold at the Wigwam and asking if Harold would care to come and help. August 16 (Gray 1941b; MT Response, Ex. 32-1).

²⁴ The arbor was being erected "under the supervision of Burrill E. Fielding, an 80-year-old Mohegan who lives in the old Mohegan Church parsonage, and Raymond E. Baker, another Mohegan, who lives in Norwich" (Indian Descendants Raise Wigwam 1941).

Princess Wenonah (Mrs. Edyth B. Gray) of the Mohegan tribe is chairman of the committee in charge, assisted by Mrs. Isabel Baker (spouse), vice chairman; Mrs. Loretta Schultz, Mrs. Dorothy Fielding (spouse), [Mrs. Anna Eldredge], Mrs. Florence M. Alexander, Mrs. Ethel M. Capwell, Mrs. Beatrice Labensky, Mrs. Isabel LeMoine, Mrs. Mary Meech, [Mrs. Frank L. Robertson, Mrs. Frederick E. Nevers], Mrs. John E. Hamilton (spouse), [Mrs. E.F. Cummings, Mrs. Wilhelmina Senfleben, Mrs. Frederick Tober, Mrs. Emilie Cogswal, Mrs. J.M. Dillon, Mrs. S.T. Kane], Burrill Fielding, Raymond Baker, Lloyd Gray, Burrill Fielding, jr., EDWIN FOWLER, Roscoe Skeesucks, Louis Dolbeare, Nelson LeMoine

1930's was not without controversy, much of which was generated by the ongoing internal tension between the Storey branch of Mohegan descendants and the Mohegan Hill community.

John E. Hamilton, whose career is discussed more extensively under Criteria c, was involved in the Wigwams from 1935 to 1941. He was a member of the Storey family group. He did not live on Mohegan Hill most of his life, though his parents did live on Mohegan Hill for several years while he was a child, and his brother Roy settled permanently in Uncasville. His primary focus from the later 1920's to the end of his life was on claims. A letter dated August 26, 1935, from Hamilton to his aunt Edythe B. Gray concerning that year's wigwam, showed this clearly:

Only 3 more days to go. . . . lets hope it will be a great rush like it never was before especially this year on account of you being in charge of the affair, I hope it will be a put over so they can see for themselves that they are not the only persons that can run an affair of this kind and make it a success, just let them see that you are capable of running and directing this Wigwam as your dear mother had in the past. This time there will be system to this Wigwam business and thats just what counts in any line of business.

We have talked this matter over and thought of you each day and wondered just how you was getting along with some of them in Mohegan. You certainly have our deepest sympathy because we know as well as you that they are sort of jealous

(spouse), Donald Meech, and [Frederick Tober] (Mohegan Indian Festival 1941).

Photograph: Chief Gray Fox of Mohegans [more probably a guest]; Chief Fleetfoot [C. Lloyd Gray] of Mohegans; Chief Rolling Cloud [John E. Hamilton] of Mohegans and ELMER FOWLER of Mohegans; Chief Pegee Uncas [Julian L. Harris] of Mohegans, and Chief Matogua [Burrill Hyde Fielding], also of Mohegans.

Speakers included [Arthur L. Peale] and Mrs. Mary Virginia Morgan of Noank, Mohegan Indian writers and lecturers . . . Committees: Mrs. Edyth B. Gray [Princess Wenona/Princess Winona] of Groton is chairman of the committee for the festival. Mrs. Isabell Baker (spouse) of Norwich is assistant chairman. Other members: Mrs. [Anna Robertson], Wethersfield; [Mrs. Frederick Never, Mrs. E. F. Cummings, Mr. and Mrs. Frederick Tober, Mrs. S. T. Kane], Julian Harris, Hartford. Mrs. Loretta Fielding, Mrs. Dorothy Fielding, Burrill Fielding, Burrill Fielding, jr., EDWIN FOWLER, Roscoe Skesuck, Louis Dolbeare, Mohegan. [Mrs. Anna Eldredge], Lloyd Gray, Groton; Mrs. Florence Alexander, Mrs. Mary Meech, Donald Meech, Raymond Harris, Raymond Baker, Norwich; Mrs. Ethel Capwell, Mrs. Beatrice La Bensky, Mrs. Isabell Le Moine, Nelson Le Moine (spouse), New London (Hundreds of 'Palefaces' 1941).

of us on this side of the family, I dont know why they should feel that way but I am glad you have found it out for yourself. We surely hope that this affair will turn out to be a big income for your sake, so they cannot say after, if they had the handling of it, things would be better, . . . (CR, Ex. 10).

The basic tension--a tension which would also appear in other matters--was between the Mohegan Hill community, which regarded the Wigwam as a group activity and source of income for the Mohegan Congregational Church, and those Mohegan led by John Hamilton, who lived away from Mohegan Hill. Hamilton wished to use the Wigwams as part of a publicity agenda for wider pan-Indian activities and as a source of income for claims activities. In 1990 the Mohegan from Mohegan Hill still remembered with resentment that the church did not receive funds from the 1941 Wigwam (MT Response, Strickland OH 1990, 5). Edythe Gray shortly after the event wrote to Edythe Fitzpatrick, a member of the Mohegan Hill community, explaining the purpose quite differently:

The Treasurer of the Indian Defense Association did not pay all of Loretta's children for working at the Wigwam Festival but she did leave some money for Roberta and Norma Fielding and your little sister Catherine for these three did work hard, and early, and late.

There were some people up there who demanded pay for what work they did, so they were paid, but us people who did the actual work, gave our services for the good of the cause, and that cause was to earn money to entertain the Lieut Gov. of the State of Conn. and his party, and if after our bills were all paid if we had money enough left, we wanted to do something for the good of the church (Gray 1941c).

Newspaper coverage of the 1941 Wigwam (76th Annual) also demonstrated Hamilton's agenda as president of the National American Indian Defense Association (hereafter NAIDA), which was described as the sponsor of the festival. "Mr. Hamilton, who is Chief Rolling Cloud of the Mohegans; afterward, in the circle outside, led in the ceremonies that made Dr. Shepard Chief Many Suns of the Mohegans and honorary president of the Indian Defense Association" (Friendly Mohegans Greet 3,000 1941, CR, Ex. 20; see also CR, Ex. 22; CR, Ex. 23; CR, Ex. 24).

The sporadic nature of the Wigwams during the 1930's and their discontinuation after 1941 apparently had a number of

reasons. The MT Response maintained that there were economic problems affecting both the church and the wigwams. Specifically, they stated that the community experienced lean years prior to and during the Great Depression (MT Response 1:16-17). While the economic hardships of the depression may have had some impact, the wigwams given in the 1930's were apparently successful financially. A more important factor influencing social interaction and the staging of major social events was the aging of the adults in the Mohegan Hill community as the younger families looked for work elsewhere.²⁵

In addition, the dying-out of the Matthews, Dolbeare, and Skeesucks families, which had for many years provided local leadership and workers for community projects, left gaps which it took over a decade for the other Mohegan Hill families to adjust to and fill. Over the course of time, the structure of the Mohegan community has been consistently marked by a considerable degree of specialization in the pursuit of common aims: certain families did certain things, all of which together added up to a whole. When one family vanished from the picture, considerable adaptation was necessary.

After 1941, there was the impact of World War II, which meant that for several years, the Mohegan Hill community consisted of elderly men, women, and children. An article published in June of 1944 noted Harold Tantaquidgeon's service in the South Pacific and said that:

Some [Mohegan Indians] are in southern training camps, are serving as bomber pilots, others are in the heavy armored divisions, are on ships and in defense plants. So that as one walks through the lovely Mohegan woods only old men are seen, busy at work in their gardens. The Indian girls, too, have their Victory Gardens and last summer enough vegetables were raised at Mohegan to tide them over the winter (Mohegan Indians in Connecticut, 1944)

²⁵ "Revived last year as a Tercentenary celebration, the Wigwam is now in its 76th year, with a break of a few years recently due to the depletion of members of the tribe residing at Mohegan" (Mohegan Indian Corn Festival 1936). Newspaper photograph and captions, 1936 Wigwam: Top, general view of the yard of the Mohegan church. Photos. Middle left. Mrs. Dolbeare, 89, oldest Indian woman of the tribe, looks on as Mrs. John Tantaquidgeon, 71, takes tickets. Middle right. B.H. Fielding, second oldest man of the tribe; prepares clam chowder as Mrs. E.C. Fowler, 80, president of the church's Ladies Sewing society, standards guard over the succotash. Right. Mrs. Loretta Fielding Schultz sells Indian relics.

The same article mentioned that Mohegan girls were in war production plants and working for the Red Cross (Mohegan Indians in Connecticut, 1944). In 1993, Ruth and Gladys Tantaquidgeon and their sister Winifred Grandchamp recalled that during World War II, not only were the able-bodied men all in the armed services, but the Mohegan women were making bandages for the Red Cross and otherwise involved in war-related activities (DeMarce FN, 1993). An analysis of the data (newspaper articles and interviews with BAR staff) shows that all Mohegan males who would have been in a position to exercise leadership fought in World War II.

The Wigwams were not forgotten even when they were not being held. In 1939, Harold Tantaquidgeon received an inquiry from a scholar in Boston, Massachusetts, concerning the Wigwam Festival, "which we may hope to be revived this year" (Toole 1939). On August 23, 1942, Nettie Fowler wrote in her diary that Mr. Chase (the minister at the Mohegan Congregational Church) called: "We were talking the wigwam & different things, we looked at the Samson Ocome pictures & the wigwam Pictures" (Fowler 1942). Thirteen years after her stint as general chairman of the 1935 event, in 1948, Edythe B. Gray, talking to a reporter, on the occasion of Connecticut's Indian Day, remembered the Wigwams and considered a possible revival of them (MT Response, Ex. 47).

The PF concluded that in 1956, an unsuccessful attempt was made to revive the Wigwam festival (Mohegan PF 1989, Summary under the Criteria, 3). Documentation that the 1956 Wigwam did take place--or, more precisely, that the Mohegan Sewing Society did sponsor a "succotash supper" which took place under a wigwam structure--was submitted in connection with additional material on the restoration and reopening of the Mohegan Congregational Church.²⁶ When the Mohegan majority (or, as Hamilton termed them, "splinter group")

²⁶ Aug. 24. COURT FOWLER, Harold Ouidgeon, [Norma Percy, Billy Maynard, Curtis Mathers, Irving Dayton] started the Wigwam in preparation for the "Succotash Supper" which is planned for Wed Aug. 29th. CARLISLE FOWLER took care of electrical service in the Annex, and did the wiring for the Wigwam.

Aug 29th. Had our Succotash Supper as planned, which was very successful. Cakes were donated by Friends & members. Corn and Beans were donated by [Mr. Mrs. Stanley, and their daughter & Son In Law. Mr. & Mrs. Gager. The 20 doz of Biscuits were donated by Mr. & Mrs. Marquis] of Montville. The young people helped very well. The sum of \$166.50 was the amount made on the tickets. Harriet Strickland, took home the War Club, \$14.65 was the profit on the club. The cakes left over were sold at 35 cents a quarter. We realized from the cakes, \$4.90.

Aug. 30. Members and friends took down the Wigwam, and cleaned up after which the young folks, served Hot Dogs and coffee, which was paid for out of the Sewing Society (Mohegan Congregational Church 1956).

broke with John Hamilton in 1970, almost their first idea on what should be done to cope with the crisis was that they should plan a Wigwam (MT Response, Ex. 127; CR, Ex. 59, [hand-dated 2-?-78, but correct date is 1970]).

The Mohegan Congregational Church. The conclusion of the PF that the broken sequence of Wigwam events after 1927 indicated that social interaction within the Mohegan Hill Indian community was experiencing a breakdown was based on inadequate evidence. To understand the overall functioning of the community during the late 1930's up to the outbreak of World War II, it is necessary to look not just at "major" community events, like the Wigwams, but also at the small, ongoing, daily connections of people one to another and series of smaller events that didn't necessarily get newspaper coverage.

The Mohegan Congregational Church stands on the only land from the original 18th-century reservation that is still tribally owned. The church was built in 1831 upon land donated by two Mohegan women, Lucy (Tantaquidgeon) Tecommewas and her daughter Cynthia (Tecommewas) Hoscott. The deed was written in such a way that it would remain in effect so long as the property was used for a church for the benefit of the Mohegan Indians. As the property was still under this usage in 1872 when the remainder of the reservation land was divided in fee simple among individual Mohegan families, it remained in tribal ownership. The building serves a dual function as a worship center and a location for the great majority of Mohegan political and social meetings. While the membership has from the beginning included non-Indians, the majority of the lay leadership (deacons, sextons, organists, clerks, etc.) has always been Mohegan.

The continued existence of this church throughout the 20th century, the establishment of the Tantaquidgeon Museum, located only a block from the church, in 1931, and the continued existence of a core residential community in the Mohegan Hill/Uncasville portion of the Town of Montville, have provided a territorial focus, if not a territorial base, for the Mohegan until the present time.

In 1935, the white frame structure of the Mohegan Congregational Church was, as usual, in need of repairs.²⁷ A fund-raising flyer indicated that contributions should be

²⁷ It may be taken as a universal truth that old wood-frame buildings are continually in need of maintenance. Repeated appearances of restoration committees in the records will not be explained individually.

sent to the pastor, Herbert W. Hicks, Treasurer (Mohegan Congregational Church [1935]), but the Mohegan lay members were working hard as well (MT Response, Ex. 15).²⁸ One newspaper article noted that the men were going to remove the old chimney (Mohegan Men [1935]).

The project continued into the next three years, with the profits from the succotash suppers, scalloped oyster suppers, roast pork suppers, clam chowder suppers, chicken pie suppers, meat loaf suppers, and other efforts of the Ladies' Society of the church carefully recorded (Mohegan Congregational Church 1936-1938; Mohegan Congregational Church 1936b; Mohegan Congregational Church 1937c).²⁹ On December 10, 1936, a local paper discussed the remodeling of the dining room and kitchen annex (Mohegan Church to Improve 1936).

The efforts were rewarded when the church was able to be rededicated in 1938. The newspaper reported that, "the service will also be a memorial for Mrs. Harriet Quidgeon of Mohegan, who worked many years untiringly for the church . . . but died suddenly a week ago" (To Rededicate 1938). However, 1938 did not see the completion of the remodeling, probably because the hurricane damage that occurred that year was a major setback. In 1940, a newspaper discussed the restoration of the Mohegan Church "which has been going on for past 3 years" as funds were available (MT Response, Ex. 28). Harold Tantaquidgeon and Courtland Fowler of Norwich who later moved back to Montville, were assisting (MT Response 1:19). Another article noted that the church had a membership of only 11 and a congregation about double that (Mohegan Church's Heater Ready 1940). Sunday school sessions would resume April 7. The article noted that a group of men of the community installed a pipeless furnace by digging under the building, which had no basement: "it took weeks of hard labor on the part of the small group,

²⁸ 1936 [hand-dated January 1], newspaper clipping: "Mohegan Church Alteration to be Started at Once." A meeting of the building committee followed a chicken pie supper. A delicious menu was served by a committee composed of Mrs. James Strickland, chairman; Mrs. Nettie Fowler, Burrill Fielding, Ruth Quidgeon, [Mrs. Harrison Francis] and Harriet Strickland. A committee has been appointed to study the entire reconditioning need, composed of Harold Tantaquidgeon, chairman; Mrs. Nettie Fowler, Mrs. Harriet Quidgeon, Miss Gertrude Harris and Roscoe Skeesucks (MT Response, Ex 15).

²⁹ Throughout this period, at least until 1941, Nettie Fowler was treasurer of the Mohegan Sewing Society (Norwich Savings Society 1941; MT Orig. Pet., Ex. 90) and serving as Clerk and Church Treasurer when she reported that the parish served 11 families and 20 Sunday School students, although it had only eight members (Congregational Christian Church 1941).

working evenings, to accomplish this." "Women of the church furnished refreshments following each evening's work by the men" (Mohegan Church's Heater Ready 1940).

The church was also a focus for activities other than simply those necessary to keep the structure usable. From 1939 to 1940, a Mohegan Sunday School Collection booklet reflecting weekly services survives (Mohegan Congregational Church 1936-40). On April 5, 1936, there was a Pre-Easter Old Fashioned Hymn Sing (Mohegan Congregational Church 1936a; on January 3, 1937, Reverend Rockwell Harmon Potter, D.D. spoke on the Indian princess who guided the Whitman expedition (Mohegan Congregational Church 1937a). On February 14, 1937, there was another hymn sing (Mohegan Congregational Church 1937b); on July 4, 1938, a picnic (photos of adults were unidentified, but the photo of the children present had them all labeled, and all were Mohegan: Bernice, Althea, Catherine, Donny, Dotty, Gilly, Jayne) (Mohegan Congregational Church 1938). From 1941, church programs for the Easter service, the Mother's Day service, and the Christmas service have survived (Mohegan Congregational Church 1941a; Mohegan Congregational Church, 1941b; Mohegan Congregational Church [1941c]--date estimated by the fact that many of the children participating were the same ones listed in the dated 1941 Easter program)). The majority of the children participating in the programs were Mohegan (15 Mohegan/three non-Indian, all from one family).

Throughout her adult lifetime, Phoebe Antoinette "Nettie" "Nana" (Fielding) Fowler kept diaries. The entries are short and cryptic (Fowler 1941; Fowler 1942; Fowler 1943). They show that even though there was no newspaper coverage of church affairs after 1941, the church activities continued: on March 14, 1943, Reverend Chase came to her house and said they were going to hold a meeting before the service; the next day, she said that the meeting would be this week or next "about the Parsonage being Sold." On the 24th, Everett [Fielding] came to see what the meeting was about, and the meeting finally took place on the 25th. (Fowler 1943).

Interruptions of the customary routine annoyed her. On Sunday, March 21, she was most irritated because her son "never made any fire at the Church never Rang the Bell." In connection with the perpetual need for church repairs, she was not happy when he said that he could not fix the belfry.³⁰

³⁰ The leak in the belfry was supposed to have been repaired with the profits from the 1941 Wigwam per a contemporary letter written by Edythe B. Gray (MT Response, Ex. 33). The Mohegan Hill community still

A sampling of entries from Nettie Fowler's diaries also indicates that she had regular contact not only with her own son, grandchildren, and great-grandchildren who at that time were living a few miles away in Norwich, Connecticut, but also with Mohegan whose kinship relationship was more distant, especially those families whose residence was on Mohegan Hill.³¹ A day when no one drew her water and no one at all came to see her (August 26, 1942) was cause for bitter complaint. She also kept track of other Mohegan's social activities.³²

When the church bell rang at 10:00 p.m., she investigated the next day and reported: "Lillie [Lillian (Tantaquidgeon) Strickland] said Loretta [(Fielding) Schultz] rang it for a blackout" (August 27 and 28, 1942). Indeed, except for the Reverend Chase, who called frequently on issues relating to the Mohegan Congregational Church (January 10, 1943; March 19, 1943), almost all of her social contacts were Mohegan: Roberta [Schultz], Edythe [Strickland], Catherine [Strickland], and other Mohegan children were constantly in and out of her house (Fowler 1941; Fowler 1942; Fowler 1943). The extensive nature of these contacts is particularly significant because her personality was so strong that she was frequently on the "outs" with one Mohegan family or another and not speaking to them according to her great-grandson Courtland C. Fowler (DeMarce FN 1993).

The PF concluded that:

Five years after the 1941 Wigwam, the Mohegan Church, which had served as a community center for the Mohegan for over a century, was closed and

suspect that John Hamilton "took off" with the money (MT Response, Strickland OH 1990, 5-6; Cooney-Schultz OH 1990, 5; Roberge OH 1990, 3-4; see also MT Response, Ex. 31).

³¹ Donald Meech regularly chopped her wood (January 3, 1941; August 24, 1942, etc.); he also came to dinner (January 13, 1941). Lawrence Schultz brought her a calendar (January 22, 1943); Lillian Strickland drew her water (August 25, 1942) and did her washing; Harriet Strickland came to see her frequently and ate supper with her (January 14, 1941). Lillie and Gladys visited her on January 24, 1942, but on June 21, 1943, she complained that "Gladys & all of them on the Hill do not come to see me. They are mad at me (Fowler 1943).

³² COURTLAND [FOWLER, HER GRANDSON] wanted to see Harold [Tantaquidgeon] about a Mohawk Indian and Lucille [Fielding] had gotten a ride from Norwich with Courtland (January 6, 1941); Stricklands & Quidgeons went to a supper over to Fred & Winifred (August 27, 1942); when Fred and Winifred went to visit the non-Mohegan Grandchamp side of the family, she recorded that too (February 7, 1941). Don Meech reported on the health of Alma Sturges (March 11, 1941).

fell into disrepair. In 1956, a church restoration committee was formed, headed by Courtland E. Fowler . . . While local Mohegans were involved in the restoration and eventual rededication of the church, no evidence has been found that the membership as a whole was involved (Mohegan PF 1989, Summary under the Criteria, 3).

The PF historical report concluded on the basis of oral history that the dates during which the church was closed were 1946-56 (PF 1989, Historical Technical Report, 43). It also stated that when the church was rehabilitated and reopened in the mid-1950's, the steering committee was "a body which cannot be considered, because of its narrow goals and non-Indian membership, as a representative tribal organization" (Mohegan PF 1989, Historical Technical Report, 9). However, all members of the steering committee were either Mohegan or Mohegan spouses, though many non-Indian neighbors aided the project.³³

New documentation indicates that the period when the building was closed was shorter than the PF concluded. As late as 1945, a local newspaper reported that the "work of painting and repairing the Congregational church [was] making progress" (Norwich Bulletin, 1945a). A pastor, Charles F. Hodges, was still assigned to the congregation from 1944 to 1951 (Connecticut Conference 1967, 318). Also, announcements of the church services and meetings held in the church annex were contained in local newspapers during the later 1940's (Norwich Bulletin, 1945b, 1947, 1948). Note: these citations are samples--not comprehensive listings of all weekly notices). One Mohegan woman stated that her 1950 marriage took place elsewhere "because the church was closed" (DeMarce FN 1993). There was apparently a period when the main church building was closed, but the annex containing the kitchen and dining room was still in use. While the church was closed, according to the oral histories, hymn sings were held in various homes on Mohegan Hill (MT Response 1:45; see also MT Response, Ex. 251, para. 10).

During the years when the church building actually was closed, the Mohegan were not indifferent to its fate, as indicated by a 1954 letter written to the Governor of

³³ To raise funds, the ladies planned to revive the Mohegan Sewing Society. Officers were: Gladys Tantaquidgeon, President; HOPE FOWLER (SPOUSE), Sec-Treas. The Steering Committee consisted of: COURTLAND FOWLER, Gladys Tantaquidgeon, Hope Fowler, Alfred Grandchamp (spouse), Donald Strickland, James Strickland, Lillian Strickland, CARLISLE FOWLER, Carlton Eichelberg, Charles Lamphere (spouse), John Morgan (MT Response, Ex. 51).

Connecticut by Courtland E. Fowler of Norwich complaining about vandalism by children on the property. This resulted in a State Police investigation, the posting of the property, a warning to neighboring families, "and Mr. Fowler was assured that the property would be frequently checked by our active patrols with the view of protecting the property from any further damage" (Bellefleur 1954).

The vandalism episode in 1954 indicates that the newspaper coverage of Courtland Fowler's sudden impulse to spur its rehabilitation and reopening as cited in the PF was at least somewhat romanticized (Cureau 1957).³⁴ Fowler's personal report in a folder of church records read:

I have contacted Rev. James English, general Superintendent and Treasurer of Congregational churches, and he is coming to Mohegan to see if it is possible to have it open again. My wife and I attended this church for many years and my father, Edwin E. Fowler, the oldest male descendant of the Mohegans living to date, was the sexton for many years. Sent in by Courtland Fowler. Mohegan, Conn. (DeMarce FN 1993).

New documentation on the rehabilitation of the Mohegan Congregational Church building beginning April 1956 indicates that the "small committee of the core group" received donations from a wider segment of the Mohegan, including those who, such as Loretta Schultz, were not Congregationalists (as well as from charitably inclined Congregationalists in general), to fund the project (Connecticut Conference, [1956]; MT Response, Cooney-Schultz OH 1990; DeMarce FN 1993). This fund-raising flyer referred to:

³⁴ Unique Indian Church Marks its 125th year. Ca. 1950, Courtland Fowler moved to Norwich. He came back to Mohegan two years ago, saw the church was abandoned, consulted about restoration. "Then began the job of interesting old members, friends and neighbors in the restoration of the church." With detail on the restoration (Cureau 1957).

A journal/ledger concerning the project was kept by Fowler himself. On inside of front cover was written: Restoration of Mohegan Cong. Church March 1956. Notes: I called Dr. English then I wrote him a letter about having the old Church reopened. Have all of his letters.

Have insurance on meeting house for \$15,000. May 27, 1957 2 policies

Mr. Gilbert plowed out church yard for free March 5, 1960
Courtland E. Fowler, Treasurer.

The ledger contains a "List of Donations and monies earned for reopening of Mohegan Cong. Church" which continues through 1963 (DeMarce FN 1993).

. . . members of the noble Mohegan tribe [who] are doing all in their power to restore the ancient meeting house and already have accomplished much. There is a genuine renewal of interest in the church and for what it stands. These people need our help, -- To complete repairs to the building; To paint the interior and exterior; To bring in water and to install modern plumbing facilities; To install a modern heating plant; To obtain an organ and other furnishings (BAR Files).³⁵

On September 9, 1957, anthropologist Ernest Schusky took field notes on a conversation with Gladys Tantaquidgeon. He concluded

The only organiz [sic] that appears to be going is the church which has a membership of 32 Indians and a number of whites. . . . last Green Corn festival in 1938 [sic] Many of the people returned to the community at this time as a reunion - it was never commercial- but now there is no reason for them to gather so that it appears as a community, at any rate, the Mohegans will

³⁵ In addition to the 1956 Wigwam, which is discussed elsewhere, Hope Fowler's records preparation for the reopening of the church included the following: June 6, 1956. Joint meeting of Committee. Women elected the following officers; Chairman - Gladys Tantaquidgeon; Sec. & Treasurer, HOPE FOWLER [SPOUSE]; Publicity [Violet Fleming]; Young Peoples Group - [Mabel Dayton].

Discussed fund raising plans. Hot dog roast, patch apron circulated, with a donation for each patch; afghan made and donated by Loretta Schults.

July 9, a group of the women consisting of Violet Fleming, Hope Fowler, (SPOUSE), Dawne and Betty (Stamm) Fowler (ADOPTED DAUGHTERS), Muriel Dayton spent the afternoon cleaning the kitchen of the church. Harold Tantaquidgeon carried water, etc. July 10, Gladys Tantaquidgeon, Hope Fowler, and Harold finished the cleaning of the annex. The grounds were put in order by COURTLAND FOWLER, and Harold. July 11, the Hot Dog Roast made \$48.04.

August 15, decided to have a succotash supper.

Sept. 12. Planning a Baked Bean/Ham Salad supper. 150 tickets to be sold. Ladies will meet Friday night to plan.

Oct. 13. Had a successful supper. We realized on tickets, \$156.50. On the food left over from the supper we realized \$12.35.

Oct 31 Our Halloween Party was a big success. Everybody came in Costume, and a good time was had by all. For refreshments we had, candy, popcorn, doughnuts, coffee, cider. Prizes for the children. Friends donated everything [held in the church annex per Oct. 24 entry].

July 5, 1957. Took the church people that were faithful to the church for the year to Block Island. The cost altogether was \$27.25.

Oct. 23. Had a meeting. Decided to have the rededication Nov. Decided not to have a Halloween Party (Mohegan Congregational Church 1956).

disappear" (Schusky 1957; CTAG Response, Ex. R239).

The rededication of the church took place on November 11, 1957. Newspaper accounts indicated an attendance of about 222 persons, including 40 descendants of the Mohegan Indians--who included "Mrs. [Edythe B.] Storey Gray, 85, of Groton" (CTAG Response, Ex. R259).

During subsequent years, the election of church officers for 1961, 1962, 1963, and 1965 indicates that most were Mohegan (MT Response, Ex. 67, 68, 73, 74). However, the rededication of the church in 1957 did not signify an end to the associated problems. According to the Mohegan, the minister assigned in 1964, (Connecticut Conference 1967, 318), wished to end the Indian identity of the church and "revive" it as an attractive community church for the growing suburban communities between Norwich and New London (Soderberg 1965). In his Journal/Ledger of the church restoration project, Fowler wrote that the minister told him he did not like Indians. After considerable conflict with Courtland E. Fowler, the minister left the church.

In the mid-1960's, the building was still in need of additional repairs. In 1965, a special act of the Connecticut State Legislature authorized the sale of the parsonage lot and its decrepit house, with the funds to be used for church restoration (CTAG Response, Ex. R260A-D). The question of the sale of the parsonage land by the Mohegan Church to get money for repairs was still being discussed in 1968 by the Council of the Descendants under the erroneous impression that this was tribal land rather than the property of the church corporation (MT Orig. Pet., Ex. 228, Ex. 231). Courtland Fowler was again head of the restoration committee (MT Response, Ex. 135Q). The land was actually sold five years later by the Church Society (MT Response 1:61; MT Response, Ex. 153, 154, 155).

The unending appetite for maintenance that marks the continued existence of any old wood-frame building persisted. On June 21, 1971, the New London Day covered a story about volunteers painting the Mohegan Congregational Church, this time a non-Indian project sponsored by Montville Historical Society as a community service (CTAG Response, Ex. R260). On August 19, 1972, another local interest item covering church maintenance appeared in The Day: "Indian Church. Chapel Will Reopen." It stated that six men had been working in their spare time for months, working on painting, roofing, the well, rewiring, and the tower. The church was reported to have about 20 members with a lay preacher: Courtland Fowler was still co-chairman of the restoration committee (MT Response, Ex. 135Q).

The PF indicated that the Mohegan Congregational Church was shared by Indians and non-Indians alike and therefore could not be considered a Mohegan institution. The same viewpoint was shared by Group II informants. These informants pointed out that the majority of the Mohegan do not participate in the church services. They also doubted if those Mohegan who do participate constitute a majority of the members. It is true that the majority of Mohegan are not members of the church and do not participate actively in its religious life.

The following is a brief summary of what is known concerning the church and its relation to the petitioner. It is not possible to systematically evaluate whether or not the majority of the members has consistently been Mohegan throughout history because the data is not available. Since the church was established in 1831, it has had both Indian and non-Indian members. In fact, of the first four converts to the church, two were Indian and two were non-Indian. On a more contemporary note, of the 35 people attending the church service on Sunday, November 7, 1993, 17 were Mohegan, 4 were Mohegan spouses, 1 was a Mohegan sister-in-law, and 4 were non-Mohegan who had begun attending the church because they were personal friends of a Mohegan (Austin 1993 FN). Finally, there were 9 non-Mohegan who attended just because they lived nearby, having no previous contact with the Mohegan. Counting only those on the Mohegan membership list, 49% of those in attendance on that date were Mohegan. If all Mohegan and their marital kin are included, 62% of the participants are accounted for. Finally, if those who attend because they are friends of Mohegan are added in, 74% of the attendees are included. Not included in this count are the two BAR staff members present at the service, and the current pastor of Mohegan Congregational Church, the Reverend Fred Franzius, who is a non-Mohegan.

More important than the percentage of Mohegan who attend church services is how the church has functioned as a focus of Mohegan identity and community political organization. Historical documents indicate that the church has continued to serve as a symbolic, social, and political focus for the Mohegan. There can be no doubt that the life of the church and the life of the Mohegan as a people are deeply intertwined. Mohegan members who do not belong to the church resented the conclusion that just because they did not attend services there that the church was therefore unimportant to them (Austin 1993 FN).

The records that are available (newspaper announcements concerning election of church leaders and church minutes) indicate that the majority of the positions of leadership (clerk, treasurer, trustee, deacon, deaconess, standing

committee, president of ladies' sewing circle, and maintenance have always been filled by Mohegan (MT Response to PF). Often there was overlap between those who filled the positions of leadership in the church and those who were Mohegan leaders from 1941 to the present.

From 1860 to 1941, and again in 1956, the Wigwam Festival (an annual event that functioned as a church fund-raiser and Mohegan homecoming) was held on Mohegan Hill next to the churchyard. From 1860 to 1940 all of the Wigwams were sponsored by the Mohegan Ladies Sewing Society (comprised mostly of Mohegan ancestors). Mohegan from all families attended the Wigwams, and proceeds went to pay for expenses of the church.

During BAR's 1993 field trip, many symbols of Mohegan identity were found inside the church. Eagle feathers placed above the preaching dais and the doorway leading from the sanctuary into the Sunday School room. One pastor in the 1960's discovered how important these symbols were when he tried to have the eagle feathers removed from the church. According to church records, the members of the church, through Courtland Fowler, the congregation's president and Mohegan representative, had the pastor removed instead. The offering plates in the sanctuary are dedicated to Lemuel Fielding (d. 1928), former chief of the Mohegan and church sexton. The cross in the front of the church was crafted by Ralph Sturges (current Mohegan Chief), who is a Baptist.

Additionally, the church has been used by the Mohegan for tribal meetings, to teach reading and music, for the Indian Parent's Committee (1974-77; the budget of this committee was listed as part of the church's budget), and for social gatherings (weddings, funerals, family gatherings). Records indicate that at every big event at the church (for example, the 1956 rededication and 1981 150th anniversary) the Mohegan provided traditional Mohegan food (yokeag, succotash, and clam chowder) and entertainment (in the form of Indian dancing in regalia). The church and its yard served as a playground for the Mohegan children who lived around Mohegan Hill.

Even after the repudiation of John Hamilton as a Mohegan leader in 1970, the church was used by both Hamilton and Fowler for the purpose of holding political meetings. This continued until the locks on the church were changed to prevent John Hamilton from using the building. Even after the majority of the Mohegan barred him from the premises, Hamilton's memorial service was held at Mohegan Congregational Church. The decision to allow this was very controversial. It was made only after Gladys Tantaquidgeon, in her position of authority as a tribal elder, persuaded

the majority to allow the service to be held at the church, on the basis of the tradition that all Mohegan had a right to have a memorial service at the church if they wanted one. There is no evidence that non-Indian members of the church have ever used the facilities for social or political purposes aside from participating in religious services.

For one brief period, from about 1951 to 1956, the church was closed due to a shortage of finances. While it was closed, the church was vandalized and fell into disrepair. During this period the Mohegan who traditionally attended the church continued meeting in the homes of fellow Mohegan for hymn sings and prayer services while they had no pastor (1951-56). When Courtland E. Fowler returned from living in Norwich in 1956, he decided something should be done about the condition of the church. So he started a campaign to raise funds and refurbish it. It was one of the projects of which Fowler said he was most proud. It is noteworthy that it was a Mohegan who took on the task of raising money for and reestablishing the church. To do so, Mr. Fowler sent out a request for donations to Mohegan and non-Mohegan. Again, Mohegan who were not members of the church contributed to its restoration.

Non-Indians differed as to whether or not the church was of special significance to the Mohegan. Group II informants (non-Mohegan allied with the town of Montville and opposed to the Mohegan petition for Federal acknowledgment) said that the Mohegan erroneously referred to the church as "Mohegan Indian Church." The Mohegan admitted that they refer to the church this way sometimes, but they know its real name is Mohegan Congregational Church. Written records (including tribal meeting announcements and meeting minutes) indicate, however, that it has been called Mohegan Indian Church since at least 1935 (Tantaquidgeon 1935). In addition to this, several Group II informants interviewed by the BAR (non-Mohegan who expressed no opinion regarding Federal acknowledgment and had more extensive contact with the Mohegan) said that they had always referred to it as "the Indian church." This indicates that the use of the word "Indian" in the church's name is not a recent contrivance of the Mohegan.

Cemeteries and Burials as Evidence of Social Community.
There are three cemeteries that the Mohegan claim as their own. They are the cemetery at Fort Shantok State Park, "Royal Burial Grounds" at Norwich, and Ashbow Cemetery (the former two cemeteries can be located in Appendix A, Map 1). These burial plots are politically and symbolically very important to the Mohegan today and have always been so. In a 1973 document, respecting Mohegan burial sites was listed as one of the obligations of all Mohegan (MT Petition).

A major indicator of a continuing sense of identity among the Mohegan since 1940 has been the continuous use since colonial times of the Mohegan Burial Ground, which now lies within the boundaries of the Fort Shantok State Park in Uncasville, Connecticut, about two miles from the Mohegan Congregational Church.

The PF concluded that not only did the available documentation show that for most of the period since 1941 the Mohegan had had few community events or political meetings of a tribal nature, but that also:

No evidence was submitted or found regarding other internal events which might have served to bring a substantial number of group members together, such as funerals, or birthdays, weddings, anniversaries, or other celebrations (Mohegan PF 1989, Summary under the Criteria, 5).

Documentation submitted with the MT Response indicates that, in fact, these "internal events" did take place and did serve to bring group members together. There have been continuing burials in the Mohegan cemetery at Fort Shantok from 1938 to the present: a 1953 newspaper article noted that there had been three within the past year (Hallowed Ft. Shantok 1953). A committee of Mohegan controls who may be buried there (MT Response 1:48-49). Obituaries list significant numbers of Mohegan, from a number of family groups, who attended these funerals and the gatherings which followed them.³⁶

The burials at Fort Shantok are particularly interesting for the indications that during the decades when the Baker line was politically very quiescent and scarcely appears at all in other documentation, some Baker subfamilies were still identifying themselves as Mohegan to the extent that a high proportion of their burials took place at this cemetery and members of the other family groups attended the funerals. The Fort Shantok burials--at least 30 since 1940 and

³⁶ For example, at the funeral of Phoebe Antoinette (Fielding) Fowler in 1949, the bearers were all either Mohegan or the spouses of Mohegan: Harold Tantaquidgeon, James Strickland, Roy Harris, AUSTIN FISH (SPOUSE), Alfred Grandchamp (spouse), and Hugo Fitzpatrick (spouse). Among the "Friends Who Remembered" were Mr. and Mrs. G. Sturges. Nineteen adult relatives attended (Funeral Book 1949, BAR Files).

When her son EDWIN E. FOWLER died in 1959, the bearers were all Mohegan, but they were also all his grandsons. However, flowers were sent not only by the immediate family, but also by the Fielding, Strickland, and Sturges families. Callers at the funeral home included Eichelberg, Grandchamp, Strickland, Tantaquidgeon (BAR Files).

continuing to the present time--represent all major Mohegan family groups except that of Storey.³⁷ This exception was

³⁷ A chronological listing follows:

- 1938 Harriet (Fielding) Tantaquidgeon buried Fort Shantok (MT Response, Ex. 244, para 2). Attended by "many more" than 100 Mohegan per Catherine Lamphere (MT Response, Ex. 244; Lamphere OH 1990);
- 1938 Delana (Matthews) Skeesucks buried Fort Shantok;
- 1940 Alma Fowler (Baker) Dunn buried Fort Shantok (Mohegan Orig. Pet., Ex. 217);
- 1944 Mary Tantaquidgeon (Baker) Meech buried Fort Shantok;
- 1945 James G. Strickland (spouse) buried Fort Shantok;
- 1948 Isabelle (Baker) Lemoine buried Fort Shantok;
- 1949 Phoebe Antoinette "Nettie, Nana" (Fielding) Fowler buried Fort Shantok (MT Response, Ex. 170);
- 1949 John W. Tantaquidgeon buried Ft. Shantok (Obituary, "John W. Tantaquidgeon, One of Last Descendants of Chief Uncas, Dies," Mohegan Orig. Pet., Ex. 214);
- 1950 Roscoe J. Skeesucks buried Fort Shantok. Obituary, Jerome Roscoe Skeesucks (Mohegan Orig. Pet., Ex. 215);
- 1951 EDWIN FOWLER buried Fort Shantok;
- 1952 Earl Strickland--died at Fond du Lac, WI--buried FT. Shantok ("Scion of Mohegan Chief, Former Norwich Athlete, Dies Suddenly," MT Orig. Pet., Ex. 214; hand-dated 1961, but he was born August 26, 1920, and died at age 32);
- 1952 Burrill E. Fielding buried Fort Shantok. Attended by more than 100 Mohegan (MT Response, Ex. 256, para. 2). Casket bearers Elmer Fielding, COURTLAND FOWLER, Donald Meech, Lawrence Schultz, Charles Sisson, and Albert Roberge (spouse) (Many Attend Last Rites 1952). NOTE: In 1989, a BAR genealogist ascertained that Charles Sisson was descended in the female line from the Quain family on the 1861 Mohegan list.
- A letter dated May 29, 1952, from [Clara Francis Rogers] in Salem, Connecticut, to Harriett Strickland, discussing the funeral, contained reminiscences of his supervising the building of the wigwam, pounding yokeag in the back yard and ringing "the church bell early rousing the gang to get up and get to work. If this didn't get quick enough results I could hear him coming down the upstairs halls in Nana Quidgeon's house knocking on all the doors. 'Come on! Come! Get up! Time to get to work.' He made the succotash and clam chowder at the wigwam, standing over a black kitchen stove on a hot August day. We took our soup plates to him and he ladles out which suited our taste. How many times have we gathered for our own home made hymn sings with Bokie coming in good and loud on the base" (Rogers 1952);
- 1953 George W. Sturges (spouse) buried Fort Shantok;
- 1953 Nelson Lemoine (spouse) buried Fort Shantok;
- 1957 Burrill F. Fielding buried Fort Shantok;
- 1958 Florence Smith, buried Fort Shantok;
- 1959 EDWIN E. FOWLER, buried Fort Shantok;
- 1961 Lillian (Tantaquidgeon) Strickland buried Fort Shantok; bearers Maynard Strickland, Ronald Gilman, Norman McHale, Ronald Hiatt (all grandsons); Richard Fawcett (spouse); Lawrence Schultz (MT Orig. Pet., Ex. 214);
- 1962 Alma A. (Jamieson) Sturges, buried Fort Shantok. (Obit Mohegan Orig. Pet., Ex. 212);
- 1968 Donald Meech, buried Fort Shantok (Mohegan Orig. Pet., Ex. 217);
- 1973 Vivian Fielding Parkhurst (spouse of B.F. Fielding) buried Fort Shantok;
- 1974 Alfred LaVigne (spouse) (obit. Mohegan Orig. Pet., Ex. 217);

a major spur for the intra-Mohegan conflict which erupted in the 1970's (see below) when as a result of John Hamilton's land claims suit, those families with near relatives buried at Fort Shantok feared he might gain control over the burial ground.³⁸

The cemetery at Fort Shantok State Park is the only Mohegan cemetery that is still being used for interments today. In the history of the cemetery, only one non-Mohegan, Frank Brown, (Loretta Fielding Roberge's mother's father) has been buried there, in 1944. Mr. Brown was a non-Indian from California. The interment took place following an acrimonious Mohegan community debate over the appropriateness of burying a non-Mohegan there. The debate stirred up feelings which divided the Mohegan community. This is still an issue that provokes intense feelings. Loretta Fielding Schultz, her father, Burrill Hyde Fielding

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- 1978 Louella Meech (spouse), buried Fort Shantok;
 - 1978 George Sturges (spouse), buried Fort Shantok (obit Mohegan Orig. Pet., Ex. 212);
 - 1979 Winifred Althea (Strickland) McHale buried Fort Shantok (obit Mohegan Orig. Pet., Ex. 214);
 - 1981 John Gallner (spouse) (obit Mohegan Orig. Pet., Ex. 217);
 - 1982 Loretta (Fielding) Schultz (MT Response, Ex. 65, Ex. 172);
 - 1982 HOPE FOWLER (SPOUSE), buried Fort Shantok (MT Orig. Pet., Ex. 218);
 - 1986 Beryl (Fielding) Plante buried Fort Shantok (date of wake was April 6);
 - 1989 Harold Tantaquidgeon buried Fort Shantok, 50 or more Mohegan Indians present (MT Response, Ex. 252);
 - ???? Marie (Fielding) Gallner;
 - 1991 COURTLAND FOWLER SR. buried Fort Shantok (DeMarce FN 1993).

³⁸ Other obituaries: (Chronological):

- 1949 Theodore Walsh (spouse) (obit Mohegan Orig. Pet., Ex. 217);
- 1953 Raymond Norton Harris (MT Orig. Pet., Ex. 213);
- 1960's ca. obituary of Thelma Gilman (Mohegan Orig. Pet., Ex. 211);
- 1962 Elmer M. Fielding, Sr. (MT Orig. Pet., Ex. 217);
- Storey line (no burials at Fort Shantok):
- 1947 Charles L. Gray Sr. & Edith Storey Gray anniversary (Mohegan Orig. Pet., Ex. 216);
- 1957 Charles L. Gray, Part Mohegan Indian, Succumbs at Age of 65 (BAR Files);
- 1959 funeral of Harriett (Morgan) Gray, at least 100 Mohegan Indians present (MT Response, Ex. 252)
- 1965 Edith Storey Gray (Obituary, "Mrs. Edith Gray Dies in Groton; Was Descendant of Chief Uncas," Mohegan Orig. Pet., Ex. 216) 1966 funeral of Edith B. Gray, at least 100 Mohegan Indians present (MT Response, Ex. 252);
- 1971 obit Philip S. Gray. "A Sagamore chief to John Hamilton Rolling Cloud; the present grand sachem of the Mohegan Indian Nation . . . a direct descendant of the famous chief, Uncas, and of Sampson Occum . . . Mohegan Indian preacher . . ." (Mohegan Orig. Pet., Ex. 216);
- 1973 obit Beatrice Labenski (Mohegan Orig. Pet., Ex. 215);
- 1988 wake for John Hamilton, 30 or more Mohegan present (MT Response, Ex. 252).

(Mohegan Chief at the time), and the Strickland family, was successful in gaining approval for the burial (Austin 1993 FN).

As a result of this controversy, the Mohegan formed their own cemetery committee to decide on a policy governing who could and could not be buried at Fort Shantok, to evaluate which individuals fit these criteria, and to protect the cemetery from vandalism. A rule was adopted that non-Mohegan may be buried at Fort Shantok, but only if they have a Mohegan spouse who is also buried there. No other non-Mohegan may be buried at Fort Shantok (Austin 1993 FN).

The process for burying someone at Fort Shantok is as follows. Upon the death of a Mohegan, or non-Mohegan spouse, the cemetery committee meets to confirm that he or she is indeed eligible. The Connecticut Department of Environmental Protection (DEP) is in charge of both Fort Shantok State Park and the Connecticut Indian Affairs Council. The MT cemetery committee must make it known to the DEP that there is a Mohegan, or Mohegan spouse, who needs to be interred. Then arrangements are made for the funeral between the director of Shantok State Park, the funeral director, and the deceased's family (Austin 1993 FN). From 1941 to 1988, 38 people were buried at Fort Shantok through this process; 30 were Mohegan and 8 were non-Indian spouses of Mohegan.

The Director of Gager's Funeral Home from 1956 to 1986, handled all of the Mohegan burials at Fort Shantok. He essentially corroborated this process, that it involved a meeting between the man who was in charge of Fort Shantok State Park, the family of the deceased Mohegan, and the Funeral Director (this would, of course, follow the Mohegan cemetery committee's meeting to approve the burial). After the funeral was over at the funeral home, people would file by the casket to pay their last respects. The Funeral Director said that it was common for the people to drop artifacts into the casket, including stone arrow heads. He recalled that Mohegan from New Hampshire and Massachusetts used to return for funerals (Austin 1993 FN).

Fort Shantok was at the center of the 1970's political struggle between land claims representative John Hamilton and the Mohegan who lived on Mohegan Hill. After John Hamilton submitted his claim for land on behalf of the Mohegan in 1977, he was recognized by the Federal courts as the Mohegan leader (in spite of the fact that the majority of Mohegan had rejected him as a leader in 1970). The Mohegan in Uncasville, increasingly concerned about the irrational claims and behavior of Hamilton (a Storey line descendant), were convinced that if he won the land he had

claimed, they would lose control of the burial grounds at Fort Shantok. The Storeys have never buried their dead at Fort Shantok. (There is a more detailed discussion of this political struggle in the section on Criteria 83.7(c), concerning political authority).

The cemetery in Norwich has a long history. In 1899, some Mohegan retained a lawyer to reclaim 16 acres of land that was once their burial ground. John Hamilton's aunt was involved in asking for the return of the same property in 1924. Hamilton took this concern and made it his own project. By 1933, he was named land claims representative for the Mohegan. In the 1940's, this rather limited land claim grew into his petition for compensation for all of the land the Mohegan traditionally held on the west bank of the Thames River between New London and Norwich. The cemetery is now greatly reduced in size, but what is left is marked and protected by a fence. It is not currently used by the Mohegan for burials, but the Mohegan are responsible for its upkeep (Austin 1993 FN).

Around 1983, the Ashbow Cemetery became the center of controversy between the petitioner and a local land owner who had started to encroach on the cemetery. Correspondence between the Mohegan chief, Courtland E. Fowler, and Connecticut's Department of Environmental Protection (DEP) was submitted as evidence of Mohegan interest in the cemetery. It was finally determined by the DEP that the cemetery would be protected from neighbors who had been encroaching on it and cared for by the Mohegan. Today, David Fowler, a member of the petitioning group, has the responsibility for taking care of the small plot of land. Like the Norwich cemetery, it is not currently used by the Mohegan for burials (Austin 1993 FN).

Group II informants appear to be correct that the Ashbow Cemetery was not an issue of concern for the Mohegan before 1983. One Group II informant said that before 1983, the cemetery had been allowed to grow up in weeds. According to this informant, the clean-up and maintenance of the cemetery was accepted by his wife's Boy Scout troop as a community service project in 1985. Before doing so, she contacted the Montville Historical Society and Harold and Gladys Tantaquidgeon. It is noteworthy in terms of political process that the scout leader felt the need to approach the Tantaquidgeons for permission to maintain the cemetery, even if it was "as a courtesy," as the informant said. It indicates that although they were not elected officials of the MT, the Tantaquidgeons, in their capacity as elders, still exercised considerable political influence over the Mohegan, and this was known by outsiders. After arriving at a consensus, the scouts cared for the cemetery about two

times per year. The lawyer said that on one occasion, when the Mohegan had an important visitor, the cemetery had not been cleaned up. The Mohegan became angry and took the project out of the scouts' hands (Austin 1993 FN).

Tantaquidgeon Indian Museum. While recognizing the Tantaquidgeon Museum as "an important symbol of the Mohegans' pride in their heritage" (Mohegan PF 1989, Summary under the Criteria, 5), the PF concluded it was not a significant community focus because it was privately owned and had "never been a tribal institution in the sense of being run by the group. Neither has it served, except perhaps on rare occasions, as a political meeting place or social gathering point for the Mohegan" (Mohegan PF 1989, Historical Technical Report, 3).

It is true that the Tantaquidgeon family (John and Harold, father and son) built the original museum on their family's land on Mohegan Hill in 1931. Since that time the Tantaquidgeons have controlled the museum. But members of the petitioning group who are not from the Tantaquidgeon sub-family frequently indicated that the museum is important to them, mostly in terms of social identity. The Mohegan as a whole have interacted in a variety of ways with the museum since the time it was built.

Primarily, the museum has had two functions for the Mohegan. The first is to preserve their culture by preparing the next generation of Mohegan for assuming leadership roles. There is no high evidence for how the museum fulfilled this internal function. The second function has been to promote their culture and history with outsiders for public relations purposes. Much of what Mohegan and non-Mohegan know about Mohegan culture and history would probably have been lost if it were not for the efforts of those who have supported and donated to the museum over the years. Instead, the traditions of the people continue to be a part of Mohegan consciousness and social identity. The museum was a place where both Mohegan and non-Mohegan went to learn about Mohegan and New England Indian history.

The Tantaquidgeon Museum consists of three rooms, all of which are full of display cases and mementoes. It could not effectively serve as a meeting place or social gathering point for any event larger than a committee meeting (DeMarce FN 1993). Until 1958, it contained only the two smaller rooms. In that year, according to a plaque on display, a third room was added with donation of labor and materials by interested friends and relatives (DeMarce FN 1993). Almost all of the numerous photographs of Harold Tantaquidgeon speaking to groups of children who toured the museum over the decades show that the discussions were held outdoors

(DeMarce FN, 1993).³⁹ In 1958, an addition was made to the museum. The third room was constructed with the help of interested family and friends. This addition to the museum is celebrated in the form of a plaque on the wall of the museum. That Mohegan were willing to contribute to its construction indicates that the museum was important to the community as a whole, not just the Tantaquidgeons.

The museum holds the regalia worn by Gladys Tantaquidgeon⁴⁰ on ceremonial occasions, which includes a belt of wampum beads given to her by Emma Baker as a symbol of Gladys Tantaquidgeon's assuming a position of leadership among the Mohegan. This belt has been handed down through the female line, from Martha (Shantup) Uncas, since the late 1700's. Of more recent vintage are photographs of Mohegan people and events such as the wigwams and weddings. There are many newspaper clippings concerning Mohegan social activities such as the wigwams, participation in parades, and the Mohegan-Pequot Bridge dedication. There are paintings and sketches by current Mohegan members and dolls with Mohegan costumes made by children during the last two decades. There is a painting of Mohegan church by Frank Speck, dated in the 1940's. Also part of the museum's collection is a vast array of Harold and Gladys Tantaquidgeon memorabilia (books, pamphlets, etc.).

Also, even though the Tantaquidgeons have always controlled the museum's collections and not the Mohegan as a whole, Mohegan from all three Mohegan family groups have always contributed items to the museum for safe-keeping. These include everything from prehistoric and historic Indian artifacts that had been kept as family heirlooms to recent wedding and graduation announcements. The prehistoric artifacts include an extensive collection of stone projectile points (donated by a non-Mohegan) and large mortars and pestles that were used for grinding corn. The

³⁹ The unheated building is closed to the public during the winter months.

⁴⁰ November, 1947, Connecticut Circle magazine. "The Story of the Mohegan Indians" by Gladys Tantaquidgeon (MT Orig. Pet., Ex. 237).

March 1, 1961. Gladys Tantaquidgeon "of the Mohegan Indians" presents program. Special display and sale of articles handmade by Miss Harriet Strickland, also of the Mohegan Indians. DAR (Faith Trumbull Chapter 1961).

November 22, 1972. Indian Ways. Photo by Hubert J. Warren. Miss Gladys Tantaquidgeon, a Mohegan Indian, autographs a copy of her recently published book for patrol leaders of Noank Girl Scout Troop 3244 during a visit to the Tantaquidgeon Indian Museum.

1978 October, Gladys Tantaquidgeon was the Mohegan Tribe representative on the American Indian Archaeological Institute (MT Response, Ex. 200).

historic Mohegan artifacts include baskets and other wood carvings (spoons, walking sticks, war clubs) by John and Harold Tantaquidgeon, Burrill H. Fielding, and others.

Although it was privately owned, the existence of the Tantaquidgeon Museum provided the Mohegan with a focus of community consciousness and community awareness. It not only educated the external community to the persistence of the Mohegan among them, but also continually reminded the Mohegan themselves of the group's heritage. On May 2, 1967, a Mohegan child whose family was living in Georgia wrote to Harold Tantaquidgeon saying that her social studies class was studying Indians and pioneers, "so that gave me an idea. . . I was wondering since you are an Indian if you could send me some things or if you couldn't get me some thing I wondered if you could draw me a picture" (Strickland 1967).

The museum is a very small building and has no room for celebrating social events inside. Those social events which are documented as having been held at the museum, such as wedding receptions for some Mohegan women, were held outdoors, in the yard next to the museum (Lamphere 1950; Fawcett-Sayet 1984?; Rogers 1937; Program, BAR Files).

In 1983, in connection with the land claims case filed against the state, a deposition was taken from a female descendant of Moses Baker. This was one of the least active of the Mohegan families during the mid-20th century. She stated that her mailing address was Norwich, Connecticut, but she had actually lived all her life Griswold, Connecticut (CTAG 1985, Respondent's Exhibits, Deposition #6, 4).⁴¹ She described herself generally as fairly disconnected from the Mohegan since being taken to events by her mother when she was a child. However:

Q Have you ever been to the Tantaquidgeon Museum?

A Yes" (CTAG 1985, Respondent's Exhibits, Deposition #6, 15).

Q Do you spent any time discussing Mohegan history at all with people, the history of the Mohegans?

A Well, it depends on exactly what you mean. I have always told my kids since they have been little they have been descendants of the Mohegan Indians. My kids have been to the Tantaquidgeon Museum" (CTAG 1985, Respondent's Exhibits, Deposition #6, 18).

⁴¹ As of 1993, Mrs. Walsh is office manager at the MT office, having previously been tribal genealogist.

This latter point--the museum as a focus of group heritage-- is particularly important in light of the continuing role of the Tantaquidgeon family within the wider Mohegan group. They provide a counterpoint to the leaders such as John Hamilton (not resident on Mohegan Hill), who wished to focus on land claims rather than accurate portrayals of Mohegan culture and history.

The museum was the focus of Harold Tantaquidgeon's main project as a Mohegan leader, the preservation of, and the dissemination of information about, Mohegan cultural identity and history. Harold and Gladys Tantaquidgeon used the museum as a place to teach Mohegan about their own culture and history, as they trained young Mohegan, like Melissa Fawcett, to lead tours there. Harold Tantaquidgeon taught Donald Strickland, Ernest Gilman, and Lawrence Schultz to perform Indian dances there. The Tantaquidgeon Museum also functioned as an information center for Mohegan children who lived out of state but wanted to know more about their ancestry, as reflected in letters written to Harold and Gladys Tantaquidgeon.

Outsiders have come to the museum from all around the world, from 1931 to the present, to learn more about the Mohegan. Harold used the museum to teach non-Indians (especially through the regional Boy Scout Council, which he directed). Other Mohegan besides Harold Tantaquidgeon participated in this public relations effort; Ernest Gilman said that he sometimes filled in for Harold when he could not lead tours of the museum (Austin 1993 FN).

Group I informants (neutral non-Mohegan) consistently identified the Tantaquidgeon Museum as a place associated with Mohegan social identity. They each remembered having gone to the museum as children and one interviewee said that he had returned to the museum two or three years ago with some friends from Colorado, so that they could learn about the local Indian history (Austin 1993 FN).

That the newspaper coverage of the museum has little to say about the relation of the museum to internal community concerns of the petitioning group is not surprising. Early articles on the museum, from the 1930's period during which the PF concluded that the Mohegan had retained community identity, did not differ in essential content from those which would be published 30 or 40 years later (Mohegan Indian Girl 1931; Scion of 'Last of Mohicans' 1936). There were a couple of articles on the museum in the Norwich and New London papers every year, with shorter articles in papers elsewhere in Connecticut and New England. The 1941-59 rosters of Tantaquidgeon Museum visitors (MT Response, Ex. 396) list quite a number of Mohegan children who signed

in. The MT response made the point that most Mohegan Hill residents never sign in when they go over to the museum, because they go in and out regularly and it would clutter up the books.

Miscellaneous Social Activities. Because of limited economic resources, during the period of the 1940's and 1950's (as was also the case earlier), few Mohegan had large weddings. In the majority of cases, the couple and their required two attendants simply went to the home of the minister or to a Justice of the Peace, sometimes accompanied by parents and siblings, but often accompanied only by the necessary witnesses (DeMarce FN 1993). When a family could afford a more elaborate wedding, however, it became a specifically "Mohegan" event.

The 1950 wedding of Catherine (Strickland) Lamphere took place at a Methodist church "because the Mohegan Church was not open for services, but she would have had it there if she could" (DeMarce FN 1993). The reception took place at Tantaquidgeon Museum (outside) (MT Response, Ex. 4). "I would say there were probably 30 or 40 Mohegans in my wedding. My girls (bridesmaids) were all Mohegan . . . because with all the brothers, sisters, there were ten of us and cousins . . . and chief Matahga . . . and Harold Tantaquidgeon . . ." (DeMarce FN 1993).

The evidence submitted pertaining to the 1950 wedding of Loretta (Fielding) Roberge is not conclusive evidence of community. She was married at her husband's church, St. John's. She estimated that "at least 20" members of the tribe were there (DeMarce FN 1993). However, these could easily have been accounted for by immediate family: her cousin Pauline Schultz was her maid of honor; two of her sisters were in the wedding party, and Roberta Cooney's daughter was the flower girl (DeMarce FN 1993).

In addition to the social activities delineated above, the Mohegan remained active in representing their community to the external society. In and of themselves, representational activities and educational activities directed toward outsiders are not evidence that there is a social community or as Native American. Individuals with no group support and Non-Indian groups can and do create floats with Indian themes and march in local parades.

However, the Mohegan had been participating in representational and educational activities for well over a century by 1950--a strong delegation of Mohegan was present at the dedication of the Uncas Monument in Norwich, Connecticut, in 1842 (MT Orig. Pet., Ex. 86). In the 1950's, these were not a new initiative, but continuation of

established practices. In the early 1970's, looking back 50 years, Loretta Schultz wrote:

Very proud to think Feb 21 1921 took part in the Christening of Submarine 48 dressed in Indian Attire with Uncle Lem, Myrtice, Elmer. Myrtice E Fielding sponsor Loretta Fielding Cosponsor [sic]. Mr Brill in this picture was Owner of the Bridgeport Shipyard where submarine #48 was docked, and the dinner was served at Bridgeport Hotel with all dignataries [sic] being present. Everett was not there - I was also in picture "Last of the Mohicans" at the Crown Theatre, Uncle Lem, Myrtice and I (MT Response, 227).

The attitude underlying representational activities was clearly expressed by Donald Strickland in 1979. He wrote to the BIA in opposition to John Hamilton:

I grew up in Mohegan and attended Montville Grammar School, graduating in 1945. After which I attended Norwich Free Academy and graduated in 1949. I performed Indian dances taught to me by my Uncle Harold Tantaquidgeon; and I represented the Mohegan for Jamboree Days in the early 50s, the United Nations pageant held at the Academy Campus, the Tercentennial parade in front of the Mohegan Indian float. At various times, I performed dances for the Boys Scouts, 4-H clubs and other groups. These dances were performed to give the public an idea of the ancient Mohegan Indian ceremony on behalf of the Mohegan people. This service was performed as a contribution from the Mohegan Indian to the white man -- there were no fees collected. Where was Mr. John Hamilton during these times and what contributions has he made? (MT Response, Ex. 119; MT Response, Ex. 212).

Aside from the work of the Tantaquidgeon Museum, Strickland was not the only example of continuing educational activity during the "quiet" period of Mohegan history in the 1950's, either. Edythe B. Gray's two sons (not resident on Mohegan Hill), who had performed at the 1930's Wigwams and other cultural events, continued to educate Connecticut citizens about the Mohegan until their deaths. For example, Charles L. Gray, who died in 1957 was known for his lectures on Indian lore to scout troops and schools, and his participation in local parades. The same was true of Elmer M. Fielding, son of Chief Lemuel Fielding and brother of Chief Everett Fielding.

Evidence of internal community activities is sparse for the 1950's. During this decade the Mohegan were represented in Norwich and elsewhere for pageants, fairs, floats, etc. (MT Response 1A:53). Their appearance at the 1959 Norwich Tercentenary is well documented. The Mohegan had a float in the parade and some individuals from the Fielding family group danced. Eliphalet P. Fielding, ancestor of all the participants in this float, had been a guest of Norwich for its bicentennial in 1859 (MT Orig. Pet., Ex. 141-3). In 1953, Virginia Morgan (Mary Virginia Goodman) appeared at the state capitol to oppose the sale of the remaining Indian reservation lands in Connecticut (MT Response, Ex. 54). The petitioner submitted a 1958 photo showing an Indian name-giving ceremony for Courtland C. Fowler (MT Response, Ex. 52).

The children of the Mohegan Hill community were also still instructed by the older Mohegan in the group's cultural tradition. During the 1940's, Donny Strickland was chosen by Gladys Tantaquidgeon to dance for the Boy Scouts at Camp Lenape when they requested a dancer (MT Response, Strickland OH 1990, 6). During the 1950's, Donny Strickland danced two or three times for Norwich Jamboree Days (MT Response, Ex. 212, Ex. 219), and also appeared in 1959 at a United Nations pageant at the Norwich Free Academy (MT Response, Ex. 212; Norwich Tercentenary 1959), continuing an activity which he had carried out under the supervision of Chief Burrill Hyde Fielding in the 1930's and 1940's (MT Response 1:27; MT Response, Ex. 212).⁴² He danced again for the Montville Bicentennial Celebration on October 18, 1986 (Living History 1986).

On May 14, 1961, the Hartford Courant published an article, with photograph, about Courtland Fowler, who five years before had led the reopening of the Mohegan Congregational Church, and who in 1970 would be elected as chief of the Mohegan. It indicates that he had also been involved in Mohegan claims activity (Kenney 1961), which is confirmed by

⁴² Melissa Fawcett says Mataga (Burrill Hyde Fielding) taught Harold and Harold taught Donny and Lawrence [Schultz] how to dance (DeMarce FN 1993).

1935 July 4. Newspaper article in connection with the Connecticut Tercentenary. Photograph of Chief Matahga (Burrill Hyde Fielding) seated with Council members: Jerome Skeesucks, Julian L. Harris, Harold Tantaquidgeon, E. Lloyd Gray, drumming. Private photograph of the same float with the women (Loretta Fielding Schultz, Gladys Tantaquidgeon, Harriett Tantaquidgeon Strickland) and child Donny Strickland, labeled Mohegan float, 1935 Connecticut Tercentenary parade, arranged to resemble an Indian village scene (MT Response, Ex. 13-2). Donny Strickland remembered being on this with Burrill Hyde Fielding and Burrill Francis Fielding (MT Response 1:107; Strickland OH 1990:2-7). Handwritten note says won first prize.

a 1954 letter of the Indian Claims Commission to Fowler (MT Orig. Pet., Ex. 36; MT Response, Ex. 55).

Today there are believed to be about 150 Mohegans (counting down to one-eighth blood) in Connecticut. Many of them still live, owning their own land, within sight of Fort Hill.

There are few remains left now of the Mohegans and those that remain have been gathered and preserved mainly through the work and expense of the Indians themselves. Some provision, he feels, should be made to maintain the Indian lands and their rich history. They live in the midst of a rapidly growing part of Connecticut and what is left of their lands could make good housing developments. The Fort Hill Mohegans do not want a reservation -- the tribe's reservation was abolished in 1860--but they do want something of their past to remain on into the future.

Although a Mohegan Association was active into the 1930s, Mrs. [Fidelia A.H.] Fielding's death broke the strongest cultural link the modern Mohegans had with their ancestors. . . . Later he [Courtland Fowler] moved to Norwich and lived there until he returned to Fort Hill a few years ago. While living in Norwich he kept abreast of tribal activities, traveling to Hartford from time to time when the Mohegan Assn. was trying to obtain action on its claim to lands (Kenney 1961; CTAG Response, Ex. R238; CR, Ex. 34).

For other instances of Tantaquidgeon's and Fowler's representation of the Mohegan during the 1960's, see below in the discussion of their actions as chiefs. By 1967, with the formation of the Council of the Descendants, political activities within the group resumed and are discussed below.

This is a sampling only of events during the 1970's: those in which Courtland Fowler participated are listed below under his activities as chief.

From 1973 through 1976, documents survive for the Indian Parents Committee of the Montville School District. Jayne Fawcett served as chairman and Loretta Roberge as secretary. It was formed to work for a Federal grant from HEW, with the aim of beginning the study of Indian history in the area (MT

Response 1:63; MT Response, Ex. 137-1)⁴³ Loretta Roberge recalled that:

We always met at the Church or we met at the Tantaquidgen Museum. In fact, that's what we did. We went over there to the Tantaquidgen Museum and . . . we discussed the different ideas and we went to the Indian Museum [in New York City], and Gladys Tantaquidgen spoke at this meeting and also Loretta Fielding Schultz (MT Response, Roberge OH 1990, 1).

A 1977 "Mohegan Homecoming," held at Fort Shantok, was an event sponsored by Native Mohegans, Inc., which functioned as a predecessor council of the MT, is considered below in the discussion of the activities of that group. Another homecoming took place on August 26, 1979, at Fort Shantok. At both of these events there was broad, cross-family participation. Gladys Tantaquidgen stated that it had 250-270 Mohegan attending,⁴⁴ who came from as far away as

⁴³ Gladys Tantaquidgen, Loretta Schultz, Grace E. [blank], Margaret LaVigne, Marie & John Gellner, Norma Smith, DAVE & BRUCE FOWLER, THEIR PARENT JEAN & COURTLAND FOWLER JR., Meryl & Milton Heberding & children Cris, Danny, Tom, Lynda, MR. EN [BLANK--GELGAU] & CHILDREN DANNY & DARA, Richard & Jayne Fawcett & children, Melissa & Bethny, Loretta & Albert Roberge & daughters Elizabeth, Patty, Michelle, Jeanette & Suzette. Harold Tantaquidgen gave a talk on his lodge, tour of grounds and museum (MT Response, Ex. 152-2).

⁴⁴ 1979 Mohegan Homecoming, 155 Signatures: Barney Robinson, Sarah Robinson, Bobby Robinson, Carol Morev, Denise Morev, Debbie Perugi, Nancy Piscatelli, Donald R. Quidgeon, Jr., Alan & Estelle Gauvin, Carolyn J. Gilbert, Mr. & Mrs. Earl Quidgeon Linda & Scott, Richard & Jayne Fawcett & Bethany, Teresa, Thelma, Rita, Mary & Ernest Gilman; Gail, Arthur, Dawn, Donna, Elaine C. Brautigam; Donald & Margie Quidgeon & Donald Jr., Gladys Tantaquidgen, Mr. & Mrs. William Taylor & Fay Dysart, Walter Boulet, Mr. & Mrs. Clayton Jones, Jody, Deb; Gary Scott, James Gilman Sr., James Gilman Jr., Terry Pinkham, Katherine Gilman, HOPE AND COURT FOWLER, [Louise Cooper, Olive Sands, Marie Weaver, Chink Sands, Marshall Weaver], Ronald Coderre, Laura Marshall, William C. Gucfa, Mr. & Mrs. Thomas Roy Hamilton & daughter Amy, Ruth E. Tantaquidgen, Mr. & Mrs. Robert Dunn, Winifred Tantaquidgen Grandchamp, Olive M. Picozzi, Mr. & Mrs. Joseph D. Strom & Melony, Mrs. & Mrs. Ted Allis & family, Mrs. Regina Keefe & family, Mrs. June Sperry, Mrs. Lillian Sullivan & family, Mr. Ralph W. Sturges, Albert Hamilton, Donnell Hamilton, Charlotte I. Sturges, Jo Ann L. Sturges, Ida P. Sturges, Mr. and Mrs. John Clark & Nathan & Amy, Elinor Louise Janus, Paul & Jo Anne Sturges, Connie E. Mertyn (Janus), Terri R. McIntyre, Steve Colett, Anita Lebini, Frank Harris, Henry N. [illegible], [Rachel Cooper, Bernice Nyles, Stilson Sands, Thomas R. Cooper, Mildred Cooper Nelson, Ruth (Sisson) Kinney, Harold J. Kinney Sr.], Mr. & Mrs. Mark Cloutier & Family, Elvis Heberding, Emma A. Gucfa, Mr. & Mrs. Roland Fink & Roland Jr. Lindsay Mc, Mr. & Mrs. William C. Coderre Jr. * William C. Coderre, Cathy Jean Coderre, Marc Antony Coderre, Nicole Coderre; Linda Heberding, Meryl Heberding, Loretta Fielding Roberge,

California, Illinois, Florida, Virginia, and New York (MT Response 1:101 quoting State Vol. VI, pp. 33-35). She pointed out that this was just a homecoming, not a Wigwam. She told a reporter that the last Wigwam, or green corn festival, had been held in 1938 (in doing so, she failed to include the 1941 Wigwam sponsored by NAIDA; MT Response, Ex. 220).

Representational and educational activities continued throughout the 1980's. For State Park Day in 1980, the Tantaquidgeons set up a small display of items from the museum adjacent to the burial grounds (Indians to Participate 1980). The same year, Courtland Fowler strongly objected to a television documentary on the Mohegan, condemning the research as careless and asking, "How can one manage to portray the Mohegan and their distinct cultural identity without visiting Mohegan or interviewing tribal leaders and elders?" (Lemmon 1980).

In 1980, another Homecoming was held at Fort Shantok. The MT Response indicates that rain reduced the attendance. Only 95 people signed in, but there were representatives from all the major family groups. This institution has continued annually since 1979, and is currently known as a "Wigwam Powwow." Several have been held in cooperation with the Connecticut River Powwow Association, with the MT reserving the final day for internal activities not open to the public.

On October 22, 1986, Courtland Fowler and Gladys Tantaquidgeon were parade marshals at the Montville Bicentennial celebration (MT Response, Ex. 235, 236, 237, 238-1 through 238-12). Traditional Mohegan dances were performed in regalia by Donald Strickland, Lawrence Schultz, Ernest Gilman, and Charles Terni (MT Response I:69). There is no evidence which indicates these are truly representational activities (that is, supported by the MT as a group).

[Bobbie Dunn, Wayne Dunn], CARLISLE FOWLER, Carol Brundige, Gladys I. Brundige, Gary E. Brundige, Darlene M. Brundige, Audrey Brundige Wood, William Quidgeon Jr., Richard Brundige, Helen Brundige, Doris Quidgeon, Charles Brundige, Donald Brundige, Mary Burnham, Gregory Burnham, Kim Quidgeon, William Quidgeon Sr., Stacy Quidgeon, Robert P. Colantonio, Cindy M. Colantonio, Pécia M. Colantonio, Elaine H. Cristello, [Edeen Bozeman, Daniel Allen, Gladys Hamilton, Joan Poindexter, Clay A. Campbell, Gladys Brown], Virginia H. Damon, Edward C. Davison, Christopher J. Harris (MT Orig. Pet., Ex. 53).

POLITICAL AUTHORITY AND INFLUENCE

Requirements of Criterion c. Strong demonstration of political influence, such as distribution of group resources, enforcement of group rules of behavior, and dispute resolution are ideal evidence to meet the requirements of criterion c, but are not necessary to meet the minimum requirements. However, the intent of the regulations and the precedents underlying the regulations is that some more than trivial degree of political influence be demonstrated by showing that the leaders act in some matters of consequence to members or affect their behavior in more than a minimal way. Authority, in the sense of being able to require action or enforce decisions over strong opposition, does not need to be demonstrated. It is also not necessary that political influence be exercised in all or most areas of the members' lives or their relationships with other members. Nonetheless, the political influence of the group or its leaders must not be so diminished as to be of no consequence or of minimal effect.

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 a group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected.

Political connections between leaders and members may be informal, through public opinion or other indirect connection. The existence of a significant level of social cohesion is an important form of supporting evidence because political influence, where coercive authority is not exercised, requires social connections and obligations as its basis.

Summary of the Proposed Finding's Conclusions. The PF concluded that the Mohegan had continued to maintain tribal political influence over its members as an autonomous entity from first sustained contact with Europeans until 1941. After that point, the petitioner did not submit sufficient evidence that they continued to maintain political authority through the present.

The PF concluded that 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. The sachem and council form of government was continued until 1769, when the Mohegan

refused to elect a sachem who was acceptable to the government of the colony of Connecticut. There was evidence that the Mohegan continued to govern their affairs through some form of council in the years between 1769 and 1903, even though throughout much of this period, until the 1872 act of the Connecticut General Assembly which granted the Mohegan citizenship, they were under the supervision of non-Indian overseers appointed by the state legislature.

The PF concluded that the formal position of "chief" was first described by an anthropologist in 1903 (Prince and Speck 1903, 193), and that various Mohegan men had been identified as chiefs since then. The PF also stated that from 1903 to the mid to late 1930's, the Mohegan made intermittent efforts to maintain some kind of tribal political organization under various leaders and organizational names, but that,

There is no documentary 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. A similar documentary gap exists for the period between 1970 and 1979. The Council of the Descendants of the Mohegan Indians, Inc., formed in 1967, attempted to function as a tribal council for the Mohegan. Not enough is known about the Council of the Descendants to measure its level of influence over or support from the Mohegan group. Evidently, it did not generate enough interest to continue for more than a three-year period (1967-1970) (FR 1989, 47136).

The PF extended the years for which no evidence of political process had been found for the MT to as late as 1980, and indicated that evidence for the Council's functioning since 1980 was incomplete:

There is no evidence of any other tribal governing body or other political process between 1941 and 1980. Since 1980, the group has had a formal tribal council and a governing document. However, the available evidence is not sufficient to determine the extent of the Tribal Council's political influence or other authority over its membership (FR 1989, 47136).

Evaluation of Evidence in Light of New Material Submitted in Response to the Proposed Finding. Additional evidence submitted for consideration in the FD provides examples of political process and the exercise of political authority by individuals from 1941 to the present. The evidence for this

is weak from 1941 to 1966, but it is very clear through 1941 and from 1966 to the present. Far from dying out in 1970, Mohegan politics have been very dynamic since 1970, and demonstrate that there has been a strong bilateral relationship between the members and the elected leadership from 1970 to the present.

Overview of the Social and Political Context Prior to 1935. It is first important to provide the social and political context of the Mohegan prior to 1941. It was already noted that many Mohegan had begun to move away from Mohegan Hill in the late 1800's. Of the 96 Mohegan living in 1901, 47 were still living in the immediate vicinity of Mohegan Hill. Some of these 47 were representatives of the now extinct Matthews, Skeesucks, and Dolbeare families which died out during the 1940's and 1950's. There were also a few people from each of the three family groups that have left descendants on the 1993 membership list (Fielding, Storey, and Baker), with most of the Bakers having moved north to live in Norwich, Griswold, and Jewett City, and the Storeys living in New London, Groton, and Waterford.

From 1900 through the end of the 1940's, the number of Mohegan adults never exceeded 50 during any decade. The evidence establishes that nearly all of them were active in Mohegan affairs.⁴⁵ Since 1950 there has been a significant increase in the number of Mohegan adults. The majority of these also continued to be active in Mohegan social and political life.

⁴⁵ As part of the analysis for this section, the BAR historian developed a schematic indicating known participation in Mohegan events by all adults from 1896 through 1970.

Table 4:
Approximate Number of Mohegan Adults
Alive During Each Decade
(Potential Pool of Active Mohegan)⁴⁶

Decade	Number	% Increase
1930's	41	
1940's	47	15
1950's	75	60
1960's	113	51
1970's	257	127
1980's	439	70

Informal leadership was provided by individuals the Mohegan referred to as "elders." This was not an elected body of any of the Mohegan formal organizations until after 1980. Rather, the elders were an ill-defined group of people who were accepted as having a broad knowledge of Mohegan custom and history by virtue of their age, level of involvement in Mohegan affairs, and individual ability. The elders were accorded much respect. They were turned to for information on the past, but also whenever there was a group crisis that had to be resolved. The influence they exercised over the group reflects the authority they were given by the group.

Formal political leadership throughout the 1900's has been primarily provided by members of the Fielding family group (that is, Fieldings, Harrises, Tantaquidgeons, and Fowlers). Since around 1900, the political structure involved a council president, also sometimes called "chief," who typically served with several councilors. The positions of chief and president were separated in 1928; that is, one person was elected chief and another elected president. Everett M. Fielding, Lemuel M. Fielding's son, became chief from 1928 to 1935. While Everett Fielding served as chief, Julian Harris became president of the League of the Descendants and the Mohegan Indian Association (1933 to 1941). The next chief was Burrill H. Fielding, the brother of Lemuel M. Fielding. Burrill H. Fielding was chief during the important period that spans from 1935 to 1952. There will be more on his election and role as chief below.

⁴⁶Data for the 1930's through 1960's are based on an actual count of the adults living. The data for the 1970's and 1980's are rough approximations. To calculate the number of adults living during the 1970's, the 113 adults in the 1960's were added to the Mohegan born from 1950-1959 (113 + 144 = 257). The same procedure was followed for calculating the approximate number of adults living during the 1980's. These approximations do not take into account the natural decrease as members died during the 1960's and 1970's.

The position of chief was first noted in 1903 (Speck 1903). At that time it was Henry Matthews. The usage of the term in the newspapers and among the Mohegan themselves has been inconsistent. Some Mohegan think in terms of there being only one chief for a specific period of time. Most of the men who held this office were seen as serving as chief for life. There were some Mohegan, mainly John Hamilton, who thought of every male elder as a chief and proclaimed them such. Newspaper accounts concerning the Mohegan often followed this interpretation and usage since Hamilton was responsible for much of the press coverage the Mohegan received from 1935 to 1988.

Women have also provided formal and informal leadership for the Mohegan throughout history. They have served in a variety of offices such as President, secretary or treasurer of the tribal council. Before 1941, Mohegan women belonged to the Mohegan Ladies Sewing Society, which was responsible, among other things, for sponsoring the annual Wigwam Festival. Many others have been influential behind the scenes, providing their counsel as Mohegan elders. Since 1941, Mohegan women like Loretta Schultz and Gladys Tantaquidgeon worked alongside, and sometimes in the place of, their male kin who served as chiefs (Burrill H. Fielding and Harold Tantaquidgeon, respectively).

As noted, the PF concluded that the Mohegan had continued to maintain political authority through 1941. This conclusion was based on the pursuit of land claims by a variety of Mohegan organizations functioning as a tribal council, protection of the Mohegan cemeteries, mustering of labor for the production of the annual Wigwam festival, making repairs to the church, and participation in representational activities such as anniversary parades (e.g., Norwich, New London, State of Connecticut). Further evidence has been provided that indicates these very same political interests and activities continued into the 1940's and down to the present and the same political leaders and processes were involved. From 1941 to 1966 these activities were not pursued intensively because of the diminished number of adults in the Mohegan core area. This was due to two factors: the dying out of one family group which had been politically and socially important in the first half of the 1900's (Matthews, Dolbeare, and Skeesucks sub-families) and military service and other work performed by Mohegan leaders which required their absence from the community.

Other leaders during the 1920's and 1930's included: Julian Harris, Harold Tantaquidgeon (both from the Fielding family group), and John Hamilton (Story family group). Harris provided leadership in several forms from 1920 to 1937. In 1920, he was a councillor for the Mohegan Indian Association

and in 1933, he was elected its president. Tantaquidgeon was involved since the 1920's in teaching Mohegan culture and history to outsiders and to other Mohegan. He continued this in his capacity as chief (1952-1970) and as an elder after that. Hamilton was elected the Mohegan land claims representative in 1933, and he became a significant figure in Mohegan politics until his death in 1988.

Mohegan Leadership and Political Organizations: 1896 to 1935.

The League of the Descendants of the Mohegan Indians, Inc. The League of the Descendants of the Mohegan Indians was founded prior to December 15, 1896 (MT Response, Ex. 3, Ex. 4). It had an Executive Council and written membership application form (which was to be notarized) (MT Response, Ex. 3). One treasurer's report from 1897 survives (MT Response, Ex. 4; see also MT Response, Ex. 353-1).

In 1933, there was mention of a "Tribal Council of the League of Descendants" (Ex. 260, 255; Ex. 10), with Julian L.M. Harris as Chairman of the Tribal Council (MT Final Response 1:114; CTAG Response, Ex. R150).⁴⁷ For purposes of analyzing the leadership structure of the Mohegan in the 20th century, it is necessary to understand that the chairmanship or presidency of the League (even if the chairman was called "chief" in newspaper articles) was not the same thing as being "chief" in the sense that Burrill Hyde Fielding was chief for the Mohegan from 1935 until 1952. Thus, Julian Harris as "chief" and president of the League coexisted amiably with Burrill Hyde Fielding (MT Final Response 1:114; see also MT Orig. Pet., Ex. 365), just as Courtland Fowler as "chief," having been elected to replace John Hamilton as president of the legally dissolved Council of the Descendants of the Mohegan Indians, Inc., would coexist amiably with and sometimes defer to Harold Tantaquidgeon from 1970 through 1980 (see below).

The MT Response (MT Response, 1:10) says the League of the Descendants of the Mohegan Indians continued until August 8, 1967, when a name change to the "Council of the Descendants of the Mohegan Indians, Inc." was voted in a meeting at the home of Virginia Damon and new officers were elected (MT Response, Ex. 84, 85, 86, 87). Technically, this statement is true. However, it greatly overemphasizes the continuity of this organization between 1936 and 1967. As far as can

⁴⁷ J.L.M. Harris, Chairman; Raymond N. Harris, Secretary; Marion E. Capwell, Treasurer; Loretta F. Schultz, Assistant Treasurer (MT Response, Ex. 255; MT Response, Ex. 260; MT Final Response Ex. 18). There was an Executive Council.

be determined from the documentation submitted, it was dormant.⁴⁸ As of 1967, the only surviving officer of the earlier group was Loretta (Fielding) Schultz. Apparently there had been no League elections held in the 34 years intervening from 1933 until 1967. Some records were maintained, however, as Virginia Damon, as Secretary of the Council of the Descendants, when notifying members of a meeting to be held on August 18, 1968, stated that:

the records we have are quite outdated and children listed on them are, no doubt, by now married and have families of their own. We are, therefore, contacting the one person in each family whom we consider most likely to know the whereabouts of the other members of the family. When the case is presented and won, we do not want anyone left out (MT Orig. Pet., Ex. 331).

She specified a desire to notify 17 families whom she listed by name "and others whom you may know and we do not have on our records" (MT Orig. Pet., Ex. 331). Taken at face value, this might lead to the conclusion that at that time, the Mohegan did not know where their members were. However, as at least one of them (Strickland) was living in Mohegan, this does not seem warranted. A letter from a member of one of them, Charles C. Harris of Pawtucket, Rhode Island, to John Hamilton, dated August 27, 1968, mentioned the involvement of his mother, "Julian's sister," with the land claim, and the wigwams, saying that he did not understand why the Tantaquidgeons, Fowlers, and LaCroix's had not attended the meeting (BAR Files). Within a year, the Coderre, Harris, Marshall, and Guca families listed in Damon's address request were active participants in the Council of the Descendants

Loretta Schultz is a clear example of continuity in Mohegan activities, from the periods before 1941 and after 1966. She was the daughter of Chief Burrill Hyde Fielding and lived on Mohegan Hill. In official tribal records, her name first appeared in 1920 as a member of the Mohegan Indian Association, a State-chartered organization (MT Response, Ex. 5). She appeared in regalia at the Mohegan Congregational Church centennial in 1931, and was elected assistant treasurer of the League of the Descendants in 1933.

⁴⁸ The only two mentions are a 1939 application for membership in the League from Beatrice E. Sword (John Hamilton's sister, Virginia Damon's mother) (MT Orig. Pet., Ex. 353; MT Response 1:152; MT Response, Ex. 10 and 255) and a statement in 1946 that the League of Descendants was still functioning (MT Response, Ex. 100, Ex. 111).

During the later 1930's, she served as Mohegan representative to the American Indian Federation (MT Response, Ex. 11-2), appeared on the Mohegan Float for the Connecticut Tricentenary, and represented the group at the dedication of the Fidelia Fielding memorial. She was a committee member for every Wigwam from 1925 through 1941. Her niece, Loretta (Fielding) Roberge, recalled:

When we were children I could remember in the early 40's she always would tell us about how the land, we can't get our land back, and my aunt was very, very active, this was Loretta Fielding Schultz. Extremely active trying to get the land back, and she always told us children never to forget your heritage (MT Response, Roberge OH 1990, 2).

More evidence concerning Loretta Schultz's involvement in the Mohegan political process will be discussed below.

Mohegan Indian Association. In 1920, the Mohegan Indian Association formed "to help preserve the integrity and identity of the tribe as well as to help the tribe to reach certain political and social goals" (MT Response, Ex. 5); or to "improve its social and legal welfare" (Speck 1928, 212-213; see also MT Final Reply I:108). Its leadership was well-distributed among all the major Mohegan family groups except Baker.⁴⁹ According to Gilbert, the Mohegan Association of 1920 was formed by a State charter to include all tribesmen and claimed 122 Mohegan (Gilbert 1948, 410), 31 living at Mohegan, 73 at nearby Norwich and New London, and 18 scattered throughout the area. There were 49 enrolled members (Speck 1928, 212-213). Lemuel M. Fielding, the "chief," had held various lesser leadership positions associated with claims activity since 1899 (MT Orig. Pet., Ex. 33; MT Orig. Pet., Ex. 34) and as chief he performed representational functions on behalf of the group (MT Orig. Pet., Ex. 241; MT Orig. Pet., Ex. 256; see also Soulsby 1979, M-25; CTAG Response, Ex. R200).

⁴⁹ Officers: Lemuel M. Fielding, (Peace) Chief Occum; Burrill H. Fielding (War) Chief; Everett M. Fielding, Assistant Chief; Albert E. Fielding, Treasurer; Gladys Tantaquidgeon, Secretary, Mr. Julian Harris, Councillor; Mrs. Edith Grey, Miss Mary V. Morgan, and Mrs. Hattie Morgan, Councilors; Women Members of Mohegan Sewing Society: Nettie Fowler, pres., Adeline Dolbeare, Ella Avery, Delana Skeesucks, Gertrude Harris, Harriett Quidgeon, Gladys Quidgeon, Ella Fielding, Loretta Fielding. Men: Burrill Fielding, J.R. Skeesucks, C. Lloyd Gray, Roland Harris, Donald Meech, COURTLAND FOWLER, Harold Quidgeon, Earl Quidgeon, Lewis Dolbeare (MT Orig. Pet., Ex. 227-5; MT Orig. Pet., Ex. 262; MT Response, Ex. 5).

It is not entirely clear from the documentation whether this 1920 organization was something new, or was a kind of reactivation of the League of the Descendants. The sequence of leadership gives some indication that the latter was the case. Lemuel M. Fielding, "Chief Occum," died in 1928. The fact that his funeral took place in a Methodist church in Norwich and that he was not buried at Fort Shantok apparently contributed to the dissatisfaction with having leaders who were not resident on Mohegan Hill, which the Mohegan Hill community would express openly in 1935 (Lemuel M. Fielding 1928, MT Orig. Pet., Ex. 225; G. Tantaquidgeon 1934). His son Everett M. Fielding was chief from 1928 until the election of Julian Harris, as confirmed by Gladys Tantaquidgeon's 1934 report to the BIA (G. Tantaquidgeon 1934).

In 1935, Gladys Tantaquidgeon prepared an extensive report on New England Indians for the BIA. She referred to the "Mohegan-Pequot," but internal evidence indicates that she was discussing the modern Mohegan only, with no reference to the modern Pequot in this section. She stated that the chief (at that date, Everett M. Fielding) was elected; the office honorary. She counted a population of 172, of whom 31 (ten families) were living in Mohegan, and stated explicitly that the Mohegan had maintained a tribal organization with annual meetings.

Late in the 19th century the Mohegan elected a chief whose principal duty was to preside at council and intertribal meetings. He did not exercise any power over the affairs of the people. The office was honorary and for life.

Local Tribal Organization. "The Mohegan-Pequot have always maintained a tribal organization headed, in recent times, by an elected chief, councilors, secretary, and treasurer. The office of chief, while a survival of the old form of government, is no longer hereditary nor for life. The chief does not exercise any authority over the members of the group but acts as a presiding officer at tribal meetings, ceremonies, and public gatherings. For more than twenty years the elected chief has not been a resident of Mohegan and certain other officers have been absentee Mohegan. A move is being made on the part of certain members of the tribe to have a resident chief. Also to have as many other officers elected from the resident group as is possible. It will be necessary to have some absentee members serving on the various committees. The matter will be given consideration in the next meeting of the group. No date has been set.

The Mohegan hold at least one meeting annually for the purpose of discussing matters pertaining to the

tribe and if necessary, other meetings are called during the year. The meetings are held in the little Indian church which is 103 years old. The church, (Congregational) organization has been an important factor in the community life of the Mohegan

Names of Agents, chiefs, overseers. 7. Mohegan-Pequot, Chief Everett M. Fielding, Laurel Hill Avenue, Norwich, Conn. (G. Tantaquidgeon 1934).

Gladys Tantaquidgeon termed the chief "honorary," by which she meant that the office had neither legal standing under the statutes of the State of Connecticut (between the dissolution of the reservation in 1872 and the establishment of the CIAC in 1973) nor any coercive authority (DeMarce FN 1993). The elective nature of the office was nevertheless of importance to the Mohegan, as will be seen below in the discussion of the petitioner's reaction to John Hamilton's self-assumption of the title of "Grand Sachem."

Mohegan Claims Activity 1897-1935. In and of itself, claims activity is not evidence for the existence of cohesive community or political process within a petitioning group. It is possible for extensive claims activity to be carried out by a small group of activists without the extensive participation or involvement--or even knowledge--of the majority of a group. However, to understand the dynamics of the intra-Mohegan political controversies, an outline of Mohegan claims activity is necessary, since claims activity is a major part of political conflicts and processes for the petitioner as a whole. As of 1993, none of the claims activity has been successful: that is, no Federal or State claims money has ever been paid to the Mohegan.

In the early 20th century, claims involvement was not separate from other aspects of the group's leadership. In 1897, Emma Baker, author of the 1861 Mohegan genealogy, was president of the Mohegan Sewing Society of the Mohegan Congregational Church. At a regular meeting of the Mohegan Tribe of Indians held May 12th A.D. 1897, she was elected President of the Mohegan Indian Council of said Tribe and tribal representative in the New York Indians land claims case (MT Response 1A:62). The group filed many Kansas claims in 1901 on the basis of its Brothertown connections (BIA, New York Indians Kansas Claims Applications, Brotherton 1901, Entry 903, Records of the Bureau of Indian Affairs, Record Group 75, National Archives, Washington, D.C.), but the Claims Commission rejected these on the grounds that the filers were Mohegan.

In 1899, the Mohegan petitioned the Connecticut General Assembly for the right to sue for the Norwich Royal Burying

Grounds lands (MT Orig. Pet., Ex. 33 and Ex. 132).⁵⁰ This claim was still being pursued in 1915 (MT Response, Ex. 12) and in 1930 (MT Orig. Pet., Ex. 134, Ex. 135).⁵¹ On April 30, 1924, the Mohegan signed a claims agreement with Alexander L. W. Begg, Attorney, of Washington, D.C. re: claims for Mohegan (CR, Ex. 5; MT Orig. Pet., Ex. 133; Forgotten Few Indians 1970).⁵²

⁵⁰ Signers of this petition included Lemuel M. Fielding, Fidelia A.H. Fielding, W.H. Harris, Emma Baker, and Mary Story ((MT Orig. Pet., Ex. 33 and Ex. 132).

On May 8, 1899, "at a regular meeting of the Mohegan Tribe of Indians held in Montville" power of attorney to Francis M. Morrison of #492 Main Street, Worcester, Mass. Signed: Mrs. Emma F. Baker, President; Adelaide V. Babbitt, Secretary; L. M. Fielding, EDWIN C. FOWLER, Julian L. Harris, [Nathan J. Cuffee], Members of said Council (BIA "Kansas claims" records, BAR Files).

October 9, 1903, letter of A.V. Babbitt to W. Jones: John A. Morgan "is traveling back and forth to Washington, keeping this people in bad humor all the time, telling what he is doing and going to do. He is a man that always puts an evil construction on every subject that comes in his path, and misrepresents everybody and everything. When we first started the Indian League in Mohegan we tried to have this man Morgan and his father-in-law help us, and they styled themselves as our White chiefs, and appropriated over three hundred dollars of our funds in about six weeks. Then the League turned them out. I cannot tell you about them in a letter. We paid Mr. Morrison \$500.00 after we got rid of these two villains. Then after Morrison's death we entered into contract with M. Linn Bruce of New York by paying him \$100.00 one hundred for the fur tribes.

Now we are having a serious time in trying to get our papers out of Morrison's Estate (BIA "Kansas Claims" Records, BAR Files).

July 30, 1905, letter of Mrs. Delana Skeesucks of Norwich, CT to Guyon Miller re: claims (BIA "Kansas Claims" Records, BAR Files).

March 10, 1906, letter of Mrs. Antoinette Phoebe Fowler, of Mohegan, CT, to the president of the U.S. re: claims (BIA "Kansas Claims" Records, BAR Files).

⁵¹ In 1930, John Hamilton was working on the Connecticut land claim. There was a preliminary article in the Norwich Bulletin on November 23 and extensive coverage in the Norwich Bulletin on December 15. A \$1,000,000 damage action was being brought by Edytne B. Gray of Groton and others against the town of Norwich and the Masonic temple corporation of Norwich re: the Royal Burial Ground (MT Orig. Pet., Ex. 134).

⁵² Signers with place of residence: Edyth B. Gray, Princess Wenona of the Mohegans, Groton; EDWIN E. FOWLER, Mohegan; L. O. Fielding, Chief Occum, Norwich; [illegible]. Additional signatures: Sciota Nonsuch, Groton; Harriet W. Quidgeon, Mohegan; John W. Quidgeon, Mohegan; Gladys I. Quidgeon, Mohegan; Albert G. Fielding, Mohegan; Burrell H. Fielding, Mohegan; Adeline C. Dolbeare, Mohegan; Louis R. Dolbeare, Mohegan; Roger G. Dolbeare, Mohegan; Anson G. Dolbeare, Mohegan; Delana M. Skeesuck, Mohegan; Jerome R. Skeesuck, Mohegan; Ella L. Avery, Mohegan; EDWIN E. FOWLER, Mohegan; Nettie P. Fowler, Mohegan; Gertrude L. Harris, Mohegan; Lloyd Harris, Norwich; Gertrude M. Harris, Pawtucket, RI; Alice M. Hamilton, Norwich; Mary Meech, Norwich (CR, Ex. 5).

A major new claims initiative pertaining to the Norwich site of the Royal Burying Grounds⁵³ began in 1933 and continued through 1935 (MT Response, Ex. 12; MT Response, Ex. 56).⁵⁴ At a November 18, 1933, meeting of the Mohegan Indians at the Mohegan Church, John E. Hamilton of Hartford, Connecticut, was elected as agent for the claims work (MT Final Response, Ex. 19). Participation among the Mohegan was widespread, crossing family and kinship lines.⁵⁵

Political Leadership and Organizations: 1935 to 1966. There were three significant formal leaders during this period: Burrill H. Fielding, Harold Tantaquidgeon, and John Hamilton. Two of them were acknowledged by the Mohegan as chiefs: Burrill H. Fielding (1935-1952) and Harold Tantaquidgeon (1952-1970). The political relationship between these two men was one of mutual support. Harold Tantaquidgeon was Burrill H. Fielding's nephew. John Hamilton, was elected the land claims representative in 1933, and claimed to be the Mohegan "Grand Sachem" throughout his life, though his claim was finally repudiated in 1970. In addition to these three, there were other women

⁵³ A 16-acre tract in the vicinity of Chelsea Parade, the site of the Norwich Rose Arts Festivals (MT Response 1:139; MT Response, Ex. 115; MT Response, Ex. 27).

⁵⁴ September 22, 1934, meeting held at the Mohegan Church. "Not as many of the descendants of the Mohegan Indians were present as expected." Letter dated 11 October 1934, John Hamilton to Edyth Gray, re: Attorney Barnes and the cemetery claim (CR, Ex. 6). January 6, 1935, letter Olga Hamilton to Edythe Gray, who is chairman of the Committee to raise funds, mentions maps and papers to law firm of Shipman and Goodwin, and that Jack is ready to work on the searching of the titles as soon as some finances can be forwarded to get him started (CR, Ex. 7).

⁵⁵ Collection for Mohegan Burial Ground claims taken January 12, 1935: Burrill Fielding, Loretta F. Schultz, Donald Meech & family, William Cook & Isabell LaMoine, the Tantaquidgeon family, Burrill Fielding Jr., Everett Fielding, Myrtice Fielding, EDWIN FOWLER, Raymond Baker & wife, Mrs. Virginia Sawyer, Gertrude and Roland Harris, Julian L. Harris, [illegible] Harris, Louis? LaMoine, Mrs. Joseph Gray, Lloyd Gray, Edyth B. Gray, Mrs. Beatrice A. Labensky, Miss Laura M. Story, Mr. William Cook, John A. Morgan (Storey spouse), Mildred M. Chapman, Joseph D. Gray; week of February 4, 1935: Roscoe Skeesucks, Henry Dolbeare, Louis Dolbeare, EDWIN FOWLER, B. H. Fielding, B. F. Fielding, Loretta F. Schultz, Gertrude L. Harris, Gertrude M. Harris, John Quidgeon and family, Lillian Strickland, Winifred Grandchamp, Julian Harris, William Cook, Mrs. Nelson Le Moine and family; Feb. 8th, Mrs. Olga D. Douglass, Laura W. Storey, Beatrice Labensky, E. B. Gray; Feb. 11, Raymond Baker, Mrs. Doris Fish; [many more weekly collections through May 1935] (CR, Ex. 12; MT Response, Ex. ???).

MT Response, Ex. 56, on these collections adds separately the names: R. Quidgeon, G. Quidgeon, H. Quidgeon, Mrs. H.W. Quidgeon, Myrtice Walsh.

and men who provided informal leadership through their role as elders.

Harold Tantaquidgeon, Courtland Fowler, and John Hamilton, were effectively described by Loretta Roberge in her 1990 oral history

I think that with John he was very, very outspoken and people were offended by it sometimes the way that his mannerism, the way that he spoke. But he had a lot to offer and I think that a lot of people like to question what [he] had to say because they did have a lot of knowledge and if you're talking about Harold and Court, they have so much history in them that you look to them as a history side and so forth, and they are like our leaders, because they were our elders" (MT Response, Roberge OH 1990, 12).

Burrill H. Fielding. By 1935, the growing amount of claims activity led by members of the Storey family (largely non-Mohegan Hill residents) was alienating the traditional Mohegan core community located on Mohegan Hill. This dissatisfaction led directly to the election of Burrill Hyde Fielding as chief in 1935. On January 9, 1935,⁵⁶ Harold Tantaquidgeon wrote a letter to fellow tribal members suggesting a "revival of our local tribal organization."

In the past we have been inactive. We have existed merely by name so let's get into action. There are several matters of importance to be discussed viz. the possibility of holding the Wigwam festival next August and the recent developments in connection with the Mohegan claims etc. (MT Orig. Pet., Ex. 261).

He requested that these matters be discussed at a meeting to be held at the Mohegan Church on Saturday afternoon, January 12, 3:00 (MT Orig. Pet., Ex. 261).⁵⁷ The PF, having essentially only that one letter presented in evidence for

⁵⁶ The letter is dated 1934, but all internal evidence connects it with 1935 events.

⁵⁷ He proposed Burrill H. Fielding as Chief, Everett M. Fielding and John Tantaquidgeon as Second Chiefs, and John Hamilton as the third of 5 suggested Councilors (CTAG Response, Ex. R240). Other Councilors recommended Everett M. Fielding, Julian L. Harris, Edythe B. Gray, Mary V.M. Sawyer.

Attendants: Men: J.R. Skeesucks, EDWIN E. FOWLER, C. Lloyd Gray, Roland Harris, Donald Meech, COURTLAND FOWLER, Harold Tantaquidgeon. Women: Members of the Mohegan Sewing Society (MT. Orig. Pet., Ex. 261).

the 1935 Mohegan political activities, emphasized Tantaquidgeon's statement about the previous inactivity of the group (Mohegan PF 1989, Historical Technical Report, 39). Additional material presented for consideration in preparation of the FD indicates that the letter was only one symptom of a vital and energetic conflict between two different groups of Mohegan. On the one hand, the Storey line almost exclusively focused on claims activity. On the other, the Mohegan Hill core community focused on the preservation of Mohegan identity and the preservation of local Mohegan landmarks such as the Mohegan Congregational Church and the Fort Shantok burial grounds.

The difference in emphasis on land claims versus cultural preservation is revealed in correspondence from 1935 within and between family groups. Olga (Miller) Hamilton, John Hamilton's now Mohegan wife, wrote a letter to Edyth Gray (John Hamilton's aunt) in which she stated clearly the tensions that were developing between the Tantaquidgeons (Fielding family group) and the descendants of the Storey family group:

Jack and I feel that it is very important & vital for you to arrange to attend the informal gathering to be held at the Mohegan church this coming Saturday afternoon, Jan. 12 at 3:00 o'clock. It would also be advisable for you to get as many as possible on our side to be there for the purpose of emphasizing the importance of getting funds, but not to accept [sic] to be on any committees such as the Quidgeons are scheming on, which is of no benefit to the descendants of Grandma Storey.

The gathering that the Quidgeons are planning on for Saturday, Jan. 12, is the result of a one or two year hatched up affair and the Quidgeons want full control & swing of affairs as in years past.

We have told Julian Harris that Sat. Jan. 12 will be a good chance to approach the Mohegan descendants regarding the contributing of funds for [illegible] of titles & for those present to give 50 c, 1.00 or 2.00 or whatever they can, and for you' & Julian Harris to try & get funds that day.

The Quidgeons are calling this gathering to elect chiefs, etc. but that is out of the question now at this time because a Standing committee is in force. already. & fund raising now is the important problem.

The Quidgeons do not realize that by them calling this gathering for Jan 12 at 3:00 o'clock

it is going to help you to see people there probably that you would not have a chance to see otherwise & it will give you a good opportunity to approach them regarding funds for researching titles for our claims.

He is doing our side a favor, instead of an injury, but does not know it.

Between you, Mary Sawyer, & Julian Harris we hope you will be able to collect something in the way of funds. Saturday afternoon so Jack can start on the researching of titles.

Harold Quidgeon is not a dependable person to search any titles & he is not capable anyhow. nor authorized by the descendants.

The Quidgeons are certainly showing themselves up alright & we know now just how much they care to cooperate to try & get this claim through. They seem to be more anxious to have wigwams & chiefs etc., appointed but not for any help or benefit to push the cemetery claim but more for their own personal profits.

It looks as though those on our side will have to pull together very closely & do the best we can to have the titles searched to push this case, as the Quidgeons are trying to hinder any progress of efforts, which is very unfair, of course.

As long as Grandma Story's descendants can prove their ancestry we stand a very good chance of being favored . . . It seems the Quidgeons think they are the only Mohegans & it is a good idea to diplomatically let them know there are others existing besides themselves (DeMarce FN 1993--Hamilton Papers, Offices of Atty. Robert B. Cohen).

Near the same date, in a letter dated January 10, 1935, Olga Hamilton again wrote to Edythe Gray:

In today's mail we received two letters from Harold A. Tantaquidgeon which we have made copies of and are sending them on to you for your information. His letter is somewhat critical in our estimation and we are sure Harold Tantaquidgeon is not holding this meeting this coming Saturday to raise funds to help get the titles searched. He is going way off on the matter. What is necessary now is not the appointing of chiefs and second chiefs and all that but to cooperate and send money to you toward this fund we are trying to raise. It is just as you mentioned in your letter to us which we

received a few days ago from you in which you stated that the Quidgeons are not with us and the letters we received today proved that also. In our estimation they are just having this meeting Saturday Dec. [sic] 12, to stall matters in the researching of our claims and getting funds for it. As far as holding a wigwam festival in August 1935 as he mentioned in his letter it is not to have it and turn the funds over to you so you can get them to be put toward the researching of the titles but to do with the wigwam money as they always have in the past. The Quidgeons want to control everything in Mohegan and are what we term "agitators." The Quidgeons are also "put out" because we did not get in touch with them to come to our home on Sunday, Dec 30. and thought our side of the family were trying to put something over on them. As far as our side is concerned the descendants of Grandma Story can easily trace their ancestry back to Uncas which we have already done, so we are sure to come in on the claim when it goes thru. As far as the other side is concerned it will, undoubtedly, be rather difficult for them to prove back their ancestry to the royal blood, and they probably realize that- and that is also probably the answer to why there is no cooperation from them and they are trying all ways to hold back our claims, from progressing . . . the vital problem confronting us now to get funds to get the researching done and not to waste time and blocking things by thinking about Chiefs and second chiefs, councilors, and all that. THAT IS NOT HELPING TO GET FUNDS AND GET THE TITLES SEARCHED. OUR FIRM IS WAITING FOR TITLES TO BE SEARCHED AND NOT CHIEFS AND COUNCILORS TO BE ELECTED. . . At the regular meeting of the Mohegans Jack was voted in as Representative, as well as Chief as was also Julian Harris elected Chairman of the Committee. Ethel Capwell is Treasurer, Raymond Harris is Secretary and Loretta Schultz, Assistant Treas. . . Jack, according to his contract with the Mohegans . . . The Quidgeons cannot say that the voting was done underhanded when you were at our home as Jack gave you authority to be chairman of the committee to raise funds and when the regular meeting comes along later and called by Jack, you and Mary Sawyer will be voted in to take care of finances officially" (DeMarce FN 1993--Hamilton Papers, Office of Atty. Robert B. Cohen).

The minutes of this meeting were taken by Edythe B. Gray and survive as "Minutes of Meeting to organize Mohegan Tribal Social Club." Nineteen adults (there were no more than 41 Mohegan adults at the time) and a minor child were present.

Harold A. Tantaquidgeon called the meeting to order, he explained how for some time back along he had been thinking it would be a good plan to get something of this kind started as there was enough good material in their little community to get started and organized.

Mr. Tantaquidgeon then called upon Julian L. Harris for remarks. Mr. Harris spoke on several perplexing problems pertaining to the Mohegan Indians.

Mrs. Edyth B. Gray was called next, for remarks. Mrs. Gray first asked Mr. Tantaquidgeon if in organizing this Club, if it would conflict or interfere in any way with the work our Representative on Indian claims (John E. Hamilton) had in hand. Mr. Tantaquidgeon answered not a bit, Mr. Hamilton can go on with his work just the same, in fact when we are organized may be we can be of some help to him, our aim is to do things that need doing, for instance perhaps build a new Stone wall around the Church here, maybe a well, and such things like that.

Mr Everett Fielding was the next to make remarks, after a lengthy discussion, he suggested calling the Club, The Tribal Social Club, the Officers for this new Club were then Elected
Chief or President - Burrill Fielding Sr⁵⁸
Secy - Gladys Tantaquidgeon⁵⁹
Treas - Roland Harris⁶⁰

A motion was then made and seconded that the Elected Officers would appoint their own Committee on affairs in any way connected with this social Club.

Mrs. Gray took the floor again and she spoke of the new developments on the (16 acre) Royal Burial Ground at Norwich, Conn. After her remarks

⁵⁸ Burrill¹ Hyde Fielding, brother of the late chief Lemuel M. Fielding. B.H. Fielding had previously lived in Norwich, but from this time until the end of his life made his residence on Mohegan Hill.

⁵⁹ Gladys Tantaquidgeon worked many years for the BIA as a social worker and on the Indian Arts Council.

⁶⁰ Roland Harris became the first Indian principal of the BIA school at Albuquerque, New Mexico, after a long career in Indian education.

a collection was taken to help finance Mr. Hamilton on doing his research work (MT Orig Pet., Ex. #158; CR, Ex. 11).

After his election, Burrill H. Fielding concentrated on pursuing land claims as well as Mohegan public relations by participating in parades and other public events. In doing so, he seldom appeared alone, but with representatives of all the major Mohegan families. He also served as the sexton of the Mohegan church, a position that continues to be handed down in the Fielding family group. Fielding did some limited work in inter-tribal affairs. For example, he had contact with Mohawks who came to visit the Mohegan "reservation." There is no record that Mohegan council meetings of any kind were held between 1941 and 1966. But there were council meetings immediately before and after this period, with Mohegan from all family groups participating.

Though no formal political meetings were held from 1941 to 1966 that we know of, that were political events which involved a large portion of the community. It was during Chief Fielding's tenure, in 1944, that the political issue of burying a non-Mohegan at Fort Shantok arose. There was great opposition to this on the part of many Mohegan, but it was through persuasive abilities of Chief Fielding, and those of his daughter Loretta Schultz, that the burial was allowed (Austin 1993 FN). This controversy led to the establishment of the Mohegan cemetery committee discussed above.

From the date of this election, Burrill Hyde Fielding was considered by the Mohegan Hill core community to be the one and only "real" chief of the group, and he was so represented by them to outsiders (Scion of 'Last of Mohicans' 1936). Some of the non-resident Mohegan of the Fielding and Storey lines continued to call themselves "chiefs," with English-translated Indian names, and to wear plains regalia on such occasions as the Wigwams (Hundreds of 'Palefaces' 1941). On the occasion of Mohegan participation in the Connecticut Tercentenary, they appeared as part of Fielding's council (MT Response, Ex. 13-2; MT Response 1:107; Strickland OH 1990:2-7). The same was true at the dedication of the Fidelia Fielding memorial in 1936 (MT Response, Ex. 16).⁶¹ Although John Hamilton was the

⁶¹ Tablet unveiled by Winifred Althea Strickland and Pauline Fielding Schultz, little girls of Fielding descent. Lloyd Gray, Groton, will read an Indian service in the Indian language. On various committees [with many non-Indians]: J.R. Skeesucks, John Tantaquidgeon, Lewis Dolbear, Henry Baker, Donald Meech, Roberta

claims representative for the Mohegan, it was B.H. Fielding and Julian Harris who testified before the committee of the Connecticut General Assembly in 1941 (Shepard in Appeal 1941; CR, Ex. 18).

Burrill H. Fielding continued to be publicly identified as chief of the Mohegan until his death in 1952 at age 89 (specific instances being in 1941, 1943, 1946, and 1947) (MT Response 1A:63; MT Response, Ex. 41, Ex. 44; Burrill H. Fielding, Last of Mohegan Chiefs, Dies 1952). To some extent, the quiescence of Mohegan political activity during the later 1940's may have been attributable to his advanced age. Even the supposed tribal meeting held in 1946 cannot be clearly documented, as it is mentioned only in one of John Hamilton's statements during the controversies of the 1970's (MT Response, Ex. 111). Fielding's burial took place at Fort Shantok and more than 100 Mohegan attended (MT Response, Ex. 53; Ex. 256 para. 2; Ex. 250).

The PF concluded that "for the 32-year period between 1935 and 1967, there is only one documentary reference to a meeting of a tribal political body. This was the election of Harold Tantaquidgeon as group leader by the "Mohegan Tribal Council" in 1952" (PF 1989, Historical Technical Report, 4).

Harold Tantaquidgeon. The PF concluded that two secondary references published in 1965 (Farnham 1965) and 1976 (Lo Bello 1976) were the only evidence of Tantaquidgeon's election (Mohegan PF 1989, Summary under the Criteria, 8). The October 3, 1965, article in the Norwich Bulletin, "Mohegans, A Proud Heritage," mentioned, incidental to a display of artifacts from the museum at the Dime Savings Bank, that the items "are from a Mohegan family that has occupied [sic] important position in tribal affairs. Furthermore the items are from a tribe that is still in existence, with Chief Harold Tantaquidgeon having been elected to his post by a vote of the 200 members of the Mohegan settlement that claim Indian descent. He was elected chief following the death of his maternal uncle Matahga, who was chief for many years. Matahka's [sic] anglicized name was Burrill Hyde Fielding, named after a teller at the Norwich Savings Society" (MT Response, Ex. 80-1-2; Farnham 1965).

Mae Schultz, Gladys Tantaquidgeon, John Fielding, EDWIN FOWLER, James Strickland (spouse), Loretta Fielding Schultz, Burrill Fielding, Harold Tantaquidgeon, Julian Harris, Raymond Harris, William Harris (MT Response, Ex. 16).

The 1936 program for the unveiling of Fidelia Fielding Memorial, Fort Shantok, 24 May 1936 adds that guest speaker was Mary V. Morgan Sawyer (MT Response, Ex. 19).

Evidence submitted in the MT Response indicates that there was newspaper coverage of Tantaquidgeon's selection contemporary with the 1952 death of Burrill Hyde Fielding. An article stated that Fielding, who had died the day before, would "probably" be succeeded by Tantaquidgeon, and that Fielding's daughter, Loretta Schultz of Montville, "said election of a new chief will take place at a meeting of the tribe later" (GI in Japan 1952).⁶² Therefore, the following statement in the MT response, based on oral history, does not seem to be entirely valid.

When Burrill H. Fielding died [in 1952], there was no public discussion of who would be the next leader, unless the elders talked among themselves, i.e., Gladys Tantaquidgeon, Loretta Schultz, or people of that generation. There was no tribal-wide election. If the elders decided who should be the new leader, the younger Mohegan, even if they disagreed with the elders' decision, would not challenge the decision" (MT Response 1A:3).

Some public discussion did take place, and the Mohegan who did not live on Mohegan Hill were apparently not in full concurrence with the choice of Harold Tantaquidgeon. If there was a tribal meeting and a formal election (no confirming documentation of such an event was submitted in evidence to the BAR), apparently the members of the Storey family group were not aware of it. An April 29, 1953, article in the New London Evening Day: "Last of the Mohegans; Time Taking Its Toll," reported:

There are still those around New London who proudly trace Indian lineage, but there has been no chief of the Mohegans for nearly a year and the last Green Corn festival was 18 or 19 [sic: the last festival was 1941] years ago.

There is today no active tribal organization in the state, although some with Pequot blood have taken part in Narragansett activities in Rhode Island. . . .

A check with members of the royal family of the Mohegans seems to indicate that tribal organization may fall into disuse, even as the language did 35 years ago.

Chief Burrill Hyde Fielding, 89, died last May 26 and no meeting has been held to choose his

⁶² This contemporary documentation is to be considered more valid than the confusion introduced by later articles which said that Tantaquidgeon became chief while a tail-gunner in World War II (Lo Bello 1976; Lo Bello 1978).

successor, although several members of the family agree it should be done.

He had inherited [sic] the office from an older brother and held it many years. He is survived by a son, Burrill F. Fielding, who perhaps most logically would be asked to lead the tribe, and a daughter, Mrs. Loretta F. Schultz, who has tried to pass on Indian lore and tradition to the nine grandchildren and eight great grandchildren of the old chief. The elder Mrs. Fielding was not of Indian blood.

A sister of Chief Fielding became the wife of John W. Tantaquidgeon, also of Mohegan Hill, Montville, who died April 1, 1949, at the age of 84. Through their two sons and four daughters, there were then 23 grandchildren and 22 great grandchildren. Here again a chief of the blood could be found, although no move has yet been made.

Mrs. Charles Gray of Groton is a first cousin of Chief Fielding, and perhaps the last in that generation so that others in the family take her counsel in tribal affairs. She thought there should be a meeting for election of a chief, and perhaps soon (Walcott 1953; CTAG Response R236).

Whatever the precise circumstances of the choice (no minutes of any formal meeting at which he was elected survive, if they ever existed), Harold A. Tantaquidgeon was generally recognized, both by the Mohegan themselves and by outsiders (Zagoren 1957; CTAG Response, Ex. R258), as chief of the group from 1952 until the election of Courtland Fowler in 1970, or, more technically, until the election of Courtland Fowler in 1980, since the original intent of the 1970 election was to replace John Hamilton as President of the Council of the Descendants of the Mohegan Indians, Inc.--not to replace Harold Tantaquidgeon as chief of the Mohegan. During the 1960's, Tantaquidgeon and Fowler appeared together at representational events (MT Response, Ex. 82; MT Response, Ex. 89). In 1983, when asked who the leader of the Mohegan was, Shirley Walsh identified Harold Tantaquidgeon as the Mohegan leader, long after Courtland Fowler had been elected as the group's representative in 1970 (CTAG deposition).

The role of the chief, as seen by the Mohegan, was to carry out the wishes of the council and members and to represent the group to outsiders (G. Tantaquidgeon 1934). The PF emphasized very strongly the non-political nature of Harold Tantaquidgeon's tenure as "chief" of the Mohegan:

No documentation has been found to show that Tantaquidgeon either presided over or was otherwise involved in a tribal meeting during the years in which he was the designated group leader (1952-1970) . . .⁶³ Although [he] performed certain ceremonial and cultural functions, most often related to the non-Indian community, such as serving as a 4-H and Boy Scout counselor, there is not enough documentary evidence to measure the extent to which he may have exerted political influence or authority over the Mohegan, including a single example of a decision he made which might have affected the entire tribal group (Mohegan PF 1989, Historical Technical Report, 9).

The MT Response elaborated on the discussion of Mohegan leadership presented in the MT Original Petition. It distinguished among Mohegan political leadership, socio-cultural leadership, and ad hoc leadership (MT Response I-A:9-26), presenting extensive amounts of new evidence. It is clear from the new evidence that the comparative lack of overt, formal, structured political activity during the years when Harold Tantaquidgeon was chief (1952-1970) was because he, in cooperation with his sister Gladys Tantaquidgeon, was, in fact, a socio-cultural leader. His lack of interest in holding meetings and taking votes, combined with his disapproval of claims, did create a temporary hiatus in one aspect of Mohegan activity--overt, formal politics.⁶⁴

⁶³ In the oral histories presented in the MT Response, Meryl Heberding recalled that tribal meetings were held at her home in the 1950's--present Gladys Tantaquidgeon, Loretta Schultz, Courtland Fowler, Virginia Damon. From internal evidence, the BAR historian believes that this dating was wrong--that she was thinking of the late 1960's and early 1970's (MT Response, Heberding OH, 3/6/90:4).

⁶⁴ Discussion of the role of Mohegan elders in the political process.

MR. GRINER: That would seem to indicate that the elders of the Tribe in the absence of a formal council acted as a council.

MS. ROBERGE: You always went to them if there was any problem. Like I said before, if there was anything to do with any death or anything like that you always went to the Tribe elders would be my aunt and the Quidgens. We always went to them.

MR. GRINER: And the fact, would the fact then that there may not have been from time to time a formal Tribal Council have stopped all activity of the Tribe?

MS. ROBERGE: No. Because we always got together, And like I said if there was anything going on, if I didn't know anything, I would either ask my aunt or I would go over and ask the Quidgens. I mean it was just taken for granted that that's what you did as an Indian (MT Response, Roberge OH 1990, 13).

During the years when Harold A. Tantaquidgeon was serving as chief of the Mohegans, from 1952 to 1970, he did not become actively involved in overt political activity. He did not participate in the activities of the Council of the Descendants from 1967-1970. When overt political activity became necessary in the view of the Mohegan Hill core community in 1970, Courtland Fowler was the one chosen to oppose John Hamilton. Nevertheless, Mohegan and non-Mohegan continued to address Tantaquidgeon as "chief" until his death in 1989. The New York Times, covering the rivalry between Hamilton and Fowler in 1970, also interviewed Tantaquidgeon, and concluded that a good many of the Mohegan:

are upset about the tribal squabble and they are even more disturbed that much of it has been made public in local newspapers. Some of them would rather forget about the claims than live with the notoriety.

"The country is in enough trouble. That's why I don't like the Indians squawking," said Harold Tantaquidgeon "Let the other people squawk, not the Indians," he added (Forgotten Few Indians 1970).

The PF's description of his role as chief as a primarily socio-cultural leader is correct. In this capacity, Tantaquidgeon had two main goals. First, by emphasizing the indigenous Algonquin traditions, building styles, crafts, and lore so strongly at the museum and in his scouting, 4-H, and other long-term youth work (Cocks 1963), he attempted to create a favorable view of the Mohegan among those who would be the leaders of the next generation of Connecticut citizens (DeMarce FN 1993). Second, he was deliberately putting the brakes on the kind of pan-Indianism that the Mohegan under Hamilton's influence had been sliding into during the 1930's.⁶⁵ A 1971 article on his work stated that, "the chief, a tall, slender man, greets visitors in modern day dress because he believes history is better told if shown in its relationship to the present" (Reed 1971).

As early as 1931, in an article published shortly after the opening of the Tantaquidgeon Indian Museum, while a reporter interviewed Gladys Tantaquidgeon,

⁶⁵ "They didn't like to get politically involved. They wanted to keep their heritage, the older indians [sic] keep as it was, don't get political, help each other, pass on your heritage, make sure each generation knows where they're coming from, who they are related to, be friendly" (MT Response, Cooney-Schultz OH 1990, 11).

her brother sat at his bench shaving down a hickory stave for a bow. All about the little museum, among the relics of an earlier day, were examples of his work--baskets of ash splints, bows, arrows, carved masks and wooden spoons and paddles. Harold Tantaquidgeon teaches Indian arts and crafts to the school children of the state, so that they may learn to know the work of the eastern Indian and to differentiate it from the Plains Indians' handwork [emphasis added] (Mohegan Indian Girl 1931).

Tantaquidgeon was widely recognized by outsiders as an authority on Mohegan history and artifacts, as indicated by a letter addressed to him in 1939 by Edward W. Toole of Bridgewater, Massachusetts, asking about the antiquity of a Mohegan mortar and pestle described by Frank G. Speck and asking for the mundane identity of "Chief Peegee Uncas" mentioned in the Christian Science Monitor (Toole 1939). His reconstructions of the eastern long house and other Algonquin buildings in the rear of the museum and his public appearances wearing the traditional beaded vest and roach (headdress made from a deer's tail) rather than western-style Indian regalia were designed to reinforce his belief in the importance of maintaining Eastern Algonquin traditions.

The question of the chief's role was addressed by anthropologist Ann McMullen in a response to the PF. While concurring with the PF's analysis of the function of the chief as such, McMullen insisted that the PF took it in isolation from the context of the group:

In discussing the twentieth century, the BAR's report rightly questions the authority of Everett Fielding, Burrill Fielding, and Harold Tantaquidgeon who "led" the Mohegan from the 1930s to the 1960s. Given the Council's power, we should not expect any examples of the "chief's" authority; the chief acted largely as a figurehead. John Hamilton, who did try to exert individual political power and authority during this period, was ignored and later repudiated by the Mohegan. Otherwise, the chiefs did function, as the BAR's report suggests, on public occasions and in ceremonial and political functions. . . While those elected chief had little authority, they were respected men who represented popular points of view (McMullen 1990).

Harold Tantaquidgeon concentrated on efforts to promote a positive Mohegan identity. Unlike Fielding, Tantaquidgeon

showed no real interest in pursuing land claims. In fact he was quite opposed to seeking compensation for lands lost on the grounds that it might make bad relations with his non-Mohegan neighbors. His opposition to land claims may go back as far as his father, John W. Tantaquidgeon, who did not sign the 1901 Kansas land claim with the other Mohegan, even though he was an adult at the time. Most of the Tantaquidgeon family today is still opposed to pursuing land claims (Austin 1993 FN). This is a very natural outgrowth of Tantaquidgeon's stress on maintaining positive relations with non-Mohegan neighbors in Uncasville. Whenever land claims suits were announced, the non-Mohegan of Uncasville expressed concern over the possible loss of their land for which they had titles. This became a crucial point in the change of leadership in 1970.

Harold Tantaquidgeon's role as a Mohegan leader (along with the work of his sister, Gladys Tantaquidgeon) was centered on his work through the Tantaquidgeon Indian Museum, which he built with his father in 1931. This institution was used for the dual purpose of teaching non-Mohegan about Mohegan culture and history to local non-Mohegan and to train the next generation of Mohegan leadership. In his work as a leader in the local Boy Scout council, Harold gave Boy Scouts tours of the museum and had cookouts for them at the museum. He also taught Mohegan Indian folklore and crafts at the Boy Scout camp. Harold was also involved with the Mohegan chapter of the 4-H Club. It was comprised mostly of Mohegan girls, and met at the museum on a weekly basis. Because of the meeting place at the museum on top of Mohegan Hill, the 4-H Club was known as the "Hilltoppers." He also taught the 4-H Club girls about Mohegan culture and history. These efforts were aimed at promoting an historically accurate image of and appreciation for Mohegan culture (Austin 1993 FN).

In addition to these educational activities with non-Mohegan, Chief Tantaquidgeon led the Mohegan to participate in public events such as parades in Norwich, New London, and Montville, and the opening of the Mohegan-Pequot Bridge in 1967, and the Norwich Tercentenary in 1959. As with Chief Fielding before him, Tantaquidgeon did not participate in these events on his own, but led the Mohegan to do so as a group, always seeking to have a balanced representation of all Mohegan family groups present (Austin 1993 FN; DeMarce 1993 FN; MT Response, Ex. 1:27, 212; OH 1990, 10; Thornton 1967). It was Harold, and his sister Gladys Tantaquidgeon, who lobbied to have the name of the bridge across the Thames River changed to the Mohegan-Pequot Bridge (Austin 1993 FN).

Harold Tantaquidgeon, and his sister Gladys Tantaquidgeon, served as Mohegan cultural custodians, teaching young

Mohegan about their own culture. While they taught Mohegan from all of the family groups who visited the Museum on Mohegan Hill, most of their efforts at training young Mohegan were aimed at those in the Fielding family group. This might be expected since, as indicated above, the Mohegan chiefs had always come from this family. For example, at the museum, he taught Donald Strickland, Lawrence Schultz, and Ernest Gilman, Jr. to perform Indian dances (all from the Fielding line). These men continued to dance at important public events in the Montville area into the 1980's. This is especially significant in the case of Donald Strickland who was forced to move to Georgia because of chronic arthritis. Another leader, Melissa Fawcett, was also trained in Mohegan culture and history through the Tantaquidgeon Indian Museum. As a teenager and young adult, she recalls being taught to lead tours of the museum. She is now the Mohegan tribal historian (Austin 1993 FN).

Harold Tantaquidgeon's influence can be seen in the fact that the Mohegan did not undertake any kind of claims activity whatsoever between his return from the Korean War and 1966, even though two other Mohegan leaders (John Hamilton and Courtland Fowler) were in favor of it. Even as late as 1975, Courtland Fowler, who had been elected chief in 1970, deferred to Harold and Gladys Tantaquidgeon, in their roles as elders, in not actively pursuing claims.

There was little overt or formal political activity on the part of Harold Tantaquidgeon. He studiously avoided anything that might develop into a controversy. He did not leave much of a paper trail concerning his activities as chief. His leadership style was conservative and his activities were mostly oriented toward preparing young Mohegan from the Fielding family group for future positions of leadership, the preservation of Mohegan culture, and the promotion of positive relations with local non-Mohegan. In terms of leadership style and goals for the Mohegan, he served as a point of contrast with another Mohegan leader active while Tantaquidgeon was chief, John Hamilton.

John Hamilton. The issue of Mohegan leadership in the 20th century cannot be addressed effectively without evaluating the impact of the career of John Hamilton (1897-1988) on the group. The youngest son of Alice M. (Storey) Hamilton, he was thus a grandson of Mary T. (Fielding) Storey. After an early marriage which produced one son, he married Olga Miller (non-Indian), who took an active part in his claims work during the 1930's and 1940's. His four grandsons are currently on the MT membership list.

In 1933, he was elected as Mohegan claims representative. It was primarily claims activity that kept the Storey branch

of the Mohegan to some extent involved with the core community on Mohegan Hill. John Hamilton's role in Mohegan affairs was extremely controversial. Any group with a limited population--and certainly in the 1930's and 1940's the Mohegan had a sharply limited population of adults in their prime (41 in 1930 and 47 in 1940)--tends to tolerate a considerable amount of eccentricity on the part of volunteers who are actually willing to work, though in the case of some Mohegan, the tolerance was sharply limited. Neither Harriet Tantaquidgeon (d. 1938) nor Nettie Fowler (d. 1949) would let him into their houses (MT Response, Lamphere OH 1990, 4). Hamilton did work--and hostility to what he did frequently acted as a sort of "burr under the saddle" in keeping his opponents awake, active, and interested in tribal politics.

As a publicist, he was a genius, but he became increasingly autocratic in the last 20 years of his life.⁶⁶ Many of the historical and genealogical claims he and his associate C. Rowland Bishop published in the newspapers during those years were pure fantasy. By 1970, the Mohegan majority had come to regard him as a public embarrassment, irrespective of the merits of his actions--several of which were of substantive importance and have since been adopted as policy by the MT.

Support for and opposition to John Hamilton's initiatives split kin groups down the middle: not only the other Mohegan families, but also his own immediate relatives and the wider Storey line. On June 22, 1976, The Day, New London, Connecticut, published an obituary for Roy Hamilton, brother of John Hamilton. Roy Hamilton, who died at age 81, had lived at 40 Massapeag Side Road, Uncasville, Connecticut, and was a retired service station owner. The obituary claimed, "Mr. Hamilton was the brother of John E. Hamilton, Grand Sachem of the Mohegan-Pequot Indian nation and affiliated tribes. He was a Sagamore, one of the Grand Sachem's councilmen" (R. Hamilton 1976).

About a week later, two of Roy Hamilton's daughters wrote a letter to the editor of The Day saying,

⁶⁶ In 1970, after the Mohegan majority elected Courtland Fowler as chief, Hamilton formed The Confederation of the Mohegan-Pequot American Indian Nations and Affiliated Algonquin Tribes, Inc. (MT Response 1:114 and 1:133; see also MT Response, Ex. 115). Its bylaws, dated September 27, 1970, New London, Connecticut, described John Hamilton as "Grand Sachem," "Supreme Ruler," with "undisputed powers," "sole determiner of citizenship in our nation," and "his is the power to adopt or remove individuals at will into, or from, the Tribal Rolls" (CTAG Response, Ex. R241, 14-15).

We wish to protest and express our dismay over the misinformation included in the obituary of our father . . . In his lifetime he took special care to disassociate himself from the questionable professional Indian stance of his brother, the so-called "Grand Sachem of the Mohegan-Pequot Indians" (Ramabhushanam and Wolfe 1976).

Objecting to John Hamilton's claims activity, they concluded: "Let us set the record straight: Our father was proud of his Indian heritage but 'Sagamore of the Grand Sachem' he was not". (Ramabhushanam and Wolfe 1976).

In 1969, John Hamilton asserted that he started claims work in 1924, when he went to New York (MT Response, Ex. 104-2). There is documentation that on October 7, 1929, an agreement was signed between the Stockbridge and Brothertown and Munsee Indians of Wisconsin with John E. Hamilton of New London, Connecticut, for Connecticut claims (CR, Ex. 67, Ex. 68). Prior to his election as Mohegan claims representative in 1933, he was associated with the earlier work of his aunt, Edythe B. (Storey) Gray, pursuant to the claim for 16 acres associated with the Mohegan Burial Ground in Norwich, CT, 1930-32 (see above). On April 29, 1930, he wrote from Milwaukee, Wisconsin, to Julian Harris: "Dear Cousin Chairman of the Committee. . . . Now, Jul, I will let you know when I am ready to proceed to Connecticut and then you can call a meeting in the church . . ." (DeMarce FN 1993).

John Hamilton was, by some means, selected to be Mohegan claims representative in 1933. A contract exists (probably forged), dated March 25, 1933, between Hamilton and the Mohegan Tribe, according to which he was to represent the tribe in its land claims for 35 years (Wheeler's Exhibit 20a to Filing #247). Jerome M. Griner, attorney for the MT, maintains the purported contract was "pure fraud and sham which is a composite photograph of other forms (plural), and a 'reworked' copy of a contract with the Mohegan Stockbridge Indians of Wisconsin which Hamilton prepared. A document expert is prepared to testify to its fraudulent and false nature" (Griner in CTAG Response, Ex. R241, 24). However, its existence was referred to in a 1935 letter written by Hamilton's wife (DeMarce FN 1933--Hamilton Papers, Office of Atty. Robert B. Cohen). For discussion of a supposed "extension" of this contract in 1977, see (CTAG Response, Ex. R241, 25-26).

Whether the above contract was valid or not, on November 18, 1933, at a meeting of the Mohegan Indians held at the Mohegan Church, John E. Hamilton of Hartford, Connecticut, was elected as agent for the claims work, per minutes taken by his wife (MT Final Response Ex. 19).

Later in his career, he claimed to have been elected at this meeting as Grand Sachem for life (CR, Ex. 3; MT Response, Ex. 10). The document he distributed in the 1960's purporting to prove this election appears to be a composite forgery--the first paragraph added at head of another document by another typewriter, and the signatures apparently copied from another document as well. Indeed, the original minutes of the meeting as taken by his wife Olga Hamilton indicated only: "VOTED: That John E. Hamilton of Hartford, Conn., is the lawful Agent and Representative of the Mohegan Indians and is to do whatever he sees best in their behalf regarding claims, etc., which they may have" (CR, Ex. 4; MT Response, Ex. 10).

It was apparently in 1943, in connection with this claims work, that Hamilton began to use the title of "Grand Sachem" of the Mohegan (MT Response, Ex. 42; CR, Ex. 26)--at least, that is the first time that it appears in his publicity, and it should be noted that two years previously, when Burrill H. Fielding and Julian Harris accompanied him to the State Legislature, he was described only as the Mohegan claims representative (CR, Ex. 18). The 1948 newspaper article which described C. Rowland Bishop as "newly elected sachem of the Mohegans . . . in office for seven years to come" does not seem to have any foundation whatsoever in fact, although Bishop claimed members of the Storey, Fielding, and Baker lines as officers of his group (Uncas Heirs Renew Legal Claim 1948).

Apparently, Hamilton's use of the "grand sachem" terminology during the 1940's and early 1950's was tolerated by the remainder of the Mohegan, although there is no evidence that it was taken seriously by the remainder of the group. From the perspective of the internal governmental structure of the Mohegan, the title of "sachem" was anachronistic and without meaning. "Sachem" had not been used since the 18th century to designate the group's leader: it had been replaced in the early 19th century by the term "Indian overseers" for the Mohegan council as a collective body, and from the early 1900's onward, the term "chief" had been used, as had been the term "president" for the chief officer of the League of the Descendants and the chief officer of the Mohegan Indian Association. In the 1940's, the Mohegan seem to have regarded it as harmless for Hamilton to use the title. Controversy did not develop until the later 1960's, when he attempted to claim authority based upon use of the title.

It must be emphasized that whatever genealogically based claims to leadership of the Mohegan were made by the various parties to the leadership disputes of the 1970's, whether based on seniority of the individual, the seniority of the

individual's mother, being a descendant of the oldest living female in the group, or other supposed "traditions," such assertions were not historically valid.⁶⁷ The opposition groups posed their arguments in a manner that would best promote their political agenda.⁶⁸ At least since the early 18th century, the choice of sachem or chief among the Mohegan was carried out through election from among the descendants of Uncas. As every modern Mohegan is a descendant of Uncas, the issue would have been quite moot, even if that particular tradition had not been abandoned by the tribe in 1769.

⁶⁷ 1974 October 21, letter of Virginia Damon to [Walking Turtle]. "This character on the reverse side of this letter had a news bulletin put on the Norwich radio station yesterday afternoon -- saying that Mary Virginia Morgan Goodman, Frank Harris, my daughter Cheryl, COURTLAND FOWLER and myself were thrown out of the tribe for the terrible things that we have done. And that Courtland was not legally voted in as chief and that he couldn't be, because his mother wasn't Indian. Also, that we were using the Mohegan Church and we were not supposed to be. Of course, they will not let him use it, because he misused it, left their organ turned on and other things. Then Roland Bishop came on and spoke against us and against the Council. They are really doing things up brown. But as far as I am concerned I have just begun to fight. I have called Frank Harris and told his mother, and she was going to tell him . . . (MT Response, Ex. 165).

⁶⁸ The claims of Hamilton's major opponent, his niece Virginia Damon, were no more valid than his own. May 11, 1970, The New London Day, "Indians Plan To Elect New Sachem." "Descendants of Mohegan Tribe will meet at 1:30 Sunday afternoon at Fort Shantok to elect a Grand Sachem who will hold office according to tribal tradition, the elders have announced." Virginia Damon as spokesman for elders "explained tribal tradition calls for a male descendant of the oldest living female member of the tribe to be elected grand sachem. Although the tribe now has John Hamilton of Ledyard as grand sachem, Mrs. Damon said the elders feel he was not descended from the oldest living female in the tribe at the time he became sachem more than 35 years ago." (MT Response, Ex. 124).

Similarly, "Mrs. Damon and several others contended Hamilton did not become sachem according to tribal tradition. Explaining that the right to be sachem is passed on to the male descendant of the oldest living female in the tribe, Mrs. Damon said Hamilton's mother had died in 1929, while Courtland Fowler's grandmother, Mrs. Phoebe Fielding Fowler, was alive in 1933 and was born two years before Hamilton's mother. Mrs. Damon also said a sachem is not elected for life, but only for as long as the tribe approves of his conduct" (Andrews 1970b). December 12, 1974, letter of Virginia Damon to the editor in regard to article in December 7, 1974, Norwich Bulletin by Charles Roland Bishop "who calls himself 'Wounded Wolf' concerning the ancestry of the tribally elected head man of the descendants of the Mohegan Tribe of Native American Indians, in which he said that this duly elected chief is not an Indian." "This is the same Bishop who a few years ago gave the Norwich Bulletin a picture of his mother's sister, Mary Estella Story, and represented it as a picture of his grandmother, Mary Fielding Story" and misrepresented her career (MT Response, Ex. 167).

Throughout his career as Mohegan claims representative, much of Hamilton's attention was devoted to raising funds to pay his expenses in the title research he was doing, his trips to Washington, D.C., etc. His 1935 conflict with Tantaquidgeons over claims is discussed extensively above in the section on the election of Burrill Hyde Fielding as chief). His use of the money he obtained from donations and from the 1941 Wigwam Festival was to be a perpetual sore point with other Mohegan, and would eventually be a contributing factor to the major factional split that took place in 1970 (MT Response, Strickland OH 1990, 5). At the same time, his correspondence and that of his wife Olga with his aunt, Edythe B. Gray, during the mid-1930's, while mainly concerned with the claims process (CR, Ex. 6; CR, Ex. 7; CR, Ex. 8; CR, Ex. 9),⁶⁹ indicates that they were also aware of numerous family health and welfare issues that crossed kinship lines.⁷⁰

Hamilton's intervention in the Wigwam tradition in 1935 and 1941, discussed more extensively above under Criterion b, displayed a basic difference of opinion between two groups of Mohegan. The Mohegan Hill group perceived the Wigwam as an undertaking by the core community and for the benefit of the Mohegan Congregational Church. Hamilton and his allies

⁶⁹ January 1, 1934, letter to Dear Aunt Edith from Jack and Olga. "We forgot to tell you while you were at the house that a short while ago it was mentioned to us that if money was needed by the Mohegan descendants to promote this claim of ours that Hattie Tantequidgeon in Mohegan could easily obtain \$200. if she wanted to. help this matter through. She would be a good person to approach personally regarding the matter of her helping financially . . . (BAR Files).

December 22, 1934, to Dear Aunt Edith from Olga Hamilton. Jack, as the representative of the Mohegan Indian descendants, has discharged Attorney Barnes & that the law firm of Shipman & Goodwin is representing us now. Geo. Pitcher & Son are also out of it. Hearing held Friday Dec. 21 before Judge Peasley in the New London County Superior Court in Norwich (BAR Files).

⁷⁰ On February 26, 1935, Edyth Gray addressed "Dear Burrill: & Chief," saying, "Mr. Raymond Baker brought me the money that you had collected. I receive a weekly report from Mr. Hamilton. Sorry to hear of Hattie Quidgeon being so ill. And Gertrude [Harris] poor soul, must be very weak and sick" (BAR Files).

Olga Hamilton, on March 15, 1935, wrote to Edyth Gray mentioning a money order for \$6 that Mrs. Gray had sent and that "Jack" (John Hamilton) had gone to Norwich the previous Monday to search titles and had met Atty. Barnes, who said the firm of Shipman and Goodwin was now handling "our claim." Barnes asked about the dealings with Pitcher. After mentioning a Mr. Joy who was aiding the title search, Olga added that Julian Harris had spent the day at their home, and said his mother as well as Hattie Quidgeon were feeling much better. "We have not heard from Almira as yet, hope Olga Douglas is coming along nicely, Aunt Laura, Uncle Will, Aunt Eve. Enclosing a report on the balance on hand" (BAR Files).

saw it as a chance to use an old tradition as a fund-raiser for his claims work and pan-Indian activities (Gray 1941c; CR, Ex. 18; CR, Ex. 14; CR, Ex. 19; CR, Ex. 20; CR, Ex. 32; CR, Ex. 33; MT Response, Ex. 135R; MT Response, Ex. 202).

The 1941 Wigwam was not the end of his claims fund-raising among the Mohegan.⁷¹ As time went on, many Mohegan became increasingly irritated that the money they invested in claims work was not bringing any returns.⁷²

The MT Response stated that from 1941 through 1949, Hamilton was at the Connecticut State legislature every other year as agent of the Mohegan (MT Response 1A:52). In fact, this series of petitions possibly began in 1939 (Mohegan Indians Describe Territory 1939) and continued through 1953.⁷³

⁷¹ Undated typewritten flyer, from John E. Hamilton, Representative Mohegan Indians, 22 Arnold St., Hartford, Conn. "To all lawful members and descendants of the original Mohegan tribe of Indians of Connecticut: Greetings:" Land claim. Attorney is Major Case. Needs a working fund of \$1000 raised by July 15, 1943. Also Emergency Incidental Fund, \$1.00 per week from each individual. Handwritten: Edythe Gray, Burrill Fielding, Julian Harris, Raymond Harris, Gladys Tantaquidgeon, Harold Tantaquidgeon, Loretta Fielding Schultz.

⁷² Letter dated August 11, 1950, Norwich, Conn. from Raymond Baker to Major Ralph H. Case, Washington, D.C. on Mohegan-Pequot claims. Royal Burial Grounds. "Mr. John E. Hamilton has been handling for us for over twenty (20) years and to date he has not made any progress. Quite sometime ago he gave us to understand that he had taken the matter up with you . . ." He understands that time is running short for Indian Claims. "Mr. Hamilton doesn't seem to be very dependable - we have not seen him or heard from him for a long, long time. Have you seen him recently?" (BAR Files).

⁷³ New London Day, "Mohegan Indians Claim Land in Three Counties" May 6, 1941 (MT Orig. Pet., Ex. 246). Hartford Courant, May 7, 1941, petition signed by 18 Mohegan [names not listed] presented to state senate asking for \$50 million; referred to Judiciary Committee (CR, Ex. 17).

May 15, 1941, "Shepard In Appeal For Settlement of Indian Claims," Hartford Times. "Julian L. Harris, Norwich and B. H. Fielding, Norwich, both full-blooded Mohegans, addressed the committee briefly in support of the claim (CR, Ex. 18; several other 1941 articles in CR, Ex. 17 and Ex. 18). Hamilton referred to as president of NAIDA. In 1941, Marion Capwell was with him (MT Response, Ex. 72).

1943, Hamilton was at the Connecticut State Legislature with bill of particulars (MT Response, Ex. 40, 42, 43). Act, Connecticut General Assembly, January Session, 1943 (CR, Ex. 28). Unfavorable report announced April 28, 1943 (CR, Ex. 29).

Hartford Times, February 18, 1943, "Indians' Plan to Sue State Runs into Cool Reception," newspaper article on request for permission to sue: Mrs. DeLana E. Bishop, Boston; John E. Hamilton, Hartford; Roland Bishop, Groton, former Lt. Gov. [Odell Shepard], honorary Mohegan chieftain; Mrs. Edith Gray, Groton; Mrs. Hamilton (spouse). John E. Hamilton, grand sachem of the tribe and president of NAIDA (CR, Ex. 26).

From 1953 until 1966, while John Hamilton was "out west," Mohegan claims activity was at a much lower ebb, but did not disappear entirely.⁷⁴

"J.E. Hamilton, Scion Of Mohegan Tribe, Is Authority on Indians," unidentified article with photo of Hamilton, handwritten date 1943 (BAR Files). Photo with Burrill Fielding, John E. Hamilton, Princess Winona [Edyth B. (Storey) Gray], CORTLAND FOWLER, Lloyd Gray, Raymond Baker, Rowland Bishop; captioned "Old controversy is renewed as descendants of Connecticut's Mohican Indians ask Legislature's Judiciary Committee for permission to sue state to recover funds Indians allege are due them from loss of tribal lands" (CR, Ex. 27; copy in BAR files hand-dated 1949). Calls him chief sachem of the Mohegan tribe, Chief Rolling Cloud. Mentions Hamilton's mother Alice Story Hamilton, Princess Bright Star; grandmother, Mrs. Tracy Fielding Story, a well-known actress. "Mr. Hamilton, who works in the office of Plant Mgr. Norman Wright, . . ." (CR, Ex. 27).

Article, Hartford Times, March 16, 1943: "Hamilton Will Press Claims Of Mohegan For Seized Land" (CR, Ex. 16). "Hamilton said he was acting as the legally authorized representative of the approximately 200 Mohegans now living" - 800 square miles based on sequestered lands and Uncas deed (CR, Ex. 16).

About 1946-47, Hamilton supposedly contacted the Indian Claims Commission (MT Response 1:122; MT Response 1A:21) See MT Response, Ex. 111. The actual letter and reply are missing. Raymond Harris of Norwich, CT, was secretary of the group at that time and kept minutes (also missing).

1949 Hamilton at the CT legislature re land claim. Bill introduced by Rep. Shapiro (MT Response, Ex. 49). Article, Norwich Record, Sunday, 6 March 1949, "Norwich City Court Given Jurisdiction to Hear Eviction Cases; Mohegan Indians Are Seeking Damages From State For Land" (CR, Ex. 30). Article, New London, Conn., Evening Day, hand-dated 7 March 1949, "To Hear Proposal To Compensate Indians for Land" (CR, Ex. 30).

1951 Hamilton at the CT legislature re land claim (MT Response, Ex. 52). April 5, 1951, Judiciary Committee. John E. Hamilton, Indian Association of America. HB 783 (CR, Ex. 31).

April 6, 1951, New London Day, "Mohegan Indians Plead for Decision on Lands Taken by White Settlers" (MT Orig. Pet., Ex. 147).

Undated newspaper clipping, "Mohegans Ask Right to Sue State for Land. Individual Owners May Be Hit If Legislature Refuses Relief" (CR, Ex. 13). Bill presented by Sen. Perry T. Shafner to New London to the judiciary committee of the General Assembly. Atty. [George J. Sherman] of Hartford. John E. Hamilton of Hartford, President of NAIDA; Wounded Wolf also known as Rowland Bishop; Chief Fleetfoot and his mother, Princess Winona, known respectively as Lloyd Gray and Mrs. Edith Gray. All are from Groton (CR, Ex. 13).

Undated newspaper clippings, "Indian Descendants List Lands 'Taken' by State" and "Mohegans on Warpath Armed With Bill Against State" (CR, Ex. 19). The first refers to John E. Hamilton of Hartford, grand sachem of the Mohegan Indians and president of NAIDA; the second refers to "the tribal legal representative, John E. Hamilton of Hartford." The second also mentions he has written to Senator Joseph McCarthy of Wis.

⁷⁴ 1954 letter from BIA to Courtland Fowler about land claim of Montauk and Mohegan Indians (MT Orig. Pet., Ex. 36; MT Response, Ex. 55).

Hamilton's niece Virginia Damon stated that in 1956, she received a letter from Hamilton [out west?] asking for money for the land claim

Hamilton returned to Connecticut in 1966. The year before, he had written from California that he was going to Washington, DC on "the case" (MT Response, Ex. 78). On April 22, 1966, he wrote from Los Angeles to his nieces, Virginia Damon and Beatrice Labenski, to say he was coming back east (DeMarce FN 1993).

Political Leadership and Organizations: 1966 to 1980.

Formation and Activities of the Council of the Descendants of the Mohegan Indians, Inc., 1966-1969. By the autumn of 1966, John Hamilton had returned to Connecticut and had once again become active in attempting to organize the Mohegan for claims activity. On November 6, a meeting of the Mohegan Indian Descendants Committee, Pro Tem, was held at the "Mohegan Indian Church" in Montville. Officially, the meeting had been called "for the purpose of nominating and electing to office additional members of said tribe to be added to the committee . . . elected in 1933 . . . to further the progress of the land claims . . . by John E. Hamilton."⁷⁵ The typed minutes included after his name the titles "Chairman and Grand Sachem and Legal Representative of the Mohegan Tribe of Indians"--the handwritten notes upon which the minutes were based omitted these titles. Roberta Cooney stated that the Mohegan were "happy to see that a group was forming again to pick-up this land claim, heritage, whatever" (MT Response, Cooney-Schultz OH 1990, 12), but her brother Lawrence Schultz specified that though the "younger generation was happy to see the thing kind of opening up again," the "older people still warned you to watch out for Hamilton" (MT Response, Cooney-Schultz OH 1990, 13). Larry Schultz continued:

work (MT Response, Damon OH 1990). Hamilton was not away from Connecticut for this entire period of time: in 1948 he wrote to Albert A. Grorud from Hartford, Connecticut (Hamilton 1948).

In 1962, Marion Capwell wrote to her sister, Beatrice Labenski, saying that she did not trust C. Rowland Bishop, and that John Hamilton could do nothing about the land claim without her coaching and mentioned some intrafamily rivalries (MT Response, Ex. 71); in 1963, Marion Capwell asked her niece Virginia Damon to carry on with the land claim (MT Response, Ex. 72).

⁷⁵ Postcard notice of meeting sent to Mary Virginia Morgan, October 28, 1966 (MT Response, Ex. 81). Mentioned in minutes: James Strickland. The following persons were elected to the committee: Chairman and Grand Sachem, John E. Hamilton. Officers in addition to Hamilton: COURTLAND FOWLER, Vice Chairman; Carleton Eichelberg, Recording Secretary; Virginia Damon, Asst. Recording Secretary, Loretta Roberge, Gladys Tantaquidgeon, Harold Tantaquidgeon, Mary Virginia Morgan Goodman, Historian; BEATRICE ENGELGAU, Philip Gray. Typed minutes include Loretta Fielding Schultz of the original committee (BAR Files).

Like we said earlier, the older indians [sic] didn't want to get into this political thing. In a way, thank G-d that he's kept things open. Otherwise there wouldn't be today, I don't think. I really don't think so. I think if it was up to my Grandfather or my mother or something like that I think they would have fear of politics. They would have back [sic] away from it. I really think so (MT Response, Cooney-Schultz OH 1990, 13).

The new organization was to supersede all other committees, "whose members are now deceased."

The Committee Organization will be known from now on as "The Council of the League of the Descendants of the Mohegan Tribe of Indians of Connecticut. This committee is to supersede all previous committees, except the one organized in 1933, which is now known as "The Council of the League of the Descendants of the Mohegan Tribe of Indians of Connecticut." The previous organization and its standing is still in full force and effect. The Indian committee was appointed and elected to their respective office by unanimous vote ((MT Response, Ex. 81; BAR Files).

In later years, Hamilton circulated a document dated December 16, 1966, which purported to indicate that his status as Grand Sachem had been recognized by the tribal council. It was the last page of some kind of contract with the following typed in at the top [prior line was off the top of the page and did not reproduce]: ". . . to represent the Mohegan Indians in their affairs in general . . ." (CR, Ex. 35).⁷⁶

⁷⁶ Signed by Chief Rolling Cloud, Grand Sachem, and the Grand Council Committee of the Mohegan Indians, authorized by the people to act in their stead. Chief Rolling Cloud (*John E. Hamilton*), COURTLAND E. FOWLER (Chief Little Hatchet), BEATRICE ENGELGAU (Princess Teecommewas); *Beatrice E. Labenski* (Princess Evening Star), CARLISLE FOWLER (Chief Little Bear). Wit. Robert Edmond; notary Theodore T. Wissnewski Sr. (CR, Ex. 35).

From documents in possession of Virginia Damon, this would seem to be Hamilton as Grand Sachem with the Headmen and Grand Council committee adopting Courtland Fowler's foster daughter Betty Ann Percy into the Mohegan tribe (DeMarce FN 1993). The document in its present form was apparently one of Hamilton's fabrications: the actual last page of the "adoption" done on this date in 1966, combined with a sentence from a resolution taken a couple of years later.

After an interval of some months, on August 6, 1967, Hamilton formally organized the Council of the Descendants of the Mohegan Indians, Inc. (MT Response, Ex. 86). At this time, there were no members from either the Tantaquidgeon or the Baker family groups, while the Storeys, Fieldings, and Fowlers were well-represented (MT Response, Ex. 85; see also MT Response, Ex. 84).⁷⁷

According to the bylaws, dated November 25, 1967, the purposes of the Council of the Descendants were to:

promote and advocate a better understanding toward the Mohegan Indians, to preserve their arts and crafts, their culture and their traditions, to defend and protect their ancient property rights, treaty rights, agreements, executive orders, and their lands and funds and to do any and all lawful matters and things that may occur from time to time for the best interest and protection of all descendants of the Mohegan Indians (MT Response, Ex. 86, para. 2; also MT Response, Ex. 87-1; CR, Ex. 73?; CTAG Response, Ex. R241, 7).

Minutes of the organization indicate, however, that Hamilton's primary focus was, as usual, funding for claims activity.⁷⁸ By 1968, Hamilton had attracted to membership

⁷⁷ 1967 August 8, New London Day (MT Response, Ex. 84). Says Council of the League of Descendants of the Mohegan Indians voted to change its name to Council of the Descendants of the Mohegan Indians. Met Sunday at the home of Virginia Damon, Niantic. Grand Sachem John Hamilton of Hartford elected president. Vice President, Mrs. Mary V.M. Goodman, Secretary, Mrs. Damon; treasurer, Lawrence Schultz; Assistant Secretary, Mrs. Mildred Chapman; Assistant Treasurer, Mrs. Cheryl Harris; Board of Directors: Mrs. Loretta Schultz, MRS. BEATRICE ENGELGAU, Mrs. Faith Davison, Mrs. Loretta Roberge, Mrs. Beatrice Labenski and Donnell Hamilton. Bylaws at next meeting, Aug. 27 at Mrs. Damon's home.

COURTLAND FOWLER listed as director and Donnell Hamilton omitted on legal report. John E. Hamilton, Sachem; Virginia H. Damon, Cheryl I. Harris. Hamilton res. Niantic, CT. VP Mary V.M. Goodman, Noank and Virginia H. Damon, Niantic. Sec. Mildred Chapman, Waterford; Asst. Treas Cheryl I. Harris, Niantic; Treas Lawrence Schultz, Uncasville; Directors Loretta Schultz, Norwich; BEATRICE ENGELGAU, Uncasville; Faith [Damon] Davison, Niantic; Loretta Roberge, Uncasville; Beatrice Labenski, Waterford; COURTLAND FOWLER, Uncasville (MT Response, Ex. 85).

⁷⁸ November 25, 1967, Council of the Descendants minutes (Mohegan Indian Church). 13 persons present. COURTLAND FOWLER elected to make the 12th member of the Board of Directors. John Hamilton to go to Hartford with the incorporation papers. \$50 contributed by Mary V.M. Goodman, Roberta Cooney, Mildred Chapman, Virginia Damon, Beatrice Labenski, Courtland Fowler, COURTLAND C. FOWLER, CARLISLE FOWLER, BEATRICE ENGELGAU, G. RALPH ENGELGAU, Sharon Damon, Christine Murtha, Lawrence Schultz; pledges from Faith Davison, Cheryl Harris (CR, Ex.

representatives of several Mohegan families living away from Mohegan Hill that had been inactive in Mohegan affairs for the past three decades.⁷⁹

The Council of the Descendants was not coterminous with all persons of Mohegan birth or even with all members of the community. It was a dues-paying corporation. In addition to the categories quoted below, it allowed for life memberships for \$25 and associate members (non-Mohegan interested persons). It provided that associate members, contributing members, and life members should have the full right to participate in all meetings of the Association but without the right to vote (CTAG Response, Ex. R241, 11). In spite of this provision, minutes of the Council of the Descendants meetings do show that persons other than Corporate Members as defined in the bylaws both made motions and voted (MT Final Reply I:78 citing MT Response, Ex. 104-3).

MEMBERSHIP

Descendants of the Mohegan Tribe of Indians contributing annually at least One Dollar (\$1) may be come [sic] a member of this Association.⁸⁰

71).

October 4, 1968. Postcard notice to Loretta Roberge and family, New London, CT, from John Hamilton re third General Council meeting at the Mohegan Indian Church, Montville, CT, Sunday, Oct. 20, 3:00 p.m. To discuss: land claims, bylaws, cemetery, selling parsonage land for the benefit of the church. Supper afterwards (MT Response, Ex. 91-1-2).

October 20, 1968. Minutes of Board of Directors meeting (MT Response, Ex. 93-1-4).

November 17, 1968. Minutes of council meeting. John Hamilton opened with moment of silent prayer for Delana Bishop who passed away this past week at age 88. Roberta Cooney, Treas. Discussion of funding and land claims (MT Response 95-1-3).

⁷⁹ September 22, 1968, minutes, officers and Board of Directors of the Council of Descendants of Mohegan Indians, Inc." Met at home of Mrs. Milton Heberding. Purpose to discuss the next council meeting to be held at Mohegan Church, fund-raising, land claim. Election of following to Board of Directors: Charles Harris, Pawtucket, RI; Olive Harris Coderre, Pawtucket, RI; Emma Harris Gucfa, Pawtucket, RI; Albert Baker (MT Response, Ex. 90-1-5).

⁸⁰ 1968-69 receipt books with dues-paying membership for the Council of the Descendants and contributions to the working fund.

First book: Loretta F. Roberge, Gwendolyn Adams, Christine (Damon) Murtha, Cheryl (Damon) Harris, Beatrice Labenski, Mrs. Jerolyn Fink, Mrs. Emma Gucfa, Sharon Damon, Charlene E. Harris, Joan R. Harris, Charles E. Harris, Philip Gray, Frank Harris, Donnell Hamilton, Olive Harris Coderre, Carol Labenski, Charles C. Harris, E. DAWN (FOWLER) PLANTE, Stanley Cholewa, Donald Cholewa, Mrs. Mary Ann Rubino, Ethel (Baker) Dziedzic, John Baker, Florence Rundell, Elmer Fielding, Jr., Mildred Chapman, Lucy Kerwin, Mary V. Goodman, Albert A. Baker, William

CORPORATE MEMBERSHIP

The Corporate Membership shall consist of the following persons: the survivors of the original incorporators of the organization. The present members of its Executive Officers and such other persons as may from time to time be added to the forgoing in the manner hereinafter provided.

VOTING POWER

The Corporate Members and they alone, shall have the right to vote at meetings of the association At no time, however, shall the number of corporate members exceed twelve (12) persons. Six (6) Corporate Members, present at any meeting of the organization shall constitute a quorum (CTAG Response, Ex. R241, 11).

Nonetheless, the Council of the Descendants was inaccurately referred to in newspaper articles as a Mohegan tribal council:⁸¹

Montville, 70 Mohegan Indian descendants attended the second "tribal council" held by the Council for Descendants of the Mohegan Indians Sunday at the Mohegan Congregational Church, Uncasville. Hartford Attorneys George Sherman and Jerome Griner briefed those attending . . . Grand Sachem John Hamilton, also president of the NAIDA, . . . (70 Attend Tribal Council 1968; CR, Ex. 25 and Ex. 37).

Some of the headlines were fairly sensational: "Indians ready to 'Fight' for State Territories;" others more sedate: "Mohegans Ask Pay For Indian Lands" (Mohegans Ask

Coderre, Meryl Fielding Heberding, Lawrence T.V. Schultz, Loretta P. Schultz, Roberta Cooney, COURTLAND E. FOWLER, [illegible], Beryl Fielding Plante, Edith Strickland Fitzpatrick, [Joseph E. Zimmer], Mrs. Laura Marshall, S. Sgt. Robert J. Marshall, Mrs. John L. Marshall, the Hamilton Family, [illegible] Fielding LaVigne, [illegible] E. LaCroix. Second book, additional names only: Mitchell, Stephen, Donald, Joseph, Walter, John, Phyllis, Victor, Robert Cholewa; Stanley, Linda, Patricia, Anthony, Judy Cholewa; Mrs. Beryl J. Austria, Ronald G. Coderre, DANIEL III AND DARA ENGELGAU, KRIS DEE, THOMAS AND RICKY WATT; Carol, Thomas, Linda, Christopher, Katherine, and Daniel Plante; Richard, Vivian and Wayne Plante; Mrs. Marie Fielding Gellner; Carleton Eichelberg, Everett Eichelberg.

⁸¹ Possible minutes for the meeting of September 10, 1968 [date illegible]. Says 100 descendants present. Mentions John E. Hamilton, Charles Harris, Mrs. Beatrice Labenski, Mrs. Meryl Heberding, Mrs. Virginia Damon and Albert Hamilton (CR, Ex. 72).

Pay 1968).⁸² When Hamilton moved beyond the claims issue, however, he began to step on other Mohegan's toes. At the Council meeting on September 22, 1968, it was moved by Lawrence Schultz and seconded by Courtland Fowler that the next Council meeting be held Oct. 20 at the Mohegan Church. Courtland Fowler

brought up the fact that the Mohegan Church would like to sell parsonage land, so that repairs could be made to the church. This will be openly discussed at next Council Meeting, Oct. 20th, as the land the parsonage is on is still tribal land; and all descendants would have to be willing to sign over property (MT Orig. Pet., Ex. 228, 2-3).

A committee was appointed for the Fort Shantok cemetery at the same council meeting.⁸³

Hamilton called a Special General Council Meeting to be held at the Mohegan Indian Church, Montville, Connecticut, October 20, 1968 (CR, Ex. 73), for the purposes of raising funds for the land claim, to discuss the cemetery, and discuss sale of parsonage land to benefit the church (MT Response, Ex. 91). Several persons were added to the Board of Directors.⁸⁴ This meeting passed a resolution

that the Mohegan Indians do hereby elect, appoint and authorize John Hamilton, president and Grand Sachem of the Mohegan Indians, and the Secretary and the Treasurer of the Association, to act in our stead, with full power and authority to sign the lawyers contracts; and to do any and all other matters and things pertaining to our land claims,

⁸² September 11, 1968, Norwich Bulletin, "Map Basis of Claim." Photo of Grand Sachem John Hamilton, president of the Council for descendants of the Mohegan Indians, and Mrs. Olive Godere. . . . "The council has approximately 300 members directly descended from the Mohegan tribe" (CR, Ex. 36).
⁸³ September 13, 1968 (hand-written Hartford Courant, hand-dated), "The Last Mohegans Ask Payment for Land." "At a recent meeting in Montville at the Mohegan Congregational Church, some 100 descendants of the Indian tribe held a council . . . hoping to win public support in getting payment for land long since lost to them" (CR, Ex. 37).

⁸³ John Hamilton, COURTLAND FOWLER, Loretta Schultz, Bea Labenski, Lawrence Schultz, Loretta Roberge, Meryl Heberding, Roberta Cooney (MT Orig. Pet., Ex. 228-4).

⁸⁴ Olive Coderre, Emma Guca, Charles Harris, Al Baker, Philip Gray, [Jo Ann Rogers]. Motion to accept was made by Lawrence Schultz and seconded by Jerolyn Fink, neither of whom were Board members (MT Orig. Pet., Ex. 229-1).

and all other matters and things connected with our general welfare (CR, Ex. 38; MT Orig. Pet., Ex. 229-4; signed by Loretta Roberge, Secretary, Council of the Descendants of the Mohegan Indians, Inc.).

At the October 20, 1968, meeting, a resolution was made by Charles Harris, seconded by Olive Coderre, and approved by the Board, to give three officers, the President, Secretary, Treasurer, the legal power "to sign all papers and contracts and all other matters pertaining to our welfare" (MT Orig. Pet., Ex. 229-1). By 1970, Rowland Bishop interpreted this resolution to mean that on October 20, 1968, "the tribe of the descendants of Mohegan Indians released all of their tribal powers to the grand sachem to represent them in all matters and they made two of their members to act in their stead to cooperate with the grand sachem on these matters. This was a tribal appointment and took all power away from the existing organization called the Descendants of the Mohegan Indians Inc." (Andrews 1970a; MT Orig. Pet. 148-3).

By late 1968, some Mohegan were becoming disillusioned with Hamilton's approach. The minutes of the December 1 Council of the Descendants meeting include discussion of the possible sale of the church parsonage:

Laurence Schultz wanted to know if this definitely wasn't suppose to be in the hands of the Church Building Committee. Virginia Damon said this matter was settled at the last meeting. Mary Goodman wanted to know who put the property up for sale, and put it in the hands of a real estate agent. Carlton Eichelberg a member of this council and also on the Church Building Committee said that in 1965 the then Rep. Barnes introduced a bill in legislature and which was passed on May 12, 1965. The bill authorize[d] the sale of the parsonage land and the money to be used for church repairs. Mr. Eichelberg also said it was up to the Church Building Committee to do all the research, drawing up papers and anything else that had to do with the property (MT Orig. Pet., Ex. 231-1; see CTAG Response, Ex. 260 for a copy of the bill).

Mary Goodman also brought up the matter that there should be no private meetings and to be careful of what is said and also not too much publicity in the papers as we want to have a little dignity in the Indian Land Claims this time and not be held

to ridicule (MT Response, Ex. 96-1-3; MT Response, Ex. 249).

Hamilton did not react well to opposition. On April 18, 1969, the New London Day reported that, "The Council of the Descendants of the Mohegan Indians Inc. will meet Sunday at 2 p.m. at the Mohegan Congregational Church to discuss plans to go before the federal Indian Claims Commission to seek compensation for land they claim was illegally taken from them in Colonial days" (Mohegan Descendants to Discuss 1969).

At an April 19 [1970] meeting of the tribe at which Griner outlined the progress of the claim, Mrs. Damon complained the tribe had contributed \$650 to help pay legal costs of the claim but had never been informed of the lawyer's progress on the claim. She and several other members said then they would not contribute further to the claim action until there was better communication between the grand sachem and lawyer and the tribe (Andrews 1970a).

A follow-up article on April 21 featured a photograph of Hamilton in a plains-style headdress: it called him grand sachem of the Council of the Descendants of the Mohegan Indians (estimating that there were about 300 descendants) and president of the American Indian Defense League. It indicated that he intended to take the case to the U.S. Claims Commission, although he was aware that the 1951 deadline had expired (Mohegan Indians Seek Hearing 1969; MT Response, Ex. 100). Hamilton's excuses for lack of progress and pleas for funds continued throughout the spring of 1969: it was at the May 18 meeting that he referenced a supposed 1946 letter from the BIA that had not been located and said that Mrs. Raymond Harris had no papers and that Gladys Tantaquidgeon had no papers that would be of help (MT Response, Ex. 102-1; MT Response, Ex. 102-2; Indians Seek Funds 1969; MT Response, Ex. 105).

A crisis erupted at the June 29, 1969, annual meeting of the Council of the Descendants, with an attempt by Hamilton to pack the board with his supporters for a term of five years (MT Response, Ex. 104-1-3). The minutes reflect the confusion.

Letters from attorneys George Sherman and Griner on land claims were read. Hamilton said he had been working on claims since 1924 when he went to New York, and in 1943 had located the possibility of a lawyer, Major Case. Then Albert Baker, one of Hamilton's main supporters, made the move to turn the Council's Board of Directors into a self-

perpetuating, long-term group consisting only of claims activists:

A letter or petition was presented to President Hamilton from Albert Baker, which I as secretary was unable to get all the facts down on my notes and thought I would be able to copy the rest after the meeting. What I did take down is as follows: Annual Meeting Of The Council Of The Descendants Of Mohegan Indians, Inc., June 29, 1969. We the undersign [sic] Board of Directors make a recommendations that the following serve on the Board of Directors for 5 years or until term is terminated: Charles Harris*-First Vice President, Albert Baker- Second Vice President, Meryl Heberding- Treasurer, Gerolyn Fink- Assistant Treasurer, Loretta Roberge- Secretary, Mildred Chapman- Assistant Secretary (MT Response, Ex. 104-2).

This was followed by a list of Directors and signed by Albert Baker, Charles Harris, and Frank Harris (MT Response, Ex. 104-3).

The petition to change the nature of the Council's Board of Directors encountered immediate opposition at the meeting:

The meeting then went into general confusion and various members questioning the legal aspect of this petition. Mary Goodman said she knew nothing of this petition or hadn't even seen this petition and as a Board member felt she should have been consulted and this was not in our By-Laws. Virginia Damon said this wasn't the proper way to make a nomination and we should go by our By-Laws. Olive Coderre also felt this wasn't the right way to go about it. Emma Gucafa wanted to know more about it and said she saw the petition outside and wouldn't sign anything until she knew more about it. Charles Harris suggested that the petition be passed around so all could see it. Roberta Cooney read from our By-Laws that all officers should be elected by the Board of Directors a week after our annual meeting. During the heated discussion that followed the petition. Mary Goodman said if this was how a certain group of people were going to act then she would resign, also Mildred Chapman said she would. Various members felt that they shouldn't resign as they had a great deal to offer our Council and it would be a great loss if they did resign. Frank Harris made a motion to give Mary Goodman time to think this over and also Mrs.

Chapman this was seconded by Emma Guca and approved by he Board (MT Response, Ex. 104-3).

In response to the outspoken objections, Hamilton agreed to withdraw the petition, but in the general confusion, it had been misplaced. The meeting voted that if the petition turned up again, it should be considered null and void, after which the members present voted to keep the current Board of Directors in office, and hold election of officers at the next meeting:

President Hamilton then asked that the petition be turned over to him, so he could get rid of it. The petition was misplace [sic] and know onw [sic] knew where it was. A motion by Virginia Damon, seconded by Olive Coderre that the Sec. put in her report that the petition if it ever turns up that this Council considers it void and nollod [sic], this was approved by all present.

Donnell Hamilton made a motion that we keep the same Board of Directors, this was seconded by Laura Marshall, approved by all present.

The next meeting will be the election of officers and President Hamilton will notify the members when it shall be (MT Response, Ex. 104-3).

Breakup of the Council of the Descendants, 1969-1970.
During the summer of 1969, Hamilton continued his Mohegan claims work (MT Response, Ex. 107-2; MT Response, Ex. 108). As, however, he was meeting resistance to his will within the Mohegan group,⁸⁵ he began to expand his scope to try to include the Pequot on the other side of the Thames

⁸⁵ August 16, 1969, letter from "We, the undersigned members of the Board of Directors of the Council of the Descendants of the Mohegan Indians, Inc." [Virginia Damon?--copy in MT Response unsigned] to John Hamilton requesting a Board meeting on August 24, 1969, at 2:00 p.m. at the Mohegan Church "to conduct unfinished business, which should have been transacted in a meeting that by virtue of the By-Laws of said "Council" was supposed to have been held one week following the Annual Meeting, namely, that there be held an election of officers for this year starting the first Sunday in July and ending the last Sunday of June 1970.

"In the event you are unable to attend the meeting will be presided over by the vice-president . . . or other ranking officer as provided by the By-Laws of said 'Council'" (MT Response, Ex. 110, Ex. 112, Ex. 114). See also MT Response, Ex. 108, August 1969.

River,⁸⁶ and to form a confederation of New England tribes overall.⁸⁷

⁸⁶ August 11, 1969, The Day, New London, CT, "Indians 'Encouraged' By Response to Pleas." "Hamilton and Griner are making legal preparations for incorporating the Pequot Indians of North Stonington. Hamilton will meet with tribe members at the reservation Wednesday to assist them in electing a Board of Directors."

April 19, 1970. Special meeting, Mohegan Congregational Church. Philip S. Gray appointed as treasurer of the Council of the Descendants of the Mohegan-Pequot Indians, Inc. by John Hamilton, Grand Sachem. Former treasurer Mrs. Roberta Cooney turned over all records and bank book to him (CR, Ex. 60; see also MT Response, Cooney-Schultz OH 1990, 15).

May 10, 1970, meeting of Hamilton's group to "throw out" the dissenting ringleaders. Mentioned in June 21 minutes (BAR Files).

May 12, 1970, Hartford State Times, "Claims by State Indians Worth Millions to Tribes." With photo of John Hamilton displaying a war bonnet. Griner explaining case for U.S. Indian Claims Commission (CR, Ex. 43).

Notes in Bishop's handwriting purported to report a meeting of the MT on June 21, 1970. Its locus was the rooming house of John Hamilton. After calling various of Hamilton's Mohegan "enemies" non-Indians, such as Virginia Damon, Loretta Roberge and Courtland Fowler, Bishop then said it was voted unanimously "to join hands under a new Indian Government with our Pequot brothers." This was the birth of the Confederation (Exhibit 12 hereto, page 3). On page 3 Miss Elizabeth Ezro (or Erzo) seconded a motion. On page 5 a Selina or Celine Gabaldon seconded the motion to adjourn. Both Ezro and Gabaldon were occupants, it is believed, of 21 Jefferson Avenue, New London, at the time, and neither are claimed by Mr. Cohen as Mohegans in his June 1989 submission of names (CR, Ex. 11; CTAG Response, R241 [R242], 18 [2nd page 18]).

August 14, 1970. Resolution of the Pequot Indians to appoint John Hamilton President and Grand Sachem of the Pequot and Mohegan Indians, with Elizabeth Plouffe and Alice Brend with full power and authority to sign . . . Helen S. Garton, Secretary (BAR Files).

Undated newspaper clipping [hand-written Norwich Bulletin 8-5-1969], "Indians File Corp. Papers." The Confederation of Pequot Indians, Inc. Ten Indians voted to incorporate at a meeting at Mrs. Arlene Brown's home in North Stonington. "The corporation was formed to give the Pequots more legal and political recognition and make them take more interest in their own affairs, John Hamilton, president of the group, said" (CR, Ex. 37).

May 18, 1970, The Day, New London, CT: "New Sachem Nominated. Mohegan Indian Tribe Faces Leadership Test. "Mrs. Joanne Rogers, a Pequot from Ledyard, contended that Hamilton "had made himself sachem of the Pequots without their consent and had arbitrarily linked the Mohegans and the Pequots together by calling himself 'grand sachem of the Mohegan-Pequot Indian nation.' Mrs. Rogers said although the two tribes trace themselves to a common ancestor, neither tribe today wants to be joined to the other'" (BAR Files).

⁸⁷ May 11, 1970, article from The Day, New London, CT, newspaper, p. 29, re John Hamilton's attempt to organize New England tribes into a federation. Speaking at the 200th anniversary of the crowning of the Narragansett Queen Esther at Charleston, RI. Discussion of claims to several million acres. Says: "He was a principal figure in reparation proceedings in which 32,000 California Indians received almost \$30 million for their land. He has served as consultant to the federal Indian Commission and is president of the National American Indians

When he could not obtain a Mohegan majority to support him at the October meeting of the Council of the Descendants,⁸⁸ by November, he prepared to abolish the organization,⁸⁹ with the stated, if impossible, intention

Defense Association, Inc." "Hamilton conducted a meeting of representatives of the tribes in April in an attempt to raise \$1,000 for the cause, but the sum was not raised due to dissent among the tribes about how the proceedings were being conducted." Mentions Philip Gray, Sagamore Chief, 2 Union St., New London has been placed in charge of donations. (MT Response, Ex. 125; CTAG Response, Ex. R243).

May 5, 1970, fund-raising letter from John Hamilton, Rolling Cloud "Grand Sachem of the Mohegan-Pequot American Indian Nation, and National president of" NAIDA to "Dear Fellow American Indian", from Ledyard, CT (CR, Ex. 41).

May 16, 1970, Norwich Bulletin, "Hamilton Seeks To Organize New England Indian Tribes" by Louis J. Fuffa, Montville. Will be asked to form a confederation when he speaks at Charleston, RI for crowning of Queen Esther of Narragansetts. Has already been a meeting at Mohegan Congregational Church attempting to raise \$1,000. Sherman and Griner of Hartford are legal representatives on claims case (CTAG Response, Ex. R244, hand-dated).

⁸⁸ October 18, 1969, Norwich Bulletin. "Tribal Council Slated Sunday". Montville. "The Council for Descendants of the Mohegan Indians, Inc. will hold its third tribal council meeting Sunday at 3 p.m. at the Mohegan Congregational Church. They will be guests of the church's fellowship group at an Indian succotash supper when they have completed the business meeting. John Hamilton, Grand Sachem of the tribe and president of the council, reported that over 100 persons are expected for the meeting and supper" (CR, Ex. 37).

Photograph with article on meeting at Mohegan Church. Courtland Fowler, Mrs. Olive Coderre, Sister Therese William (Mrs. Coderre's daughter) and present Sachem of the tribe, John Hamilton. More than 30 descendants at the meeting (MT Response, Ex. 111).

⁸⁹ November 22, 1969. Petition to Grand Sachem and President John Hamilton. Norwich, CT. "We, the undersigned descendants of the Mohegan Indian People, and/or members presently of the Executive Board of the Council of the Mohegan Indians Incorporated do hereby petition John Hamilton Grand Sachem of the Mohegan Indians and President of the Council . . . to call a general meeting of all descendants of the Mohegan Indian blood of legal voting age; for the single purpose of repealing the present by-laws of the Council . . . on Sunday November 30th 1969; at the Mohegan Indian Church, Montville, Connecticut, at 2:30 P.M. Signed by Philip S. Gray, Albert Baker, C. Rowland Bishop, Charles C. Harris, Carla Cholewa, Robert Cholewa, Florence Rundell, [illegible name], Donald Cholewa, ??ana Cholewa, Stanley J. Cholewa, Judy Greene, Ethel Dzeiczic, Louis C. Dziezic Jr., Mary Rubino, Shirley Walsh, [illegible name], BEATRICE ENGELGAU (MT Response, Ex. 112).

November 30, 1969, at the Mohegan Indian Church. A resolution for repeal of the By-Laws of the Council of the Descendants of the Mohegan Indians, Incorporated. Maintained that by-laws had not been followed, malcontents had deliberately called two meetings of the Executive Board illegally, a former secretary had signed those calls, the "Vice-President of the Council . . . deliberately and with malice aforethought superceded [sic] the powers of the President of said Council by declaring on those illegal calls that she would be seated as President:" Signed: Ralph W. Sturges, Mrs. Ralph M. Clark, [illegible

of structuring the Mohegan under the 1934 Indian Reorganization Act.⁹⁰

In the meantime, Hamilton's opponents were busy, led at this time by his niece Virginia Damon.⁹¹ Their response came

name, illegible name], Albert A. Baker, C.P. Rowland Bishop, Philip S. Gray, Charles C. Harris, Judy A. Greene, John Hamilton.

February 4, [1970]. Postcard from John Hamilton in Washington DC to Loretta Roberge, saying she is still legal secretary and he won't call another General Council meeting until warmer weather (MT Response, Ex. 120-2).

April 16, 1970, The Day, New London, CT, "Indians to Make Plans For Reparations Claim" by Bea Andrews, Day Staff Writer. Indians from 5 New England states and NY will gather in Montville Sunday to consider claims plans. "John Hamilton of Ledyard, the grand sachem of the descendants of the Mohegan-Pequot Indians" . . . Sherman and Griner, Attys. (CR, Ex. 39).

April 16, 1970, Norwich Bulletin, "New England Indians Plan Sunday Meeting." "Grand Sachem John Hamilton, known as Chief Rolling Cloud and reportedly the absolute leader of the Mohegan Pequot Nation since the dissolution of the former Board of Directors and dismissal of the Nation's previous bylaws, has called a special meeting of all New England Indians Sunday at 2:30 p.m., at the Mohegan Congregational Church, Uncasville (CR, Ex. 40). [same CR, Ex. 40 has an article from The Sun, Westerly, RI, 17 April 1970, and "Indians Hold Powwow On Claims" by-lined Montville and hand-dated 17 April 1970].

April 25, 1970. Typed statement prepared for signature of Loretta Schultz saying "that I am the last surviving officer (Assistant Treasurer) of the old Mohegan Indian Tribal Council in 1933, therefore. I was present at the meeting held November 18th 1933 when John E. Hamilton (my Cousin) known as Chief Rolling Cloud was elected by the majority of the legal voting members of the Mohegan Indians present as their Grand Sachem for life tenancy." She did not sign this. Handwritten below: "To my Knowledge John Hamilton at any Meetings of Councils etc. was elected Representative never a Sachem. Will not sign any papers in regards to him. Meeting were held at Mrs. Edyth Gray of Groton when father attended with Elmer Fielding Lemuel Fielding at different dates cannot recall months, dates, or years of to-day" (MT Response, Ex. 122).

⁹⁰ December 1, 1969, The Day, New London, CT: "Mohegan Indians Vote Reorganization." "The executive directors of the Council of the Descendants of Mohegan Indians Inc. voted Sunday, during a meeting at the Mohegan Indian Church, to repeal the present by-laws and pursue a plan of reorganization based on the Indian Act of 1934. John Hamilton, grand sachem of the Mohegan-Pequot Indians who will leave New London soon to reside in North Stonington, said the directors plan to send him to Washington for consultations with congressmen and officials of the Department of the Interior. 'I expect that most of my dealings in Washington will have to do with tribal government as outlined by the reorganization legislation of 1934,' Hamilton said. 'We feel it would be to our advantage to reorganize under a tribal system.'" (BAR Files).

⁹¹ April 20, 1970 [hand-dated], Hartford Courant [hand-identified], "Indians on Warpath Over Claims Question." By Bea Andrews, Day Staff Writer. "An angry dispute over the actions of Mohegan Grand Sachem John Hamilton and a purported lack of communication between tribe members and the grand sachem concerning the Indian's upcoming land claim

in two rather confusing stages: the first was the replacement of Hamilton as president of the Council of the Descendants by Virginia Damon's daughter, Cheryl Harris.⁹²

brought pandemonium to a meeting here Sunday which was called to raise funds for legal expenses for the Mohegan-Pequot land claim.

The dissenting group, which includes the two incorporators of the Council of the Descendants of the Mohegan Indians Inc., Mrs. Virginia Damon and her daughter, Mrs. Cheryl Harris, plus ten of the 15 members of the group's board of directors and Chief Courtland Fowler, voiced these objections to the grand sachem; . . ." (CR, Ex. 42).

Attorney Jerome Griner of Hartford dismissed the statements of Cheryl Harris as "petty, needless, nonsensical bickering," "noting that he wasn't hired to be involved in a schism". "She continued: "I've put my money into the organization but I received no notice of this meeting. I was elected president by a majority of the board of directors, but you don't recognize me. Now the majority of the board has agreed no money will be given to you for the claim until you recognize me as president" (Cr, Ex. 42). "She replaced a president elected in June, 1969, who had to resign for personal reasons." Unanswered questions.

1970 spring, meeting called "for replacing John Hamilton as President of the Council of Descendants of the Mohegan Indians, Inc." Hamilton refused to attend. Rowland Bishop came. Hamilton supporters walked out and Courtland Fowler was elected the new President of the Council of the Descendants (CTAG Response, Ex. R241, 12, 29).

May 18, 1970, The Day, New London, CT: "New Sachem Nominated. Mohegan Indian Tribe Faces Leadership Test." "'We're here to determine who is rightfully our sachem and to stop this business of people naming themselves sachem,'" said by Virginia Damon of Niantic, an elder, to members gathered Sunday at the Mohegan Congregation [sic] Church . . . nominated Courtland Fowler and decided to conduct the election by mail so all 300 Mohegans will be able to vote. Meeting called by Mrs. Damon and eight other elders to dispute Hamilton's claim. He didn't come, but Rowland Bishop did. Attacks on Hamilton because of his actions as grand sachem, his work on the claim, and recent published accounts of the tribe's genealogy. Several said that he had not always been truthful with them. "A main charge of the tribal elders is that the present claim is not being pursued in good faith by Hamilton and that he allegedly is taking their money for legal expenses without letting them know exactly how the money is used." Discussion of genealogy, honesty. Bishop and four others walked out (BAR Files).

⁹² December 2, 1969. From Virginia Damon to Loretta Roberge. There will be an emergency meeting of the Board of Directors of the Council . . . December 7, 1969, at 2:00 p.m. at the Indian Church in Mohegan to elect a president and transact any other business . . . "Contrary to reports the Council is not dissolved, nor can it be dissolved legally except in a meeting called expressly for this purpose" (MT Response, Ex. 114).

December 6, 1969, The Day, New London, CT: "Indians Plan Emergency Session Sunday." "The Board of Directors of the Council of the Descendants of the Mohegan Indians Inc. will meet in emergency session at 2 p.m. Sunday in the Mohegan Church to elect a president. The council has been without a president since June. Charles Harris of Pawtucket, R.I., who was expected to fill the vacancy, has announced that he is unable to accept the presidency at this time" (BAR Files).

December 7, 1969, partial minutes only, apparently, meeting at the Mohegan Church. Apparently signed by Virginia Damon, Secretary [nearly illegible]. "Objects of the Corporation were discussed and explained that the reason for forming this organization was first to bring the

Then, before Hamilton actually filed the certificate with the State of Connecticut dissolving the Council of the Descendants, (MT Response, Ex. 113; MT Response, Ex. 130; CTAG Response, Ex. R241, 13), on June 25, 1970, his opponents moved to elect a new president of the Council of the Descendants (or "sachem," which was a title that Damon, in accordance with Hamilton's usage, also employed in the controversy) who would be politically active as a leader of the Mohegan majority. Harold Tantaquidgeon, who was still chief (and, indeed, almost the entire Tantaquidgeon family group), completely refrained from any involvement in the affairs of the Council.

On the basis of the evidence originally submitted, the PF summarized the impact of the Council of the Descendants by saying:

Evidently, it [Council of Descendants] did not generate enough interest to be continued for more than a three year period (1967-1970). Its primary issue, the Mohegan land claims, likewise failed to stimulate further tribal activity until 1977 when litigation was actually filed . . . no effort was made by others to continue the organization after [the dissolution by Hamilton] was discovered. The attempt to maintain a broad based council at Mohegan thus came to an end after just 34 months of operation" (BAR Summary, Proposed Finding, 8).

The new evidence submitted for the FD makes this conclusion about the nature of the Council of the Descendants untenable. "The dissolution of the Council of the Descendants was illegal and against the wishes of the majority of its members. It was certainly not dissolved for

tribe together so we may be able to know the different members and to contact the people who belong to the tribe but have been lost trace of over the years. It was thought that it might be a good idea to read the Objects of the organization at the beginning of the meetings" (MT Response, Ex. 115).

December 10, 1969, The Day, New London, CT: "Mrs. Harris Elected by Mohegans." Mrs. Cheryl Harris of New London was elected president of the Council of the Descendants of the Mohegan Indians, Inc. at an emergency board of directors meeting Sunday in the Mohegan Church. The council has been without a president since June. Other officers elected were Mrs. Virginia Damon of Niantic, secretary and Mrs. Roberta Cooney of Uncasville, treasurer. Courtland Fowler Sr. of Uncasville, was appointed historian. . . . "The Council would be retained even if a league of different tribes is formed so that Mohegan Indian descendants can keep their identity. Individuals would be free to join the league, the board decided." Fowler described some of the people he personally knew who were listed in the 1860 Connecticut census (MT Response, Ex. 116; BAR Files).

lack of interest" (MT Response 1:148 citing Damon OH, 1990:10). Illegal or not, the dissolution of the Council of the Descendants by Hamilton was not the end of the Mohegan.

The CTAG opined that the turmoil in 1970 and thereafter reflected a lack of unity on the part of the Mohegan and raised questions about the Mohegan leadership. Rather than showing a lack of internal cohesion on the part of the Mohegan, the controversy over Hamilton's eccentric and caustic leadership style illustrates that the Mohegan, who have always worked on the basis of political consensus building, had the ability to band together and oust someone who was claiming more authority than the group had given him.

It is clear from the data submitted that, until 1970, Harold Tantaquidgeon had the support of the Mohegan as chief, and Hamilton had their support as land claims representative. This has been interpreted by the CTAG as a lack of internal cohesion and confusion over who the real political leader of the Mohegan was. In fact, there was a division of responsibilities between Hamilton (land claims) and Tantaquidgeon (preservation of Mohegan culture and history). Until 1970, they each had the support of the majority of the Mohegan to do their respective tasks.

The differences between supporters of Hamilton and Tantaquidgeon were exacerbated from 1967 to 1970 by Hamilton's continually broader claims to political authority. In one newspaper article Hamilton was quoted as saying that he had been elected Mohegan "Grand Sachem for life," a position, he said, with powers like that of an emperor (April 16, 1970, "Indians to Make Plans for Reparations Claim"). He made this claim in spite of the fact that the Mohegan had not elected a sachem since 1769. As his claims to political authority and legitimacy became more grandiose, so did his call for compensation for lost Mohegan lands. In the 1920's Hamilton's aunt had led a fight to try and regain control over a 16-acre Mohegan burial ground in Norwich. By 1970, Hamilton claimed that the Mohegan should be compensated for the loss of all Mohegan land, which at the time of contact with Europeans ran all the way from Norwich to New London along the West bank of the Thames River. This clearly made the non-Mohegan very anxious, especially in the Mohegan heartland in Montville. Because of the unclear land title situation, insurance companies would not issue policies. Many people (Mohegan and non-Mohegan) were unable to sell their land because of the land claims suit that Hamilton filed (Austin 1993 FN).

Another political issue that disturbed his fellow Mohegan was Hamilton's claim that as Grand Sachem he had the ultimate power to decide who was and was not Mohegan. Hamilton routinely adopted non-Mohegan into the group and was fond of bestowing Indian names and royal titles on non-Indian dignitaries whom he wished to win over as political allies (like the Governor and Lieutenant Governor of Connecticut, the Director of the Department of Environmental Protection). He also publicly claimed that his political opponents were not Mohegan when in fact they were. For example, at one point he said that the Tantaquidgeons were not really Mohegan, but Niantic. He even threw out some of his own relatives, such as his niece, Virginia Damon. The majority of the Mohegan were also concerned about his public officiation at an "Indian wedding ceremony" for Patty Hearst and her former prison guard. He did all of these things without the support of the Mohegan majority.

When John Hamilton claimed more authority than he had been given by the group, the majority of Mohegan (including many of his own family members) abandoned him in 1970. Ultimately, this led to the election of Courtland E. Fowler on May 17, 1970, to replace Hamilton as the President of the Council of the Descendants. Virginia Damon, Hamilton's own niece, led the effort to oust him as president of the Council. Fowler was elected by a majority of the 25 Mohegan present at the meeting (about 8-10 Hamilton supporters walked out of the meeting after the vote). A newspaper account stated that all 300 Mohegan would be given the opportunity to vote on the election through the mail.

After the election, on June 7, 1970, a letter was sent to the heads of families, by Mrs. Charles L. Harris of Niantic, announcing the election of Fowler as "sachem." The letter stated that since bad weather had kept many Mohegan away from the meeting at which Fowler was elected, people were still being given the opportunity to make their opinion known. If anyone knew of any reason why he should not be elected sachem they should state their reasons and send a notarized copy to her. No significant opposition was voiced and the election stood.

From 1970 until his death in 1988, John Hamilton continued to claim to be Mohegan Grand Sachem, though he never again attracted more than a few Mohegan followers (primarily Rowland Bishop and Albert Baker). The controversy concerning Mohegan leadership did not end with the election of Fowler as President of the Council. The news media continued to publicize Hamilton's claims to political authority as though they were legitimate through 1988.

Loretta Schultz, who had been a leader in the late 1930's, continued to be an influential Mohegan elder until her death. She served as spokeswoman to the newspapers when her father died, saying that his successor would be Harold Tantaquidgeon. In 1956, she was involved in the restoration project for the Mohegan Congregational Church, although she was not a Congregationalist.⁹³ In 1965, she was one of the Mohegan representatives at the Rose Arts Festival in Norwich, Connecticut. In 1967, she appeared with Harold and Gladys Tantaquidgeon and Courtland Fowler at the dedication of the Mohegan-Pequot Bridge. While she cooperated with the Council of the Descendants from 1967 through 1970, serving on the Board of Directors, in 1970 she was one of the elders who came out in opposition to Hamilton. In 1979, she was one of those who signed the call for the formation of a constitutional committee.

In spite of the fact that Loretta Schultz did not back him in 1970, John Hamilton made continuing efforts to regain her support because she was regarded by the Mohegan as an influential elder. Her approach to the leadership dispute was calm and measured. In 1970, she refused to sign an affidavit prepared for her by John Hamilton that he had been elected as Grand Sachem in 1933 (MT Response, Ex. 122). Instead of endorsing him as sachem she wrote:

I recognize John E Hamilton - Pres & Representative over period of years as a descendant of Mohegan his mother Alice Storey Hamilton being 1st Cousin to my father Burrill Fielding, Gertrude Harris, Nettie Fowler, Harriett Quidgeon, Lemuel Fielding, Albert Fielding, William Fielding, Frank Fielding. J. Hamilton's Aunt Edythe B. Gray held meetings in her home thats why he continued on with some of her papers and her son (Edith Gray) Philip Grays papers. Bishop Charles [sic--Charles Rowland Bishop] too - all those years (MT Response, Ex. 227).

On the other hand, in 1972 she also refused to sign the letter repudiating Hamilton's leadership that was being circulated by Jayne Fawcett, on the grounds that, "meetings have been going on since 1920 and Edythe Gray use to be our spokeswoman and gave . . . Hamilton . . . information . . . I cannot sit here and say I never attended meetings, paid dues, etc., as I have a book of fathers who collected for Indian Land Claim" (MT Response, Ex. 135L). Hamilton

⁹³ Mrs. Burrill H. Fielding, nee Annie Teevan, was Irish, and brought up her children Catholic (MT Response, Cooney-Schultz OH 1990, 6).

continued to list her name among the members of his council as late as 1982.

There are also Mohegan were not resident on Mohegan Hill whose political activities were well documented prior to 1941, and are again documented as still active in the 1960's. One example is Marian Capwell, who in 1933 was treasurer of the League of the Descendants (Loretta Schultz, discussed above, was her assistant). Niece of Edythe B. Gray, aunt of John Hamilton and Virginia Damon, she was a member of the Storey family group. In 1963, at age 84, she wrote to from Provincetown, Massachusetts, to Damon, admonishing her to maintain the claims process and take up leadership responsibility and providing a list of the senior living members of the Storey kinship line (MT Response, Ex. 65-1-6).

Political Events Leading Up to 1980 Founding of the Mohegan Tribe of Connecticut, Inc. The PF indicated that the Council of the Descendants "evidently did not generate enough interest to be continued for more than a three year period" (Mohegan PF 1989, Summary under the Criteria, 8) and that nothing significant in the way of tribal politics happened again among the Mohegan until 1980. New documentation indicates that the Council of the Descendants fissioned into two (or, in some senses, three--see below) active factions in 1970--factions which feuded energetically throughout the 1970's, and really did not subside until after John Hamilton's death in 1988.

Not all of the Mohegan committed themselves to one or another faction in the 1970's. Loretta Roberge said that, ". . . there's a lot of us who really didn't want to get involved to the political end of it. We tried to stay very neutral with both groups. And then now we only have the one group and that's the way it really should be". (MT Response, Roberge OH 1990, 12).

The MT Response made one additional point:

The fact that documents are not available to prove every meeting in the 1970's cannot properly lead to the conclusion that the only meetings which took place are those for which this writer has documentation. For example, the meetings of The Confederation and other Hamilton documents of the period are controlled by Albert Baker, who is very hostile to Courtland Fowler and the tribal council (See EXH. 256, para. 6). Meetings of Native Mohegans, Inc., had minutes taken by Lynn Cicero, who no longer is on the tribal roll and is hostile to this writer [Jerome M. Griner]. In addition,

her address for some time past has been unknown
(MT Response, 1:38).

Some of the material that was not available to Mr. Griner as attorney for the MT was made available to BAR for consideration in the FD by Attorney Robert Cohen, who as Hamilton's executor also submitted a formal response containing selections from Hamilton's papers in his possession (CR).

The successor organizations to the Council of the Descendants were not addressed extensively in the PF because the original petition presented very little information about them. In the MT Response and during the BAR's 1993 research trip, more evidence came to light supporting the fact that, over time, three different organizations were formed by Mohegan Indians after the dissolution of the Council of the Descendants.

Hamilton's Founding of the Confederation of the Mohegan-Pequot American Indian Nations and Affiliated Algonquin Tribes, Inc. In 1970, there were 181 Mohegan adults. Of these, at some time in 1969/70, 29 are recorded as having supported John Hamilton (see signatories to various documents in the footnotes to the following sections), while in 1972, 97 explicitly repudiated his leadership. Of the remainder, five were closely associated with Native Mohegans, Inc., and therefore may be counted as active Hamilton opponents. Of the remaining 50, the position of the majority can be determined. Some were Hamilton opponents, who held office under Courtland Fowler but did not happen to sign the 1972 letter. Others were not inactive or apathetic, but rather fence-sitters or withholding judgment. The great majority of the adult Mohegan can be demonstrated to have been aware of and to have expressed an opinion on the split (see documentation below).

The PF, on the basis of the evidence submitted to the BAR by the petitioner in the MT Original Petition, concluded:

In reaction to Fowler's confirmation, Hamilton filed papers with the State to dissolve the Council of the Descendants as a corporation. This action was taken without the knowledge of some of its officers. Yet, no effort was made by others to continue the organization after this was discovered. The attempt to maintain a broad-based council at Mohegan thus came to an end after just 34 months of operation (Mohegan PF 1989, Summary under the Criteria, 8).

The conclusion of the PF that no effort was made by others to continue the Council of the Descendants was based upon data available to BAR researchers at that time, but has been refuted. New evidence was submitted in the MT Response: on July 6, 1970, a newspaper article, "Mohegans Deny Dissolvment," covered their efforts:

Two of the three incorporators of the Council of the Descendants of the Mohegan Indians, Inc., have said the corporation has not been dissolved as was announced in a legal advertisement in The Day last week by Roland Bishop of the Council. Mrs. Virginia Damon and Mrs. Cheryl Harris, both of Niantic, said Friday the announcement was "completely false" (Mohegans Deny Dissolvment 1970).

The article discussed the schism between supporters of the former sachem (emperor) John Hamilton of Ledyard and those of the present sachem, Courtland Fowler. "Fowler was elected May 18 when tribal elders ousted Hamilton because they were dissatisfied with his conduct as sachem. They had criticized Hamilton's handling of a tribal land claim" (Mohegans Deny Dissolvment 1970; MT Response, Ex. 131).

During the next few years, Hamilton both formed The Confederation of the Mohegan-Pequot American Indian Nations and Affiliated Algonquin Tribes, Inc. (MT Response 1:114 and 1:133; MT Response, Ex. 115) and continued to claim that he represented the Mohegan Tribe as such.⁹⁴ The MT final reply claims that, "After 1970, John Hamilton and his followers considered themselves to be acting as the Mohegan tribe, together with other Mohegan he 'chose' to acknowledge as such" (MT Final Reply I:80). In fact, Hamilton remained a leader only for a very limited number of Mohegan, mainly non-core-community Mohegan from the Harris, Gucfa, Baker and

⁹⁴ Confederation bylaws dated September 27, 1970, New London, Connecticut, describing John Hamilton as "Grand Sachem", "Supreme Ruler", with "undisputed powers", "sole determiner of citizenship in our nation," and "his is the power to adopt or remove individuals at will into, or from, the Tribal Rolls" (CTAG Response, Ex. R241, 14-15; CR, Ex. 69; Ex. 74). (For additional material of these by-laws, see CTAG Response, Ex. R241, 16-17).

For membership, "(a) all persons of American Indian blood by birth and/or adoption, whose names appear on the Grand Sachem's Tribal Roll; (b) all persons born to a female of American Indian blood, and/or by adoption as in category (a); a minimum mandatory fee of \$15 shall be required of each Tribal Roll Member as registration and/or initial membership fee (CTAG Response, Ex. R241, 18).

Cholewa families who had not been active in the group's affairs prior to 1967 (MT Response 1:142).⁹⁵

The contention by the MT that no other Indians but Mohegan were members of the Confederation (MT Final Reply I:81) is not true, for Arlene Brown was a Pequot. This is, however, not relevant to the eligibility of the petitioner for acknowledgment. Although the petition for Federal acknowledgment was originally filed by Hamilton, the current petitioner represents the Mohegan majority group from the 1970's. The MT Final Reply is correct in contending that the Confederation during the 1970's does not represent an "other Indian governing entity" which controlled the petitioner's decision-making process and thus vitiated its autonomy, as argued by the CTAG (MT Final Reply I:83): rather, Hamilton's group was a small portion of the Mohegan, combined with non-Mohegan "adopted" by Hamilton.

Hamilton did, however, continue, and even inflate, his claims to be Grand Sachem of the Mohegan.⁹⁶ Because of

⁹⁵ 1970 October 18. Regular meeting of the Confederation etc., Stonington, CT: present *John Hamilton, Rowland Bishop, Gwendolyn Harris Adams, Emma Harris Gucfa, Olive Harris Coderre, Frank Harris, [C. W. Hennessy, Jane Gray Hennessy]*. Rowland Bishop, treasurer. Dues also from Charles Harris (MT Response, Ex. 133-1; CR, Ex. 62). "The chair then recognized Frank Harris, who inquired about the records kept by Raymond Harris, who was secretary of the Old Committee in 1933 when John Hamilton was made Grand Sachem for life. It was ascertained that the records referred to are presently in the Montville Museum" (CR, Ex. 62). [There is no factual basis for this statement.]

1976 "Solemn Petition" of Mohegan-Pequot American Indian Nation to CT Governor Ella Grasso, on Confederation letterhead, signed by descendants of the Baker, Fielding, and Story family groups (MT Response, Ex. 187, 188). Signed: *John E. Hamilton, Charles Rowland Bishop, Frank Harris, Laura Marshall, Stanley J. Cholewa, [illegible] Cholewa, [illegible] Cholewa, BEATRICE ENGELGAU, Olive M. Coderre, Albert A. Baker, Florence Rundell, Anthony Cholewa, Gary Baker, Deborah A. Baker*. There were also 11 non-Mohegan names (MT Response, Ex. 187).

Hamilton had no hesitation about claiming the support of people who were among his opponents. An example of Confederation letterhead [undated] included: Grand Sachem, Rolling Cloud *John E. Hamilton*. Chief Councilman Wounded Wolf (*Rowland Bishop*). Legal Counsel [George Sherman--Jerome Griner of Hartford, Conn; Wheeler & Wheeler] of Washington, DC. Councilors: *Elmer Fielding, Charles Harris, [Judith Bay], Donnell Hamilton, [E. Carroll Keeler, Jr., Jane Hennessy, George Stacey], Loretta Schultz, Emma Gucfa, Olive Coderre, Sr. Betty Jean Coderre, Frank Harris, Lawrence Schultz, [Paul Spellman], BEATRICE ENGELGAU, [Alicie Brend, Arlene Brown], Richard S. Bishop, Jr., DORIS FISH, Roberta Cooney, Loretta Roberge, Laura Marshall, [Judith Lipka], Albert Baker, Mary Gray, Ernest R. Hamilton* (BAR Files).

⁹⁶ April 16, 1970, *Norwich Bulletin*, p. 41, "New England Indians Plan Sunday Meeting." "Grand Sachem John Hamilton, known as Chief Rolling Cloud and reportedly the absolute leader of the Mohegan Pequot Nation since the dissolution of the former Board of Directors and

his consistent ability to generate publicity, and the substantive actions he took, he continued to spur a variety of responses on the part of the Mohegan majority, ranging from simple letters to the editor to galvanizing the Tantaquidgeon line into active participation in Mohegan politics.

Throughout this period, Hamilton continued such publicity activities as the "adoption" of non-Indians into the Mohegan tribe and conduct of "Indian" ceremonies and rituals. Non-Mohegan adopted into the tribe included a fourth grade teacher in New London, the Mayor of New London, an official of the State of Connecticut, and many others. He also helped officiate at several wedding ceremonies that were supposed to be "Indian."

The Confederation conducted meetings, though few Mohegan attended them (MT Response, Ex. 134; MT Response, Ex. 135; CR, Ex. 66; MT Response, Ex. 224). Meeting notices survive that were mailed to Loretta Roberge for the "Royal Council" of the Mohegan-Pequot American Indian Nation and Affiliated Algonquin Tribes, Sunday February 25, 1979, at St. Mary's Roman Catholic Church, Stonington Village CT (MT Response, Ex. 208) and June 24, 1979 (MT Response, Ex. 218). The latter of these stated that he hoped to see her there, "since you are an important member and can hardly report to the rest of those you represent unless you are taking part in the Endeavors" (MT Response, Ex. 218). Roberge was not, at this time, an active supporter of Hamilton, and was also receiving meeting notices from the majority group which was

dismissal of the Nation's previous bylaws, has called a special meeting of all New England Indians Sunday at 2:30 p.m. at the Mohegan Congregational Church, Uncasville" (MT Response, Ex. 121). Discussion of very broad claims. Purpose is fund-raising to pay Sherman and Griner.

April 27, 1971, Norwich Bulletin, Hamilton described his position as "basically that of an emperor." "The will of the Sachem is law. Matters of the moment he can consult with his counsellors, but his decision is final" (MT Response, Ex. 135K).

February 8, 1972, John Hamilton appeared on WNLC radio talk show claiming to be Grand Sachem of the Mohegan (MT Response, Ex. 135K), saying his position was "basically that of an emperor" and that if you did not agree with him, he would kick you out as a Mohegan and take you off the tribal roster (Cooney-Schultz OH, 5/17/90:14).

January 6, 1977, New London Day, "Indians protest false claimants." Petition of group of Mohegan-Pequot Indians to Gov. Grasso. John E. Hamilton, Grand Sachem of the organization. "The only official Indian tribe in Connecticut is the Confederation of the Mohegan-Pequot nation and Affiliated Algonquin Tribe, the petition maintains. Additionally, it says, only those listed on the official rolls of Grand Sachem Rolling Cloud are legitimate American Indians" (MT Response, Ex. 191; copy of petition dated 29 November 1976, BAR Files). By this time, Hamilton claimed jurisdiction over all Connecticut Indians.

led by Courtland Fowler (MT Response, Ex. 219, Ex. 222). Still, she recalled receiving the notices and the notification system:

He was clear about it. He would send out cards and it generally would be basically he would send the cards say like it would come to me and it would be addressed to me and family. Or we would pass the word on say to my sisters, and so forth, it would be mainly like the main one from the family would receive something in the mail and you would pass it on down (MT Response, Roberge OH 1990, 11).

He also continued his claims activity, though without the support of the majority of the Mohegan Indians (MT Response, Ex. 135D; MT Response, Ex. 135E; MT Response 1A:17; CR, Ex. 50; MT Response, Ex. 168; MT Response, Ex. 172), protested the Rose Arts Festival in Norwich being held on the land which was once the Mohegan Royal Burial Grounds in 1972, 1975, and 1976 (MT Response, Ex. 135H, 169, 173, 175, 182; CR, Ex. 50, Ex. 51, Ex. 52), and opposed the establishment of the CIAC, arguing that, "Indians do not need managing at all, any more than do 'the Italians, the Irish, or any other group.' He maintained it is unconstitutional for any authority to have jurisdiction over Indians because of a state law passed in 1872 and a federal law in 1924 declaring Indians citizens with 'full rights and privileges'" (MT Response, Ex. 136; see also MT Response, Ex. 137; MT Response, Ex. 147, MT Response Ex. 148; MT Response Ex. 148, 156, 168; CR Response Ex. 47, Ex. 49).

As time went on, the amount of territory and monetary compensation that Hamilton insisted were due to the Mohegan and other New England Indians became more and more expansive. In 1974, he informed a newspaper reporter that, "Indians will be lined up all the way from Washington to the Rocky Mountains to make their claims when this case is won" (MT Response, Ex. 168), and a meeting notice mailed to Loretta Roberge by Rowland Bishop, dated May 25, 1977, stated:

Please notify your family there will be a meeting of your American Indian Mohegan Royal Council at Fort Shantok Park, Mohegan, Ct, Saturday, May 29, 1977, at 2:30 p.m. to discuss the opening of our first Conn. Case in the Montville area involving \$322 million dollars and 46,000 acres. This is just the beginning!" (MT Response, Ex. 193-2).

Although all of Hamilton's activities exasperated the Mohegan throughout the 1970's, the first major crisis

erupted over his filing of the land claims suit against the State of Connecticut in August of 1977 with "The Mohegan Tribe" as plaintiff (MT Response, Ex. 195). In 1978, Hamilton filed an undocumented petition for Federal acknowledgment for the Mohegan. The MT Response contains discussion of the Mohegan factionalism that developed in response to this initiative (MT Response 1:91-95; MT Response, Ex. 204, Ex. 206, Ex. 207, Ex. 213, Ex. 214, Ex. 216, Ex. 219, Ex. 225, Ex. 259). The Federal court and the Department of the Interior recognized Hamilton as the petitioner's main leader, even though the majority of them had repudiated him seven years before.

Opposition to John Hamilton by the Mohegan Social Community. The Mohegan social community, especially those living on Mohegan Hill, strongly opposed the 1978 acknowledgment petition filed by Hamilton, as did several members of his own Storey group.⁹⁷ On February 14, 1979, Jayne Fawcett (of the Fielding group) wrote to Brian Myles of American Indians for Development (AID) that Gladys Tantaquidgeon had received a call from "a Dr. Jeanette Henry of the California Indians who are opposing John Hamilton." Fawcett added:

Hamilton has applied for tribal status with himself as chief. Her group will oppose this for the first time in history. She advised, as you have, that we take immediate steps to form a tribe. In addition she mentioned that if there is any opposition at all to a group achieving tribal status that the Dept. of the Interior puts it on the back burner until a complete investigation is completed (MT Response, Ex. 207).

Jayne Fawcett and Virginia Damon generated a letter-writing campaign to the Department of the Interior in opposition to the petition. On March 2, 1979, Damon herself wrote to Forrest Gerard, Asst. Secy. of the Interior, opposing Hamilton and his acknowledgment petition, with a postscript to her letter by her brother Norman Hamilton Sword. She expressed her opinions strongly: "He has made the Mohegans a laughing stock in the Indian community and caused very bad feelings among the tribes . . . we beg of you not to recognize this person as our spokesman . . ." (MT Response, Ex. 210; CTAG Response, Ex. R252).

⁹⁷ 1979 March 14, letter of Mary Virginia Goodman to COURTLAND FOWLER. "Those two lying fools, Hamilton and Bishop disgust me beyond measure. How deeply I regret that they are cousins of mine! I really think they are lunatics" (MT Response, Ex. 211).

Sword's postscript, dated March 18, 1979, at Miami Spring, Florida, was even more critical:

The above subject John Hamilton as I remember him coming and going in the family circles of my boyhood, was always going to do wonders for the poor members of Mohigan [sic] Hill, with very important phrases and important name throwing, needing at all times a little funding (money) to keep appointments with Col. Moffat in Wash. D.C. and others of the state contingency, all hog-wash. Which added up to a first class hustler or con man in my young years of 1936. His prey seemed to be the pocket-book of working women or in later years to gullible people hoping for great returns from a phoney phantasy of words.

He could never be what he professes, sachem or sagamore as any level of leadership in tribes must be appointed through a united counsel, and the families of Mohigan-Pequot-Tantiquidgeon were so jealous of various members in family conclaves that we didn't speak to one another going to the same school (MT Response, Ex. 209).

Jayne Fawcett's non-Mohegan husband joined in the chorus of protest with a March 16, 1979, letter to Dennis L. Petersen, Chief, Division of Tribal Government Services, DOI, re: protest against John Hamilton. He stated that only the elder Tantaquidgeons were nearly full-blooded Indian.

The Mohegan never were a particularly large tribe and have, for the most part, been absorbed into the general population at this time . . . Burrill Fielding, my wife's great Uncle, was titular chief of the Mohegan at that time. At his recommendation, Burrill was succeeded by Harold Tantaquidgeon, my wife's uncle. In recent years, Courtland Fowler, a cousin of the Tantaquidgeons has assumed the position of titular leader . . . The Mohegan ceased to exist as a formal tribe in 1871 through action of the Connecticut State legislature, illegal action, perhaps, when taken in the light of the Indian Intercourse act of 1791, but from the viewpoint of the Mohegan they ceased to live as wards of the government from that time on" (CTAG Response, Ex. 248).

(Based on the data summarized above under Criterion b, it is concluded that Mr. Fawcett was mistaken in his opinion about the absorption of the Mohegan into the surrounding. He was not arguing the point from a social scientist's point of view, but from the perspective of a person who wanted to

make clear that Hamilton was not the legitimate Mohegan representative.

Jayne Fawcett's cousin, Donald N. Strickland, on February 28, 1979, wrote to President Carter opposing Hamilton's land claims petition, saying that he had lived in the Mohegan section for approximately 30 years and had resided in Savannah, Georgia, for the past 17 years (CTAG Response, Ex. R249). Strickland also sent letters to Rep. Ronald Ginn (CTAG Response, Ex. R250) and to Mr. Forrest Gerard, Asst. Secy. of Interior (CTAG Response, Ex. R251), as well as making his views public in a letter to the editor of the Norwich Bulletin on March 17. Writing in reference to a newspaper article by Hamilton ally Rowland Bishop which stated that "non-Mohegan" activists were challenging the Sachem-ship of John Hamilton, Strickland protested:

This challenge is made by the true Mohegan Indian. The names Tantaquidgeon, Fielding and Fowler are known throughout the United States. These families have worked together for years with the non-Indian in the Mohegan section for successful integration. (MT Response, Ex. 119 [undated]; MT Response, Ex. 212 [hand-dated]).

Strickland stated his opposition to the land claim, and continued, "I personally have grandparents, parents, a sister and two brothers buried [at Fort Shantok] . . ." (MT Response, Ex. 119; MT Response, Ex. 212).

The Formation and Activities of Native Mohegans, Inc, 1974-1979. By 1974, Virginia Damon had founded Native Mohegans, Inc., as a focus for the opponents of John Hamilton. The only persons actively involved as officers were Damon's own daughters and non-Mohegan AID/CIAC personnel (MT Response, Ex. 161; MT Response, Ex. 164; MT Response, Ex. 185). Nonetheless, it was apparently from Native Mohegans, Inc., that the impetus for development of a tribal constitution came in early 1979 (MT Response, Ex. 204; MT Response, Ex. 215; DeMarce FN 1993). Although there are no records of the organization after 1979, Damon states that Native Mohegans, Inc. did not go out of business immediately when the tribal constitution was adopted in 1980, but continued "for a while" in order to "provide information" (DeMarce FN 1993).

The evidence submitted in the MT Response indicates that Native Mohegans, Inc., was just as much a creature of Virginia Damon's in the intra-Mohegan disputes of the 1970's as the Confederation was a creature of John Hamilton's. In her opposition to Hamilton (who was also her uncle) and creation of Native Mohegans, Inc., Damon associated with herself as officers and members of the board of directors

either members of her own immediate family or some of the people associated with American Indians for Development and the CIAC, namely Brian Myles and Stilson Sands, who were adopted into Native Mohegans, Inc.⁹⁸

The relationship of Myles and Sands to Native Mohegans, Inc. is important in light of the PF's statement that:

The petitioner's acceptance of non-Mohegans as group members, and especially as leaders, is strong negative evidence of the existence of an Indian community whose historical continuity, tribal and cultural identity, and social distinction from others is concrete enough to know who its legitimate members are and to exclude from membership those who do not share the common tribal ancestry (Mohegan PF 1989, Historical Technical Report, 5).

The MT Response has submitted evidence which indicates strongly that the Mohegan were, in fact, aware that the descendancy claims of the Myles and Sands families, and that of Lynn (Cooper) Cicero, etc., were unproven or nonexistent, but that the extent of the factional in-fighting made Virginia Damon and her allies willing to accept these people as members in order to utilize their connections with American Indians for Development (AID), the CIAC, and other external groups against Hamilton (MT Response 1:79-96, esp. 82, 85; MT Response, Damon OH 1990, 12-13; MT Response, Ex. 135N). Ernest Gilman, Jr., states that the Myles, Sands, Cicero extended family names were on the first tribal list he received from Virginia Damon . . . When he asked who these people were, Mr. Gilman was told that they were on the CIAC or headed it" (MT Response, Gilman OH 1990, 3; cited in MT Response 1:84-85, 86).⁹⁹ Though a member of the Tribal Council, Gladys Tantaquidgeon did not sign the tribal roll containing these names when it was prepared on March 17, 1985 (MT Response I:82; see also the affidavit of Donnell Hamilton, MT Response, Ex. 252).

⁹⁸ April 2, 1971, Hartford Post [hand-dated]. First mention of Walking Turtle [Stilson "Chink" Sands] as a Connecticut Mohegan (MT Response, Ex. 135B). During this period, Virginia Damon worked for Eva Butler at the colonial New England Indian museum at Old Mystic, Connecticut, and apparently met the AID/CIAC members through that connection (DeMarce FN 1993).

⁹⁹ Damon, in her oral history, said that they were publicly declaring that they were Mohegan and these claims were taken at "face value" by the MT (MT Response, Damon OH 1990, 12-13, 19). . Damon, who currently resides in East Hartford, Connecticut, has never been a member of the Mohegan Hill community (DeMarce FN 1993).

"Because they were in such a rush to oppose Hamilton" (MT Response 1:91, 93; see also MT Response, Gilman OH 1990, 4-5)--and apparently on the general principle that "my enemy's enemy is my friend"--several of those Mohegan who realized that the individuals in question were not in fact members of the group acquiesced (MT Response, 1:86, 95-96). It was Virginia Damon who in 1973 called Courtland Fowler and obtained his approval for Myles' appointment as Mohegan representative to the CIAC (MT Response 1:89). Her first choice for an alternate was a Mohegan Indian of undisputed descent. (Damon 1973).

Native Mohegans, Inc. functioned as the Mohegan Indian council for the majority of Mohegan from the mid-1970's until the 1980 incorporation as the Mohegan Tribe of Connecticut. Based on the sample of meeting notices and minutes provided by the petitioner, it is concluded that they held regular tribal meetings, about once a month.

The Mohegan Majority from the Election of Courtland Fowler as President of the Council of the Descendants, 1970, to the Incorporation of the Mohegan Tribe of Connecticut in 1980. In May of 1970, Courtland Fowler was elected by a coalition of the Mohegan Hill community and Virginia Damon's followers (not including the non-Mohegan that she later included in Native Mohegans, Inc.) as president of the Council of the Descendants in place of John Hamilton (MT Response, Ex. 126). This coalition represented the majority of Mohegan adults living in the social core area at that time (that is, within a ten-mile radius of Mohegan Hill). On June 19, the New London Day reported that the Board of Directors of the Council of the Descendants of the Mohegan Indians, Inc., would meet the next Sunday at the Mohegan Indian Church, with the agenda including nomination officers and board for the coming year, planning of an annual meeting for June 28, and appointment of a committee to revise bylaws. The group also planned to hold on this occasion a reception honoring newly elected "Sachem" Courtland Fowler of Uncasville:

Fowler was elected sachem May 13 to replace John Hamilton of Ledyard. However, because fewer than 20 tribesmen voted, letters have been sent to more than 100 Mohegan Indians this week stating valid reasons why Fowler should not hold the office can be presented in a notarized letter to the Board" (Indian Group Board to Plan 1970, BAR Files).

Fowler's election was followed by formal notice of a June 14, 1970, MT Board meeting and a June 28, 1970, MT Annual Meeting (MT Response, Ex. 129).

Because Hamilton, in June 1970, filed a certificate with the State of Connecticut dissolving the Council of the Descendants (in response to the opposition to his leadership), Fowler's position for the next ten years was somewhat ambiguous. Outsiders often referred to him as "chief," while Virginia Damon borrowed John Hamilton's anachronistic terminology and called him "sachem." In practice, he had been chosen as the working political head of the Mohegan majority (as during the 1930's, Julian Harris had been president of the League of the Descendants while Burrill Hyde Fielding was chief), and also assumed from or shared with Harold Tantaquidgeon some public representational functions (MT Response 1:133; MT Response 1A:5). Fowler had already served as public representative of the core community on a number of occasions in the 1960's.¹⁰⁰ Yet, on policy issues such as land claims, he continued to defer to the Tantaquidgeons (MT Response, Ex. 181).

On the basis of the evidence presented in the MT original petition, the PF concluded:

The Mohegans in the base village area who had confirmed Fowler as the primary Mohegan leader remained relatively dormant during the years in which Hamilton's Confederation was most active. There is reference to only one possible meeting for the period between Fowler's confirmation in May 1970 and the organization of a constitutional committee at Mohegan in May 1979 (Mohegan PF 1989, Historical Technical Report, 4).

New evidence presented in the MT Response indicates that in addition to the activities of Native Mohegans, Inc., discussed above, the Mohegan majority, led by the core community at Mohegan Hill, was considerably more active during this period than the PF concluded. In accord with the traditional Mohegan methods of communication, the "Elders of the Descendants of the Mohegan Tribe of Indians" sent a postcard to members containing notice of a May 17, 1970, meeting at Fort Shantok, adding: "Please notify all members of your family, as one notice is being sent to each family" (Mt Response, Ex. 126; example sent to Loretta Roberge).

¹⁰⁰ 1965 Rose Arts Festival Parade, Norwich. Large Mohegan participation, including both Harold Tantaquidgeon and Courtland Fowler (BAR Files); 1966 Montville Parade. Mohegans Ride in Town Parade on their own Float (BAR Files); 1968 Courtland Fowler Rides in Montville Town Memorial Day Parade (BAR Files).

1969 Courtland Fowler as Chief of the Mohegans at Dartmouth celebration (MT Response, Ex. 99).

The Mohegan majority began to organize itself almost immediately after Fowler's election in 1970. On August 25, 1970, the Southeast Council of the Federated Eastern Indian League (FEIL) wrote to Courtland Fowler as chief about formal ceremonies to install him in office (MT Response, Ex. 132). In 1973, Virginia Damon was serving under him as tribal secretary (MT Response, Ex. 45), but the two of them did not always see eye-to-eye, since Fowler was more inclined to defer to the leadership of the Tantaquidgeons in political considerations as well. In January 1975, a representative of Pine Tree Legal Assistance, Inc., of Calais, Maine, wrote to Damon that:

I also visited with Courtland Fowler to discuss my findings and potential federal court actions. . . Mr. Fowler seemed to favor litigation but did not feel that it was his place to assemble the Tribe, or to call for a referendum on the question. He suggested that I speak with the Tantaquidgeons, and that he would go along with their decision. I spoke to Gladys Tantaquidgeon for several hours. Her position, as I am sure you are aware, is that the time has long since passed for any claims litigation" (MT Response 1A:15-16; MT Response, Ex. 181).¹⁰¹

The PF concluded that Fowler's only documented political act as chief between 1970 and 1980 was the appointment of Brian Myles (CETA director for AID) as Mohegan representative to CIAC (Mohegan PF 1989, Historical Technical Report, 10; see also MT Response 1:89 and 1:91; Ex. 145). On July 20, 1973, Virginia Damon, as Fowler's secretary, wrote to Frank Harris of Pawtucket, Rhode Island, asking if he would serve as alternate Mohegan member to the Connecticut Indian Affairs Council (hereafter CIAC). The letter continued: "It is time for the younger ones who are descendants to start to take over where the old ones have left off. There are fewer of them left. Philip Gray has died and my mother died April 7th of this year" (Damon 1973; DeMarce FN 1993). In existing Mohegan documentation, records of this kind of leadership recruitment activity are rare. In the Capwell-Damon-Harris sequence, all three were non-residents of the social core community, so did not have daily face-to-face communication. They chose to write rather than phone.

¹⁰¹ September 2, 1977, Norwich Bulletin, "Hamilton Files Two Lawsuits in Federal Court." COURTLAND FOWLER "who is considered by many Mohegan descendants in Montville as their leader" had no comment (MT Response, Ex. 195).

In his 1980 deposition Fowler stated that there was no Mohegan business for him to preside over prior to 1980 (Mohegan PF 1989, Historical Technical Report, 48). But information submitted in response to the PF provided examples of his political activity and influence. During 1971-1976, Courtland Fowler's leadership of the Mohegan majority (MT Response, Ex. 135J, Ex. 135I, Ex. 135P) included membership on the Indian Parents Committee 1973-76 for the Town of Montville school system (MT Response, Ex. 140-1) and continuing as an officer of the Mohegan Church Society (MT Response, Ex. 135Q, Ex. 153, Ex. 154, Ex. 155). An article published in Yankee magazine on New England Indians in 1973 described the Mohegan as the "probably most organized" of the New England groups, and said that Fowler "admits that today the job of sachem doesn't entail much." However, it also said that Fowler "calls tribal meetings when matters concerning the Mohegan tribe or their church arise, and acts as spokesman for the tribe" as well as, on a day-to-day basis, acting as caretaker of the Mohegan Church (Miller and Nickel 1973). He, together with other MT officers, also fulfilled public representational functions from 1971 through 1979.¹⁰²

Fowler was responsible for increasing the protection of the three Mohegan burial grounds (Norwich, Ft. Shantok, and Ashbow) during the 1970's and 1980's. In 1980, he went to Hartford to testify on legislation being considered by the state legislature that affected the autonomy of Native Americans in Connecticut. On the socio-cultural front, Fowler continued the Mohegan tradition of using his power as Mohegan chief to battle against inaccurate portrayals of Mohegan history and culture. In this regard a series of letters from 1980, from the tribal council, signed by Courtland Fowler as tribal chairman, to the Connecticut DEP were submitted by the petitioner. They reveal the opposition of the Mohegan to a book on Connecticut Indians produced by the DEP which contained specific inaccuracies

¹⁰² 1971 participation in Rose Arts Festival parade in Norwich (Courtland Fowler), "Mohegans March" (BAR Files).

September 13, 1971, Norwich Bulletin, "Onlookers Brave Elements for Mohegan Parade" Courtland Fowler, Kathy & Linda Heberding, Mohegan Fire Company Parade (MT Response, Ex. 135G).

July 2, 1972, Norwich Bulletin, "Mohegan Indian Day Under Tent." COURTLAND FOWLER & Gladys Tantaquidgeon participated in Rose Arts Festival of 1972 (MT Response, Ex. 135P).

1973 Norwich Loyalty Day parade: Courtland Fowler, Gladys Tantaquidgeon, Loretta Schultz (BAR Files).

January 18, 1976. Article by Jay Jurkiewicz on Courtland Fowler, "He's Keeping Indian Lore Alive in Montville" (Jurkiewicz 1976; CR, Ex. 54).

September 1979, Courtland Fowler represented the Mohegan in a meeting with Gov. Ella Grasso (reference in MT Response, Ex. 205).

about the Mohegan. There is also a letter from the tribal council to a television producer (also dated 1980), concerning the portrayal of New England Indians in a television series, "People of the First Light," without consulting the Mohegan or visiting their area. In his letters he says that he is writing in response to a vote taken by the tribal council.

In 1972, Jayne Fawcett emerged as an ad-hoc leader in opposition to Hamilton, in addition to Virginia Damon (MT Response 1A:17). As niece of Gladys and Harold Tantaquidgeon, and granddaughter of John W. and Harriet (Fielding) Tantaquidgeon, she assumed the responsibility for notifying essentially the entire Tantaquidgeon lineage (totalling almost 1/4 of the Mohegan overall) about Hamilton's claims that he was Grand Sachem and unifying the group in a formal refusal to acknowledge them. By March 16, 1972, the total number of adult Mohegan descendants who had subscribed to this letter was 97 (MT Response, Ex. 135M).¹⁰³ Those who signed the letter represented a majority of all Mohegan adults and represented all of the major family groups. Analysis of those who did not sign shows that many were supporters of Courtland Fowler, including Fowler himself.

Jayne Fawcett, in cooperation with her husband, also dominated the Mohegan opposition to the land claims suit filed by Hamilton in 1977.¹⁰⁴ In accordance with the life work of her uncle, Harold Tantaquidgeon, one of her major concerns was that pursuit of land claims could awaken antagonism toward the Mohegan on the part of the community in which they lived.

'The obsessive pursuit of ancient grievances could awaken prejudices towards the Mohegans,' Mrs.

¹⁰³ February 16, 1972, letter of Jayne Grandchamp Fawcett, as granddaughter of John W. and Harriet (Fielding) Tantaquidgeon, requesting repudiation of John Hamilton "not recognized by us" as Grand Sachem of the Mohegan and "give those who desire an opportunity to disaffiliate themselves from representation by Mr. Hamilton" (MT Response, Ex. 135K), Handwritten: "If you have any questions, please call Gilly [Ernest W. Gilman, Jr.], Hattie [Harriet Strickland] or me" (CTAG Response, Ex. 245).

Loretta [Schultz] wrote on her form that she acknowledged Hamilton "only as Representative" and gave further explanation (MT Response, Ex. 135L-1).

¹⁰⁴ 1977 [hand-dated], "Meeting with Grasso Seen 'Disappointment' by Fawcett." Concerned clearing of land titles threatened by John Hamilton's suit. Dr. Richard Fawcett, president of the Mohegan Citizens Action Committee (MT Response, Ex. 192).

Fawcett said. She said this could be damaging to Uncasville, which has the largest Indian population in the state. She also claims that a survey she conducted in 1972 proves that 166 Mohegans, 99 of whom are descendants of her grandfather, do not recognize Hamilton as their Grand Sachem" (MT Response, Ex. 194).

Jayne Fawcett was influential in another Mohegan political endeavor, the Mohegan Indian Parent's committee, which was active from 1974-1977. The Indian Parent's committee was formed to fight forced bussing of Mohegan Indian children to schools far from home, and to promote Mohegan and Indian identity among the Mohegan children. They were successful in preventing forced bussing on the grounds of their unique identity as Indians (Austin 1993 FN). All official correspondence of the committee was signed by Courtland E. Fowler, then President of the Council.

In addition to the anti-bussing activities, the Indian Parent's Committee applied for and received a grant from the federal government's Indian Education Act, which permitted the Mohegan children to take a field trip to the Museum of the American Indian in New York City and to participate in other activities promoting awareness of their Indian heritage. At least 20 Mohegan children from the Mohegan Hill area were enlisted to participate in group activities (Austin 1993 FN). The committee's budget was reported as part of the Mohegan Church's budget, and most of the committee's meetings were held at the church. This shows another important tie between an official committee with the council and the Mohegan Congregational Church. Loretta Schultz spoke to the Indian Parents Committee for the Montville school system (MT Response, Roberge OH 1990, 1).

On July 27, 1977, Courtland E. Fowler as "elected spokesman of the descendants of the Last of the Mohegans," along with Harold A. Tantaquidgeon, Gladys Tantaquidgeon, Winifred Tantaquidgeon Grandchamp, and Ruth Tantaquidgeon, signed a statement that:

We the undersigned, duly acknowledged leaders and senior descendants of the Mohegan Tribe of Indians, being the remaining descendants possessed of the greatest amount of Indian blood, do hereby affirm that we fully support the efforts of Congressman Dodd to remove the cloud which presently exists over title (CTAG Response, Ex. R255).

Newspaper articles, pro and con, continued to appear during August and September of 1977, with the active involvement of

Dr. Richard Fawcett, non-Indian spouse of Jayne Fawcett and President of the Mohegan [geographical location, not MT] Citizens Action Committee (CR, Ex. 55, Ex. 56, Ex. 58). The CTAG Response defined the reasons why many Mohegan were "initially opposed to this litigation" as:

(1) unpopularity with white neighbors, whose right to convey their properties encountered temporary problems, and (2) the fear that Hamilton controlled the litigation and would bar them from the Indian cemetery at Fort Shantok State Park (CTAG Response, Ex. 242, 13).

Core community opposition to Hamilton's 1978 filing of an undocumented petition for Federal acknowledgment is discussed above under that topic. By 1979, these general concerns were indeed compounded by more specific ones that Hamilton's success in these initiatives would give him control over the cemetery at Fort Shantok.¹⁰⁵ A letter of March 26, 1979, stated:

Under the leadership of COURTLAND FOWLER, the following are joining together to urge you to attend a meeting . . . Mr. Hamilton or his spokesman have declared virtually all who will receive this letter non-Indians. Certainly those descended from the Fielding and Tantaquidgeon branches of the Mohegan have been publicly denounced as such, and since so many of us share a common ancestry, if one isn't Indian according to Mr. Hamilton, neither can the rest be. He has written outrageously vindictive letters to a number of our people, and has so conducted himself in public as to cast serious doubt on his credibility.

None of his recent dead has he buried at Shantok, and yet he proposes to claim the land where many of ours are. It is the considered opinion of the above named and many others that we cannot allow this to

¹⁰⁵ 1979 April 8, meeting called by a number of Hamilton's opponents concerned about Fort Shantok burying ground (MT Response, 1:41; MT Response, Ex. 213).

April 13, 1979, letter to "Dear Mohegan" from [Lynn M. Cicero], Mohegan Secretary (sent out from AID in Meriden, CT). Meeting of April 8, 1979. Mr. Courtland Fowler from an unanimous vote of 58 (31 were present/27 votes thru the mail) was reaffirmed leader and spokesman of the Mohegan people. There were around 250 Mohegan adults at this time [Lynn M. Cicero (Cooper)] was appointed secretary. Ms. Gladys Tantaquidgeon, Jane Fawcett, COURTLAND FOWLER, Ralph Sturges, Ernest Gilman and [Stilson Sands] were all voted to be on a Cemetery Committee to look after Fort Shantok (MT Response, Ex. 214).

happen. Therefore we are asking that you meet Sunday, April 8, 2:00 p.m. at the Mohegan Congregational Church (MT Response, Ex. 213).¹⁰⁶

Jayne Fawcett wrote an article for the Norwich Bulletin ("Hamilton's Claim of Being Grand Sachem Challenged" February 4, 1979, MT Response, Ex. 197).

I have lived in the Mohegan community of Montville virtually all of my life. I grew up knowing and respecting the elders and Indian leaders of the community, Mataga (B. Fielding), Tantaquidgeon, and Fowler, honorary chiefs and sachems of the Mohegan. It was not a leadership of constitutions and documents, but one of folk tradition. It was all a part of the pride we had in our heritage. On the periphery of that life was John Hamilton. He played his Indian money game and the older people chuckled. Few took him seriously. In the 43 years I have lived as a Mohegan Indian in the Mohegan community, I have never met him. Now he claims Ft. Shantok, a claim which lies at the heart of much Indian opposition to his suit. None of his recent dead are buried there; ours are, and we are deeply concerned over the future of the burial ground.

Jayne Fawcett's non-Mohegan husband wrote to the Assistant Secretary -- Indian Affairs, Department of the Interior concerning the lack of support for Hamilton among the Mohegan (Fawcett, Richard to Forrest Gerard, February 13, 1979. Some Mohegan also wrote letters to the editor supporting Courtland Fowler as the legitimate Mohegan leader (Heberding, Milton, February 14, 1979; Kathy and Charlie Dame, February 17, 1979; BAR files).

Adoption of Constitutional Government, 1980. This concern with Hamilton's potential takeover of the cemetery at Fort Shantok was apparently the last straw which persuaded the Mohegan core community to cooperate more fully with Virginia Damon and her CIAC allies in incorporating the MT. The MT original petition contained a typed document of unknown provenance headed "Mohegan Indians Tribe (Rule's and Regulations.) 1920 to 1978." The second copy included a stamp of the CIAC (date illegible): "Received, Dept. of Environmental Protection, Office of Indian Affairs." The contents were simple:

¹⁰⁶ Signers: Harold and Gladys Tantaquidgeon, Loretta Schultz, Edyth Fitzpatrick, Harriet Strickland, Ernest Gilman Jr., Meryl Heberding, Virginia Damon, [Brian Myles, Stilson Sands], Jayne Fawcett.

To preserving integrity of the tribe, (and it's social welfare.)

Regulations are:

1. All must respect the Mohegan-burial ground.
2. All must respect the Mohegan Church.
3. All respect the Mohegan tribal form of election of Chieftonship [sic] by vote.
4. All respect the Mohegan Museum and its Artifacts.
5. All respect the three steps of generation body governing.
(Elder, Adult, Youth.)
6. Amendment 1973. At present day and time all respect (C.I.A.C.) Connecticut Indian Affairs Council (MT Orig. Pet., Ex. 170; Ex. 207-1).

There is no record that this document was voted on by the Mohegan membership or supported in any other way. It acknowledges the Mohegan relationship with the CIAC. Whether or not it was ever formally accepted by the Mohegan, this document outlines most of the political issues that have been important for the Mohegan during the 1900's (respect for the burial grounds, Mohegan Church, the elected leaders and elders, the Tantaquidgeon Indian Museum). In this way it is evidence for continuity of issues throughout this century. The omission of land claims from the list and the inclusion of the museum suggests that the Tantaquidgeon sub-family influenced the writing of the document.

The announcement of a tribal meeting at the Mohegan Congregational Church to address the formation of a Mohegan Constitutional Committee, was dated May 20, 1979 (MT Response, Ex. 215); on June 15, 1979, Courtland Fowler signed a letter [mailed by Lynn Cicero, AID] to "Dear Fellow Tribespeople" on the need for the Mohegan to adopt a constitutional form of government (MT Response IA-19). Fowler specifically stated that this was a movement from an informal to a formal structure:

As you know, we have always conducted our business informally and have never had a formal governing document. In the past, this has always worked well, because our needs were simple. but after discussing this matter with a developmental committee of Mohegans, I have realized that our situation is now different. the Federal government and the State of Connecticut are now more involved in our affairs and we need, in my opinion, a more structural government (MT Response, Ex. 216).

An Ad Hoc Committee was to prepare and distribute the ballots on the question, election to be certified by the Indian Rights Association (MT Response, Ex. 216).

The meeting for all Mohegan Tribal Members at Mohegan Congregational Church to establish the Ad Hoc Committee was held June 17, 1979 (MT Response, Ex. 217). One hundred thirty-two valid ballots (41 percent of the 321 Mohegan adults alive in 1980 voted) were received in the Constitutional Committee election (MT Orig. Pet., Ex. 38).¹⁰⁷ Voters included representatives of all Mohegan family groups, plus a number of the Myles-Sands-Cooper group (MT Orig. Pet., Ex. 38, 3-4). The candidates elected, with the number of votes, were: Gladys Tantaquidgeon (108), Courtland Fowler (91), Jayne Fawcett (84), Brian Myles (50), Ernest Gilman (49), Lynn Cicero (47), and Loretta Schultz (45).

On July 11, Loretta Roberge sent out notices that the Ad Hoc Committee meeting for nomination of the constitutional committee would be postponed from July 15 to July 22, 1979, because of renovations in the Mohegan Church. Again, these were mailed in AID envelopes from AID's office in Meriden, Connecticut (MT Response, Ex. 219). Work continued for the remainder of the year and into 1980 (MT Response, Ex. 222-2; Ex. 225; 1:41), culminating in February, 1980, with the adoption of the MT constitution (MT Orig. Pet., Ex. 271). The first MT Council was elected under the Constitution and the election certified by the Indian Rights Association of Philadelphia (CTAG Response, Ex. 241, 29).

Prior to 1980, "elder" does seem to have been an informal status, and to have provided primarily internal socio-cultural leadership, which does not in any way undermine the significance of their role. Concerning her aunt, Loretta (Fielding) Schultz, Loretta Roberge recalled:

As children we were told to respect our elders. We never, ever would disagree like with Gladys or any of them. What they say, we listen to, may be we disagree, but we would never, never say anything to hurt their feelings, any of them. I think that as we're going to be the Tribe elders and we're almost are the Tribe elders right and then we have our children who are going to be coming along and

¹⁰⁷ Candidates were [Lynn M. Cicero], Virginia Damon, Jayne Fawcett, Edythe Fitzpatrick, CARLISLE FOWLER, COURTLAND FOWLER, COURTLAND C. FOWLER, Ernest Gilman, Frank Harris, Merle Heberding, [Brian Myles, Stilson Sands], Loretta Schultz, Paul Sturges, Ralph Sturges, Gladys Tantaquidgeon, Vivian Wolfe (MT Orig. Pet., Ex. 38-1).

like I tell my children, you know there's not too many of us left, so we have to try to stay together. And I said in our family, being in the Fielding family, it would probably be Roberta Cooney would be our elder, and she would be the one if anything happened to any of us to me or my children, that's who they would go to. They would always go to the Tribe elder. If anybody died where they should be buried. Recent years it would be my aunt and when my aunt past away it's always been the Quidgens. Tantaquidgens and my Aunt Loretta always worked together on that. What they said that was it (MT Response, Roberge OH, 8).

Under the current constitution, adopted in 1980, the four Mohegan "elders," formally known as the Constitutional Review Board, are in fact elected, and must be at least 55 years of age. The Board "shall have the power of receiving cases and controversies arising under the Mohegan Constitution and whose judgement shall be final" (MT Constitution, Article V, Section 1, #7; one additional member of the Board is appointed by the Tribal Council).

MT Activities Since Adoption of the Tribal Constitution in 1980. The PF concluded that while the petitioner had had a formal tribal council and governing document since 1980, the available evidence was not sufficient to determine the extent of the Tribal Council's political influence or other authority over its membership. It stated that:

Although the Mohegans currently have a council, its principal concerns appear to be the land claims and Federal acknowledgment. On occasion, the council discusses the Mohegan burial grounds. There is no evidence of extensive interaction between the council and its members, and it is not known if or how decisions by this body are communicated to the membership. It is not known if or how issues raised by the membership come before the council. There are no business meetings of the membership as a whole (Mohegan PF 1989, Summary under the Criteria, 4).

The MT Final Reply for preparation of the FD denies that there was only one tribal meeting between 1981 and 1985 and that there are no business meetings of the membership as a whole. This statement in the PF was, in fact, in error: the MT original petition contained reference to the calling of such meetings by the Council (MT Orig. Pet., Ex. 282, Ex. 285). It states that since 1980, tribal meetings have been held at the rate of at least three or four per year,

although the early minutes, kept by Lynn Cicero of AID who is no longer on the Mohegan tribal rolls, had not been made available to the petitioner (MT Final Reply I:110). The MT Final Reply also states that recently there have been practically monthly council meetings as well (MT Final Reply I:111; MT Final Reply, Ex. 7), which dealt with a wide variety of topics beyond the land claims lawsuit and the Federal acknowledgment petition (MT Final Reply I:125; MT Final Reply, Ex. 8, Ex. 9, Ex. 11, Ex. 12, Ex. 13).

The newly established Tribal Council, at its first meeting, dealt with the land claims issue. On May 3, 1980, it declared that it had succeeded under Article V, Section 1, clause 2, to all rights to choose and employ legal counsel for the plaintiff Mohegan Tribe (CTAG Response, Ex. 241, 29). A memorandum from Courtland Fowler to all tribal members dated May 9, 1980, announced the council membership and their staggered terms (Gladys Tantaquidgeon, Courtland Fowler Sr., Jayne Fawcett, Ernest Gilman Jr., Virginia Damon, Courtland C. Fowler, and Edythe M. Fitzpatrick; also on the council at that time were two non-Mohegan, Brian Myles and Lynn Cicero; MT Orig. Pet, Ex. 172), the names of the officers (Chairman of the Tribal Council was Courtland Fowler, Sr.; Vice-Chairman Gladys Tantaquidgeon; Secretary-Treasurer, Virginia Damon), procedures for obtaining Mohegan photo I.D.'s, and the date of the tribal meeting, Sunday June 8, from 1:00 p.m. until 4:00 p.m. at the Mohegan Church (MT Orig. Pet., Ex. 172).

During that year, the MT held a referendum on whether or not to intervene in the claims suit. On September 8, a letter on the MT letterhead reported to the membership that 97% of the valid ballots (99 ballots were cast, representing approximately 45% of all Mohegan adults) were cast in favor of intervening in the land claims suit. The letter also said the next council meeting would include a discussion of the vote and the land claim law suit, Mohegan Tribe versus the State of Connecticut" (MT Response, Ex. 228). In the same letter, the officers (Courtland Fowler, Tribal Chairman; Gladys Tantaquidgeon, Vice-Chairman; Virginia Damon, Secretary-Treasurer) announced a "Mohegan Tribal meeting on Saturday 4 October 1980 at the Mohegan Church, 10:00 a.m.-12:00 noon" to discuss a bake sale and the homecoming (MT Response, Ex. 228).

By mid-1981, the Tribal Council engaged as counsel to intervene in the land claims lawsuit, Jerome M. Griner, formerly John Hamilton's attorney (CTAG Response, R242, 4), and the MT continued to be concerned with the issue, as indicated by an April 6, 1982, letter of Congressman Sam Gejdenson to Courtland Fowler re Indian land claims (MT Response, Ex. 231). The MT also intervened in the Federal

acknowledgment process, and became the petitioner of record. On February 24, 1981, Courtland Fowler was one of the five Connecticut tribal leaders to attend the funeral of the late Governor Ella Grasso (Goodman 1981).

The PF indicated that the majority of Council business since 1980 had centered upon land claims and the acknowledgment petition. The circumstances leading up to the establishment of the Council make this natural, but the Council does not focus exclusively on these issues. Moreover, the new evidence submitted by the MT for the FD indicates that these have been continuing, significant political issues for the tribe.

A 1986 notice for a meeting of the Mohegan Tribe, 2:00 p.m. at Mohegan Congregational Church, Sunday, April 6, indicated that discussion would center on participation in Montville's Bicentennial. The notice also contained a reminder of Homecoming at Fort Shantok August 24 (MT Response, Ex. 234).

Hamilton's Activities 1980-1988. By the time of the adoption of the MT constitution in 1980, John Hamilton was elderly and becoming less active (Killen, 1982). In 1981, he attempted to discharge Jerome M. Griner as his legal representative and engage Attorney Robert B. Cohen for the Tribe, and "extend" Attorney Wheeler's contract (CTAG Response, Ex. 241, 30; CTAG Response, Ex. R241, CTAG Response, Ex. R242).

One newspaper article, published in the Hartford Courant on April 26, 1981, "Mohegan Leaders United for Land-Claim Lawsuit," indicated that Hamilton and the Mohegan majority might reconcile (MT Response, Ex. 229). Fowler denied this in a letter to the editor, "Leaders not united," published in the Norwich Bulletin on May 12, 1981. The denial was not surprising, since in the original interviews, Hamilton had referred to "that bunch of troublemakers on the hill" and Fowler had said of Hamilton, "He's not our leader" (MT Response, Ex. 229).

In 1986, Hamilton became involved with the founding of the Preston Mohegans, now known as the Mohegan Tribe and Nation and represented in an independent petition for Federal acknowledgment by Eleanor Fortin (MT Response I:118-120; MT Response, Ex. 242). The Mohegan Tribe and Nation is not a part of the petition for Federal recognition of the Mohegan Tribe of Connecticut and will not be affected by this determination.

When Hamilton died in 1988, Courtland Fowler and the MT Council wished to bar the holding of a memorial service for him in the Mohegan Congregational Church. In this, they

were overruled by Gladys Tantaquidgeon as socio-cultural leader, whose opinion was that no matter how many people he had offended in the course of his life, he was a born Mohegan and therefore permission should be granted (MT Response I-A:26). In the MT constitution, the final decisions in such matters are reserved to the elders (constitutional review board). Only between 20 and 30 Mohegan are estimated to have attended the funeral (MT Response, Ex. 252-1, affidavit of his nephew, Donnell Hamilton, dated August 8, 1990).

MT Leadership Since 1991. After the death of Courtland Fowler in 1991, Ralph Sturges was elected chief by the Mohegan. This was a compromise choice: at the time of the 1970 split, he had been a Hamilton supporter, but had later served as vice-chairman under Fowler. A Baker descendant, his 1990 affidavit indicates that his family always attended not only Baker line funerals, but also Fielding and Storey funerals, and had been close to the Stricklands and the Tantaquidgeons (MT Response, Ex. 251).

There was considerable controversy as to who Fowler's successor should be. Many felt that Lawrence Schultz, grandson of Burrill H. Fielding, should be the candidate. However, Sturges was elected chief in 1992 with 98 percent of the vote. Some Mohegan see his election as a very positive compromise which had the effect of uniting former Hamilton supporters (Hamilton died in 1988) and those who had supported Fowler. Sturges is able to do this because of his leadership style, which is oriented toward inclusion and mediation of political differences, and because he is a descendant of the Baker family group (not a Fielding or a Storey). This is significant since it is the first time in this century that someone who was not a Fielding was elected Mohegan chief.

Gladys Tantaquidgeon is a tribal elder and the Mohegan medicine woman. She inherited the role of medicine woman from her great aunt, who formalized the role by passing on to Ms Tantaquidgeon a belt of wampum that dates from the late 1700's. A number of Mohegan interviewed knew that Gladys Tantaquidgeon was the officially elected medicine woman. The Mohegan think of this role as being filled by someone who knows a great deal about traditional medicine and other aspects of Mohegan tradition and culture. The medicine woman is someone that is called upon in times of controversy. In this role, Gladys Tantaquidgeon has exercised a great deal of authority; for example, when she persuaded the majority of Mohegan to allow John Hamilton to have his funeral service at Mohegan Congregational Church. Melissa Fawcett (daughter of Jayne Fawcett) has also served several prominent political functions. She has been on the

tribal council and is now the Mohegan tribal historian. Throughout her life she was prepared by her great aunt and uncle, Gladys and Harold Tantaquidgeon, to exercise political authority in the group.

Since the death of Courtland E. Fowler, the Mohegan have continued to hold monthly council meetings. They also hold regular tribal meetings and sponsor an annual Wigwam Festival Powwow and homecoming. Business considered at each has continued to include land claims, protection of the burial grounds, promotion of Mohegan identity, and Federal acknowledgment (Austin 1993 FN).

There has been continuity in the leadership from the 1967-70 Council of the Descendants to the MT since 1980: for example, Roberta Cooney, who in 1970 was treasurer of the Council of the Descendants¹⁰⁸ was, as of 1990, secretary/treasurer of the MT (MT Final Reply, Ex. 7).

Issues Raised in Responses.

Autonomy vis-a-vis Pequot. The "autonomous political entity" element of criterion 25 CFR 83.7(c) was extensively addressed by the CTAG response, which maintained that because of the subordinate position of the Mohegan to the Pequot in the first half of the 17th century, and the institution of the overseer system by Connecticut in the 19th century, the Mohegan had not met criterion (c) in the period prior to 1940, because they had not been independent of other Indian authority or control (CTAG Response 1:3).

The CTAG Response discusses at considerable length the fact that the Mohegan were temporarily subject to the Pequot in the 1620's and 1630's, and argues that under the criteria of independence "autonomy" from other Indian authority, this makes the MT ineligible for recognition. (CTAG Response 1:5-7 and 1:13-18). The CTAG Response claims that Pequot War of 1637 was used by Uncas to escape this subordinate status (CTAG Response 1:8; 1:18-20) and that the Mohegan ancestry and language were largely Pequot (CTAG Response 1:21-28).

The contention by the CTAG that the subordination of the Mohegan to the Pequot for a portion of the first half of the 17th century constitutes a disqualification for Federal acknowledgment of the MT as an Indian tribe under 25 CFR 83.7 misinterprets the intent of the regulations. The

¹⁰⁸ 1970, Council of the Descendants of the Mohegan-Pequot Indians, Inc. by John Hamilton, Grand Sachem. Former treasurer Mrs. Roberta Cooney turned over all records and bank book to him (CR, Ex. 60).

intent of the regulations under 83.7(f) is clarified by certain other statements in other portions of 25 CFR 83. Under "Scope" of the Federal acknowledgment process, 25 CFR 83.3(d) reads:

Nor is this part intended to apply to splinter groups, political factions, communities or groups of any character which separate from the main body of a tribe currently acknowledged as being an Indian tribe by the Department, unless it can be clearly established that the group has functioned throughout history until the present as an autonomous Indian tribal entity.

The petitioner can in no way be regarded as "separating from" the main body of a currently acknowledged tribe. The Mohegan were not a part of the Mashantucket Pequot at the time that group was Federally acknowledged by act of Congress in 1983.

Neither do the type of rebellion and resistance against Uncas by the Pequot later placed under his supervision by Connecticut authorities, narrated by CTAG (CTAG Response 1:30-42), normally have the impact of destroying legal sovereignty when it exists.

Autonomy and Continuity vis-a-vis Connecticut. The CTAG Response argues against continuity of political authority (CTAG Response 1:44-52), and introduces some new 18th century documentation pertaining to factionalism in the Mohegan tribe in 1774. Under the criteria, factionalism does not vitiate the existence of political continuity. The PF evaluated the evidence and considered that authority and continuity through 1941 were adequate. The evidence submitted in the CTAG Response is not sufficient to reverse this conclusion.

The CTAG Response also maintains that it is relevant whether or not the Mohegan maintained "autonomy" vis-a-vis the colony of Connecticut and the overseers appointed by the State of Connecticut prior to the dissolution of the reservation in 1872:

Furthermore, has political authority existed not sporadically but throughout history until the present? (CTAG Response 1:3).

For purposes of Federal acknowledgment as an Indian tribe, the definition of the word "autonomous" in 25 CFR 83.7(g) is the definition published in 25 CFR 83.1 Definitions:

Autonomous means having a separate tribal council, internal process, or other organizational mechanism which the tribe has used as its own means of making tribal decisions independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the Indian culture and social organization of that tribe.

Under this definition, the contention by the CTAG that the imposition of the overseer system upon Connecticut's Indian tribes by the government of the state had the impact of ending the tribes' autonomy is irrelevant to the criteria for acknowledgment. While a petitioner must demonstrate continuity of political authority and influence through time, the regulations do not require a group's "autonomy" vis-a-vis the Federal government, a colonial or State government, or any other non-Indian authority. The issue of autonomy only arises in connection with other Indian tribal political systems, not in relation to non-Indian governments.

Mohegan-Pequot Relationship. From the establishment of the system of state overseers in the 18th century through the division of the remaining Mohegan reservation lands to individual families in fee simple in 1872, the State of Connecticut consistently treated the Mohegan and the Pequot as separate entities. The two groups had different overseers (CT General Assembly 1819) and the Mohegan, at least, attempted to maintain their right of choice, or at least approval, of the overseers who were appointed, on several occasions between the 1820's and the 1850's petitioning the General Assembly in objection to overseers' actions (Mohegan PF 1989, Historical Technical Report, 27-30). These petitions also provide a certain amount of evidence on the internal leadership and factions of the Mohegan during this period (Mohegan PF 1989, Historical Technical Report, 27).

State Citizenship. The CTAG Response argues that the Mohegan are not eligible for Federal acknowledgment as an Indian tribe because since 1872, the Mohegan have been Connecticut citizens (CTAG Response 1:108; citing CTAG Response, Ex. R71). It is well established in law that U.S. citizenship is not incompatible with tribal membership (U.S. v. Nice, 241 U.S. 591 [1916]; U.S. v. Holliday, 3 Wall. 407 [1865]). Therefore, this contention is not relevant to acknowledgment under 25 CFR 83. If an Indian group can demonstrate that it has maintained internal political authority and/or influence, even while simultaneously having such privileges as eligibility to vote in State and Federal

elections, the status of individuals as state citizens does not invalidate this.

Conversely, although the MT Final Reply argues that the recognition of the Mohegan as an Indian tribe by the State of Connecticut since the 1970's should be dispositive in favor of Federal recognition (MT Final Reply I:102-104), this is not the case. State recognition is one form of evidence that a group meets criterion a, but is not grounds for automatically considering a group to be entitled to Federal recognition.

GOVERNING DOCUMENT

The Proposed Finding concluded that a copy of the MT's formal governing document had been submitted in accordance with this criterion. The PF conclusion that the MT met Criterion d is confirmed by the FD.

DESCENT OF THE MEMBERSHIP FROM THE HISTORICAL TRIBE

The Proposed Finding concluded that approximately 85 percent of the 1,032 members of the MT tribe on the roll in 1989 descended from the historical tribe and met the group's own membership requirements (PF Genealogical Technical Report, 1; see MT Response, Ex. 241, dated 1985), which was descent from an individual on a list of Mohegan Indians prepared in or before 1861 "and who, together with his or her ancestors back to such list, can establish by clear and convincing proofs that they have maintained continuing tribal relations without inexcusable break therein back to such ancestor on such list; and who apply for membership in the Tribe; . . ." ((MT Constitution, 1985 Amendment, Article III, Section I(2)--MT Orig. Pet., Ex. 294)).

Removal of Ineligibles from Tribal Roll, 1990. In response to the finding by the BAR that descent from the historical tribe could not be documented for 15 percent of the 1989 membership (either the descent claimed could be disproved or there was insufficient information to determine whether the individual descended from the historical tribe), in April, 1990, the tribal council decided to remove from the tribal rolls all persons who did not meet the membership requirement. These were the AID/CIAC families brought in by Virginia Damon in the mid-1970's (MT Response I:84, 94-95).

The procedure for removing the ineligibles (118 in number) from the rolls in April 1990 (MT Response 1:84) is explained in the MT Response (MT Response 1:79-96; see MT Response, Ex. 240, for the resolution, signed by Courtland E. Fowler,

Ralph W. Sturges, Roberta M. Cooney, Carlisle Fowler, Lawrence T. Schultz, Ernest W. Gilman Jr.). On May 16, 1990, each family determined not to be of Mohegan descent by the BAR received a notification letter, signed by Ralph W. Sturges and Roberta M. Cooney stating that henceforth the descent requirement in the MT constitution would be enforced, and they should either submit genealogical proof of Mohegan descent or be removed from the rolls (MT Response 1:96, MT Response, Ex. 239). None of those challenged have subsequently submitted documentation. The viewpoint of those removed, that they had been used and then discarded when no longer needed, is also documented in the MT Response (MT Response, Ex. 249, para. 5; and MT Response, Ex. 252, para. 9).

Current Status of Tribal Roll, 1993. A final check of the MT 1993 roll by BAR determined that through oversight it still contained one name which should have been removed in 1990: the MT was notified of this. It also contains a family group, consisting of two persons, whose genealogy could not be verified by the BAR genealogist in 1989: the MT was notified of this and the MT office manager indicated that they were aware of the problem, but thus far had not been able to obtain documentation either to confirm or to disprove the lineage.

Additionally, the MT Response maintains that the group has a perfect right to keep inactive persons on the rolls if they are born Mohegan. "On birth, as in citizenship, Mohegan tribal relations are established. They remain until deliberately, knowingly and intentionally severed, regardless of how active or inactive the member may be in tribal activities"--see Tribal Constitution, Article III, Membership, Section II (MT Response 1A:95; MT Response, Ex. 241).

As of the date of preparation of the FD, the tribal rolls contained 972 persons, all but the three persons specified above descended from the historical Mohegan Tribe. Therefore, it is concluded that the MT meets criterion (e).

NOT MEMBERS OF ANY OTHER ACKNOWLEDGED
NORTH AMERICAN INDIAN TRIBE

The criterion in section 83.7(f) of the regulations requires that a petitioner be principally composed of persons who are not members of an already recognized tribe. The definition of membership in a recognized tribe (in section 83.1(k)), reads as follows (number and letter designations in brackets have been added to delineate parts and subparts of the definition):

"Member of an Indian tribe" means an individual who

- [1] [a] meets the membership requirements of the tribe as set forth in its governing document or
 - [b] is recognized collectively by those persons comprising the tribal governing body,
- and
- [2] [a] has continuously maintained tribal relations with the tribe or
 - [b] is listed on the tribal rolls of the tribe as a member, if such rolls are kept.

The Proposed Finding concluded that no evidence was found that the members of the MT were members of any other Federally acknowledged Indian tribe.

This criterion was addressed by the CTAG Response, which maintained that because of the subordination of the Mohegan to the Pequot during part of the first half of the 17th century, and the fact that the Mashantucket Pequot were Federally recognized by act of Congress in 1983, the MT did not meet criterion (f).

An extensive analysis of the meaning of criterion 83.7(f) was prepared by the BAR in the final determination in favor of acknowledgment of the San Juan Southern Paiute Tribe. The language reads:

Intent of the Regulations:

Membership in an already recognized tribe was an issue throughout the development of the regulations, in the context of prohibiting groups which were largely composed of members of recognized tribes from being separately acknowledged. The intent of the regulations was to exclude from eligibility for acknowledgment groups which were already maintaining tribal relationships with another, recognized, tribe, i.e., were not politically autonomous (see definition of autonomous in section 83.1(i) of the regulations) while acknowledging groups with a historically autonomous, separate existence. Thus it was appropriate to specify maintenance of tribal relations as part of the definition of membership in a recognized tribe.

Historically, the Mohegan have not been regarded as Pequots, either by the Pequot, by external observers, or by

themselves, for more than 350 years. The Mohegan have not maintained tribal relations with the Pequot. Throughout historical times, Connecticut has administratively treated them as separate groups.

The existing members of the MT have never been enrolled as members of the Mashantucket Pequot Tribe. The existing members of the MT do not qualify as members of the Mashantucket Pequot Tribe by any of the standards applicable under the regulations in 25 CFR 83. Therefore, the conclusion of the Proposed Finding that the MT meets criterion (f) stands.

TERMINATION LEGISLATION

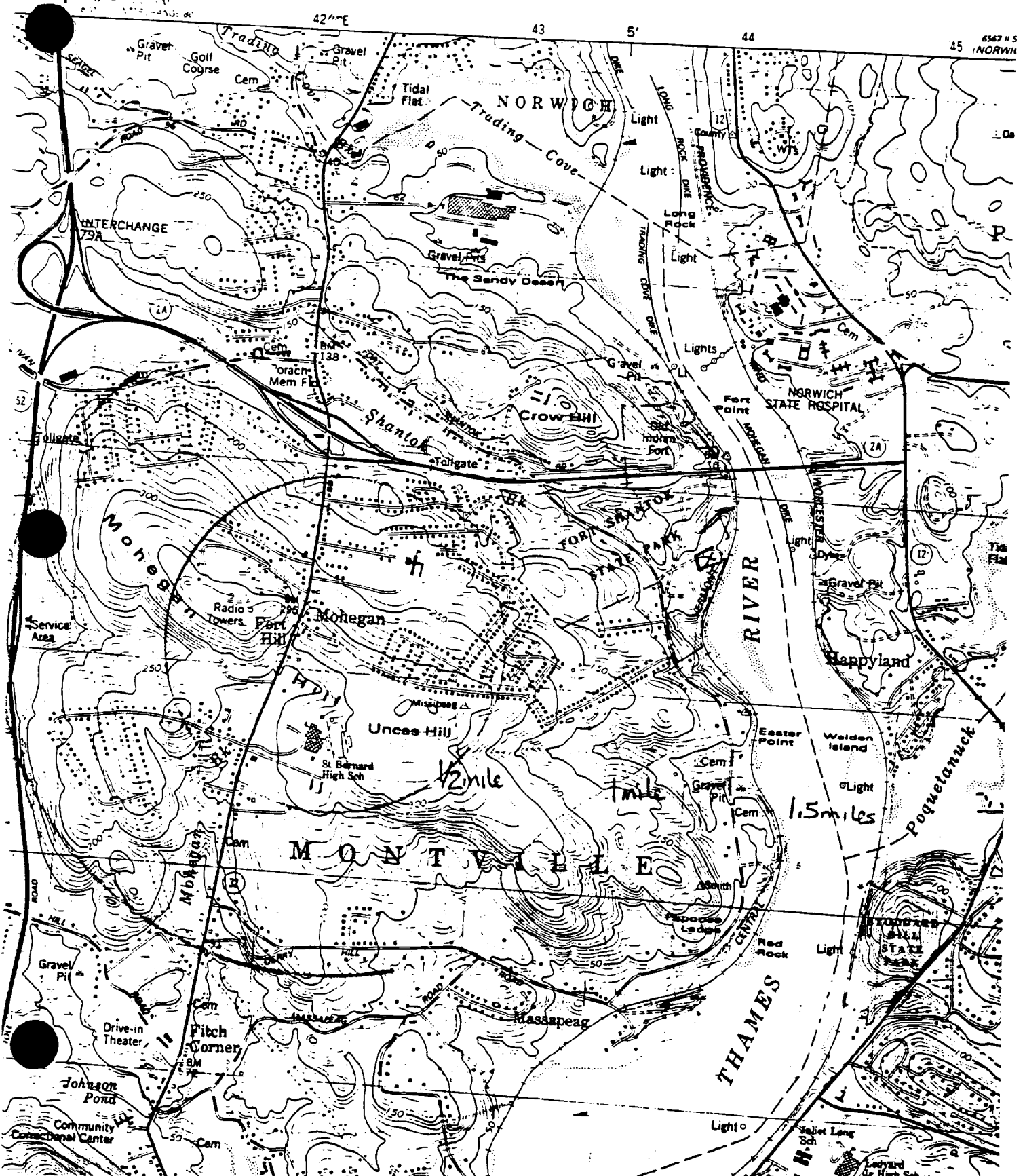
The Proposed Finding concluded that no evidence was found to indicate that the MT or its members had been the subject of Federal legislation which had expressly terminated or forbidden a relationship with the United States government. No comment was received from any party pertaining to this issue. Therefore, the conclusion of the Proposed Finding that the MT meets criterion (g) stands.

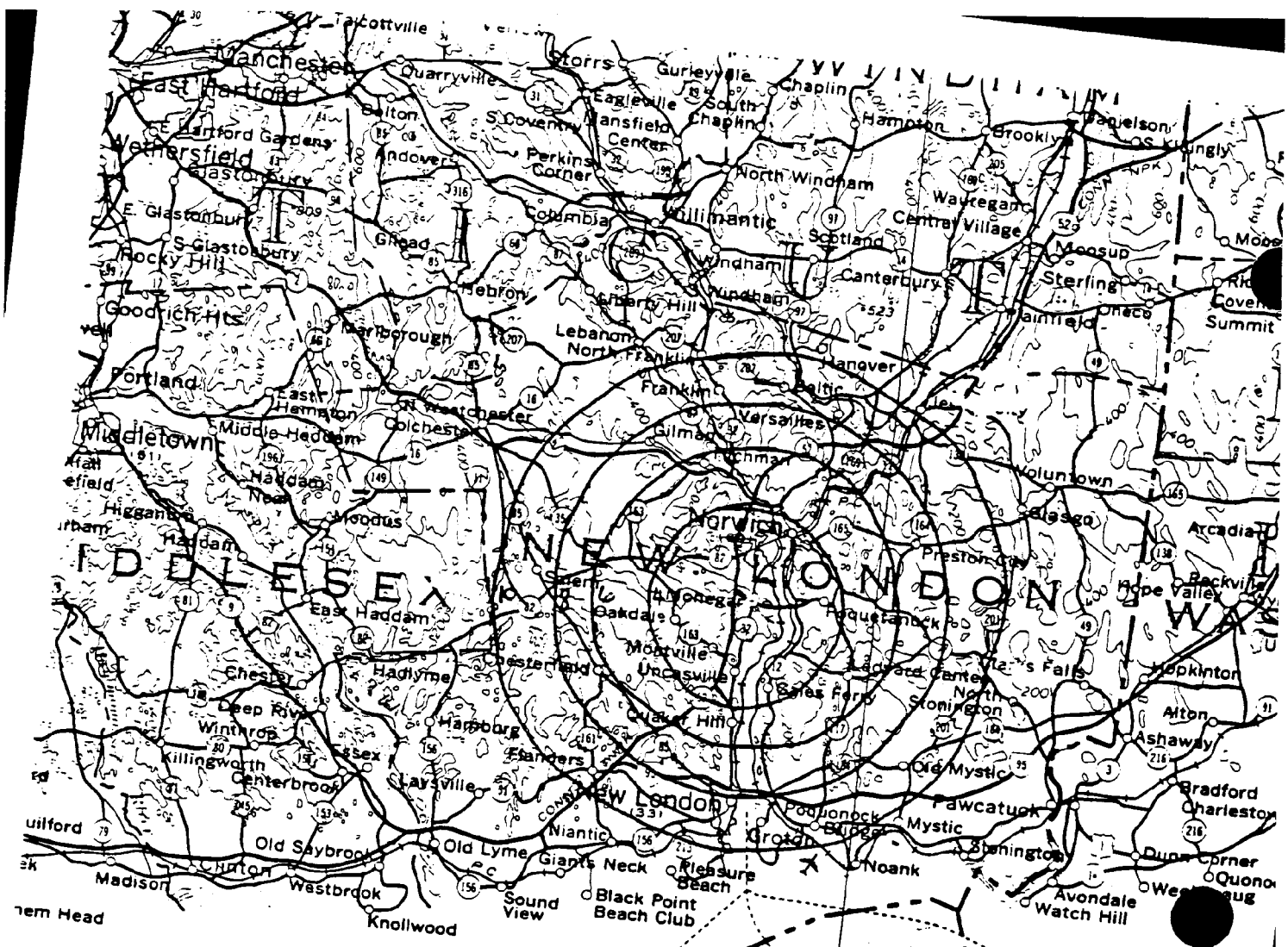
APPENDIX A

MAPS

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Map 1.





○ = New London County
 ○ = miles from Michigan

Map 2

S L A N D

1974

72°

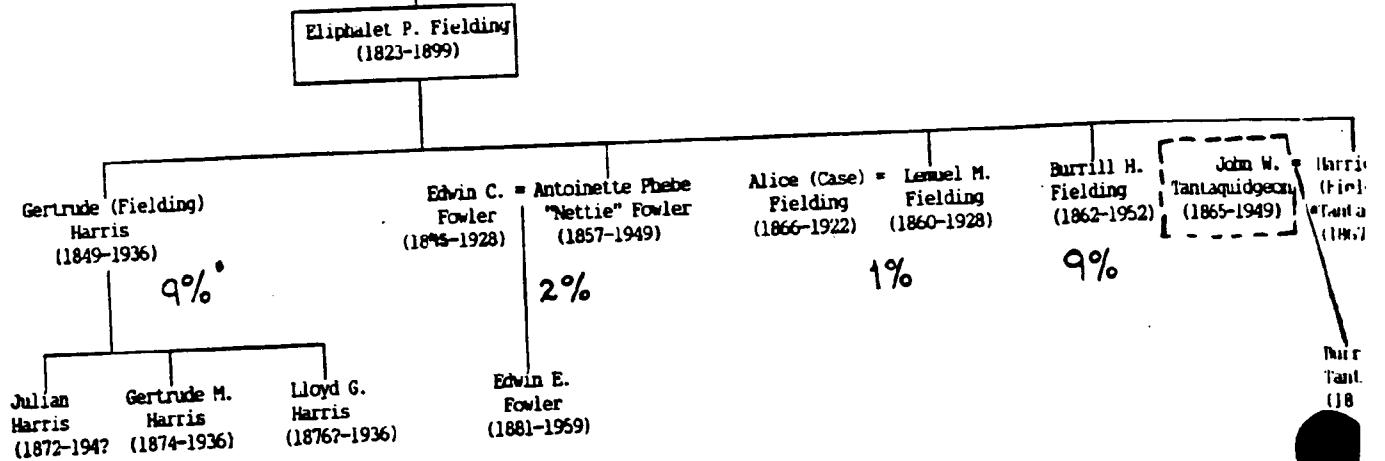
1:000



Scale 1:500
 1 inch equals approximately 500 feet
 Mit V001 D007 Page 107 of 227

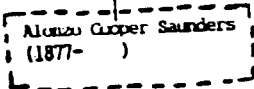
APPENDIX B

KINSHIP CHART
MOHEGAN ANCESTORS IN 1901



Additional Hobegan Family:

Asy G. Cooper (1840-1915)



2%

* % reflects percentage of members on 1989 membership list descended from each line.

Mohegan on 1901 Kansas Claims List
Who Have Descendants on 1993 Membership Roll

Rachel Moscott Fielding
1802-1860

Henry G. Baker = Emma T. Baker
(1832-1903) (1828-1916)

25%

Mary T. St
(1840-1916)

Moses
Baker
(b 1855)

Mary Baker
m. Meech
(1859-1944)

Alma Baker
m. Jameson
m. Dunn
(1866-1940)

Alice Storey
m. Hamilton
(1860-1929)

Eva Storey
m. Prueck
(1870-1934)

William C.
Baker
(1886-?)

Moses
Baker
(1887-)

Daisy M.
Baker
m. Benjamin
(1895- ?)

Frederick E.
Baker
(1897-)

Violet L.
Baker
m. Medbury
(1900-)

John E.
Hamilton
(1897-1988)

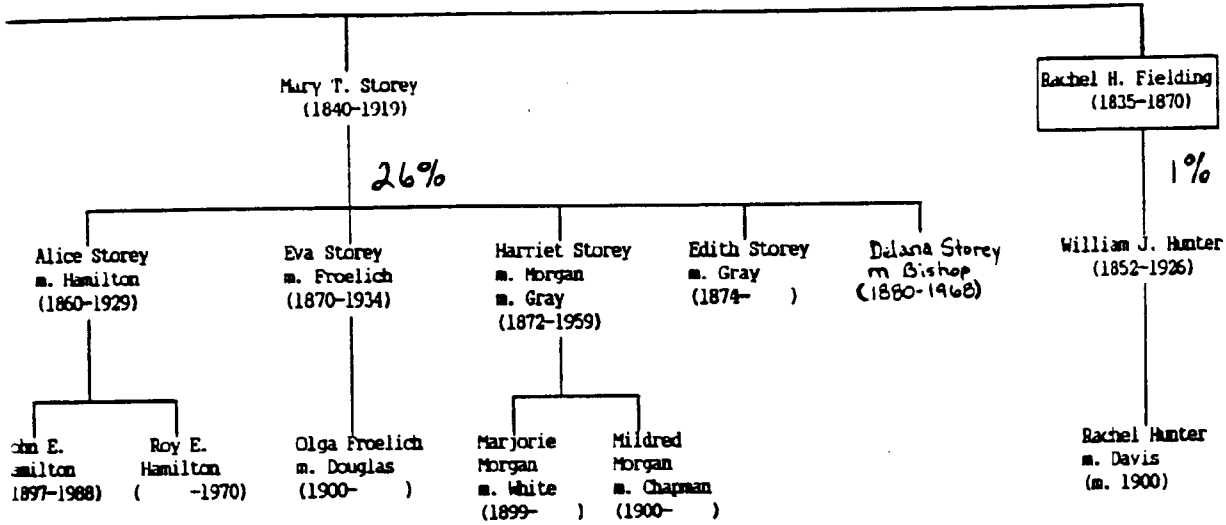
Roy E.
Hamilton
(-1970)

Olga Pro
m. Dougl
(1900-)

1901, shown for continuity

01. not on Kansas Claims List, but have 1993 descendants

It should be noted that while this does not cover the case. For example, John W. Tantaquah and Cynthia Texaswas line. Both of them are also related to the wife Emma T. (Fielding) Baker were also



It should be noted that while this diagram of Mohegan ancestors appears to show that all Mohegan descendants are from a single family, this is not the case. For example, John W. Tantaquidgeon is descended from Martha Uncas family line, while his wife, Harriet Fielding is a descendant of Yuliana Tecumwas line. Both of the surnames, Tecumwas and Uncas, have died out but their descendants are still living. Henry G. Baker and his wife, Emma T. (Fielding) Baker were also from the Tecumwas and Uncas lines, respectively.

APPENDIX C
 MOHEGAN POPULATION WITHIN
 THE SOCIAL CORE AREA*

1.5-mile radius	
Uncasville	68 (7%)
4-mile radius	
Gales Ferry	3
Montville	17
Norwich	91
Oakdale	40
<u>Uncasville</u>	<u>68</u>
Sub-total	219 (22%)
6-mile radius	
Ledyard	1
<u>Quaker Hill</u>	<u>15</u>
Sub-total	235 (24%)
8-mile radius	
Preston	3
<u>Taftville</u>	<u>3</u>
Sub-total	241 (25%)
10-mile radius	
Baltic	6
Groton	24
Jewett City	33
New London	14
<u>Waterford</u>	<u>13</u>
Total	331 (34%)

* A ten-mile radius centered around Mohegan Congregational Church.

APPENDIX D
MOHEGAN POPULATION IN
TOWNS OF NEW LONDON COUNTY

Baltic	6
Colchester	5
East Lyme	9
Gales Ferry	3
Groton	24
Jewett City	33
Lebanon	4
Ledyard	1
Lisbon	6
Montville	17
Mystic	10
New London	14
Niantic	4
North Stonington	1
Norwich	91
Oakdale	40
Occum	1
Old Lyme	7
Pawcatuck	1
Preston	3
Quaker Hill	15
Uncasville	68
Voluntown	4
<u>Waterford</u>	<u>13</u>
Total in County	378

APPENDIX E
ATTENDANCE BY TOWN AT
THE MOHEGAN TRIBAL MEETING
HELD NOVEMBER 7, 1993

<u>Connecticut:</u>	
Danielson	1
Dayville	1
Durham	1
East Hartford	1
East Killingly	2
East Lyme	2
Gales Ferry	1
Groton	2
Haddam	1
Jewett City	3
Madison	2
Middletown	1
Montville	5
Moosup	1
Mystic	2
New London	1
Niantic	1
North Stonington	1
Norwich	20
Oakdale	9
Pawcatuck	1
Plainfield	5
Putnam	1
Quaker Hill	5
Ridgefield	1
Taftville	1
Uncasville	28
Voluntown	1
Waterford	1
 <u>Massachusetts:</u>	
Falmouth	1
Stoughton	1
 <u>Rhode Island:</u>	
Westerly	1
 Total Attendance	 105

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