

**(3) Technical Assistance Letter(s)
- June 5, 1995**



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services - AR
MS: 2611-MIB

JUN 5 1995

Ms. Paulette Crone-Morange
605 Main Street
Monroe, Connecticut 06468

Dear Ms. Crone-Morange:

Thank you for submitting the ~~Schaghticoke~~ Schaghticoke Indian Tribe's documented petition for Federal acknowledgment to the Assistant Secretary - Indian Affairs. The Branch of Acknowledgment and Research (BAR) has completed an initial technical assistance review (TA) under section 83.10(b) of the acknowledgment regulations. This letter describes any obvious deficiencies or significant omissions apparent in your group's petition and offers suggestions for the next stage of the process.

The TA review is provided for in the acknowledgment regulations to ensure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The TA review provides the petitioner with an opportunity to supplement or revise the documented petition for further work or to submit additional information and/or clarification prior to the actual active consideration period.

The TA review does not purport to be a preliminary determination of any case. This TA letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in this letter. Nor does the fact that a petitioner responds to the TA review imply in any way that the group will meet the seven mandatory criteria by simply submitting additional data. The TA review is a limited, preliminary review conducted over a period of several weeks by a staff anthropologist, genealogist, and historian. Only during active consideration is the petition reviewed and evaluated in depth by the BAR staff to determine whether or not the group meets the requirements to be acknowledged as an Indian tribe.

With the requested information and/or documentation, the BAR staff can fully evaluate the petition when it is placed on active consideration. The staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The staff's caseload no longer permits them to do the research necessary to fill in gaps

no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have sometimes done in the past.

Petitioners have the option of responding in part or in full to the TA review or of requesting, in writing, that the Assistant Secretary - Indian Affairs, proceed with the active consideration of the documented petition using the materials already submitted. The decision as to whether or not the group chooses to address the deficiencies noted in the TA review should be made by the petitioning group and not solely by its researchers. If your group requests that the materials submitted in response to the TA review also be reviewed as to their adequacy, the Assistant Secretary - Indian Affairs, will provide the additional review. The additional review will not be automatic, and will be conducted only at the request of the petitioner.

The limits of these preliminary reviews must be taken into consideration. We do not know all of the questions that an in-depth review during active consideration might raise.

General Comments

The petition as it is currently written reads like a history of a piece of land, rather than the history of a group of people. The regulations intend to determine under criterion 83.7(e) if the modern petitioner, defined by its membership list, has descended as **a group** from an historic tribe or historic tribes which have amalgamated. Under criterion 83.7(b), the regulations need to determine whether or not such a **group of people who descend from a historic tribe** have continued to function as a community up to today.

The petition may focus too narrowly on the reservation, rather than tracing the history of the group itself, whether on or off the reservation. In part, this focus on the reservation appears to be driven by the documents you have sent. You have sent documents primarily from state archives and the Brethren Church records.

It does not matter whether the historic tribe from which your group descends is the group which originated on the present reservation or whether it originated as a separate group which moved onto the reservation and joined other Indians already living there, or whether it took over the lands after previous inhabitants had left. Such occurrences would not jeopardize the petitioner's chances of recognition, as long as the members have historically acted and presently act together as a social and political group.

The petition particularly needs to strengthen its discussion and documentation to show that the petitioning group has existed as a community, within which political influence has been exercised, since the beginning of the twentieth century. Information is

particularly needed for the present-day period, covering approximately the last 10 years up to and including the present.

Documentation:

Many important documents are referred to in the Schaghticoke petition narrative which have not been submitted as part of the exhibits accompanying the narrative. These include council minutes, correspondence, court cases, newspaper articles, oral histories, and tribal correspondence. Please submit these materials as part of the documented petition. Their inclusion would greatly strengthen it.

It is important that as many materials as possible be submitted which would help explain and support the arguments you have made in your petition narrative. In order for the BAR to offer more extensive TA on your petition than is provided by this letter, it would be helpful for our researchers to be informed concerning the availability of these additional documents, particularly from the modern period.

Because so many parts of the narrative specifically depend on oral histories, you would improve your petition by submitting as much of the oral history as you have on hand in your office. The BAR staff would be glad to discuss further with you the best approach to providing this material.

You also made reference to certain materials in the hands of researchers who have worked for you in the past, but are not working for you at present, who refuse to turn over to you documents they collected while they worked for you. Has this issue been resolved? What reasons do they give for keeping your documents?

Many of the exhibits that were included with the petition are inadequately identified -- pages from books are submitted without title pages, and handwritten documents are submitted that have what appear to be codes written at the top, but without any key to inform the BAR staff members who are evaluating the material what the codes mean. Identification of these materials will speed the evaluation of your petition.

Criterion 83.7(a):

EXTERNAL IDENTIFICATION OF THE GROUP AS AN AMERICAN INDIAN
ENTITY ON A SUBSTANTIALLY CONTINUOUS BASIS SINCE 1900

Criterion 83.7(a) requires proof of the external identification of your group as an American Indian entity since 1900. The acceptable documentation includes identification as an Indian entity by Federal authorities, relationships with State governments based on

identification of the group as Indian, dealings with a local government, identification by anthropologists, historians, and/or other scholars, and identification in newspapers and books, or in relation with other tribes and Indian organizations. It is not necessary to have all of these types of documentation, but documentation of one kind or another must be available on a regular basis from 1900 to the present.

You have focussed extensively on providing documents and narrative concerning the 18th and 19th centuries. These are necessary under criteria 83.7(b) and 83.7(c), as discussed below, but not for criterion 83.7(a) of the revised regulations, which became effective on March 28, 1994. Only eleven pages, less than half of the discussion under 83.7(a), were devoted to the period since 1900.

While the background material on the 18th and 19th centuries will be of use in orienting BAR researchers to the history of the group as they evaluate other criteria, the focus for this criterion is the 20th century.

The records of the State Parks and Forest Commission are sufficient to address this criterion during the period that the reservation was under their jurisdiction. However, though you mention that from 1941 through the early 1970's, the reservation was under the jurisdiction of the Welfare Department, you have submitted little material to show how the Welfare Department identified its responsibility for Schaghticoke in particular, rather than just the general set of regulations which pertained to all of the Indian reservations in Connecticut. Specific references, such as to the dates of the destruction of houses on the reservation, are needed.

If the state of Connecticut's Welfare Department records for this period are inadequate or unavailable, you may wish to focus more extensively on identification as an Indian entity by scholars and in newspaper articles for the 1940-1970 time period. However, it is necessary that some contemporary documents identifying the Schaghticoke as an entity during this time period be submitted in order to meet criterion 83.7(a).

From 1970 onward, the material submitted is sufficient to address this criterion.

Criterion 83.7(b):

A PREDOMINANT PORTION OF THE PETITIONING GROUP
COMPRISES A DISTINCT COMMUNITY AND HAS EXISTED AS A COMMUNITY
FROM HISTORICAL TIMES UNTIL THE PRESENT

Under 83.7 (b), this criterion requires a demonstration that the petitioning group has been a community from historical times until

the present. Your petition would be strengthened if you were to describe better the present-day community (criterion b) and political organization (criterion c). The requirement for continuous existence, which is the foundation of the acknowledgment regulations, requires that petitioning groups demonstrate that they have continued to exist to the present. When the petition is placed on active consideration, the BAR staff will make a field visit and study the issue of modern community. To make this evaluation possible, you should submit interviews and modern documents which you think would illustrate what social and political activities have been going on in the community during the last few years. Social and political activities of interest to the BAR need not be formal or complicated. Everyday activities, small decisions made on behalf of the group, and arguments about tribal activities may be used to show that your group forms a distinct social community with political influence over members.

The main issue for acknowledgment, as far as criterion (b) is concerned, is for the petitioner to show continuous existence as a community from the historic period to the present. Your petition has dealt better with history than with the present. Do not spend any more time dealing with the eighteenth century reservation. The documents from the nineteenth century also give a good picture of the community, and no further work is needed. The twentieth century needs more work.

To demonstrate that your group meets the regulations, it is best to first describe the community of interacting people -- on and off reservation -- who make up the petitioner. Describe what they do together, who they marry, who lives on the reservation and who does not, and how the entire group interacts in activities, events, or communication networks. After establishing who makes up the modern social community, move backward in time tracing what the group has done decade-by-decade.

The regulations do not require that the community live in close geographical proximity. It is possible that even in cases such as yours, where the group appears to be associated with a land base, the membership list could be quite large and extend to many people who do not actually live on the reservation. In a case such as this, it is very important to show that the off-reservation members maintain social ties not only with each other, but also with people living on the reservation.

You state that there was a state policy in the period 1940-1973 to discourage residence on the reservations in Connecticut. Under these circumstances, how did the social community maintain itself? What community events were held? Were there meetings or any other type of gathering, including informal get-togethers? Do sign-in sheets exist for such meetings? There are many ways to demonstrate that your community has continued to exist, even when alienated from the land base. Generally, a petitioner needs to show that

there is significant social interaction and/or social relationships not just within immediate or extended families or among close kinsmen, but across kin group lines and other social subdivisions. With a petitioning group as small as the Schaghticoke, this should not be difficult. Consult the regulations at 83.7 (b) for some of the best ways to show modern community. We would be glad to set up a conference call with you to discuss some of the steps you can take to fill in this deficiency.

Criterion 83.7(c):

THE PETITIONER HAS MAINTAINED POLITICAL INFLUENCE OR
AUTHORITY OVER ITS MEMBERS AS AN AUTONOMOUS ENTITY
FROM HISTORICAL TIMES UNTIL THE PRESENT

Criterion 83.7(c) requires a demonstration that a petitioning group does now and has in the past exercised political influence over its membership, that there are leaders who have followers whom they influence and who influence them in significant ways, and/or that the group by other means is able to make decisions in matters of consequence and maintain a consensus among its members. The group may also present evidence that its leaders have been authorized to represent it to outsiders or mediate with outsiders in matters of significance.

The requirement of continuous existence of political authority within the group is part of the regulations. It must be shown that there is a political connection between the members and leaders and thus that the members of the group and its leadership maintain what has been called a "bilateral political relationship." In other words, not only must leaders influence members, but also the members must influence leaders when decisions are made and actions taken. The BAR has written almost thirty findings. All have maintained the position that it is simply not enough for an individual or small group of persons to declare themselves to be the leadership of a group. The petitioner must show that there are followers, that the followers express their opinions to leaders, and that the leaders have real influence over the followers.

In the case of the Schaghticoke, a discussion of the decision processes by which permission is granted for burial in the cemetery may be useful to show that members and non-members are different -- who is eligible, who decides if a deceased person meets the eligibility standards, and how are the decisions enforced? This may be useful also for criterion c in showing that group decision-making processes exist.

Leadership may be informal as well as formal, including, for example, not only named chiefs, presidents, or chairmen, but also medicine women or tribal elders respected for their knowledge of the group's history and traditions, etc.

Your petition identified leaders. However, the petition did not present evidence to show that those identified were actual leaders in the sense required by the acknowledgment regulations. One way to show this is to provide discussion of the process by which leadership positions were gained and group decisions were reached. This is an area in which oral histories can be very important, as your members recall both formal meetings and informal modes of achieving consensus.

Your petition narrative does a good job of discussing disputes within the Schaghticoke. Conflicts and efforts to gain leadership positions are often good evidence for political influence if the conflicts show involvement by the group as a whole. They often demonstrate that the issues involved are important to members and make the political processes clearer. Thus, it would be useful to submit any further documentation the group has concerning the conflicts and issues described on pages 91 to 99 of the narrative.

The petition and the accompanying documents refer to off-reservation individuals who play important political roles. Thus, the relationship not only between off-reservation members and on-reservation members, but also among off-reservation members themselves becomes a central issue for acknowledgment. For example, the off-reservation Cogswell family appears to have been quite active during the 1950's. It may be useful to show how they are related to people on the reservation and others living off-reservation.

Political authority or other influence may be demonstrated in a variety of ways. Strong evidence of political influence, of course, would be a showing that the group and/or its leaders apportion group resources such as cemetery plots or reservation housing areas, enforce rules of behavior, and/or resolve disputes between members. However, these ideal kinds of evidence are not necessary to meet the minimum requirements of criterion (c). You need to work with the BAR staff and your researchers to craft some specific steps you can take to complete this criterion.

Criterion 83.7(d):

The Articles of Constitution (Revised 1991) were submitted with the petition. The submitted constitution, in Article XIII, last paragraph, alludes to a constitution that became effective on November 1, 1987. It would be helpful to have a copy of that constitution and any other governing documents previously adopted by your group.

In Article IV of the 1991 constitution, membership in the group is defined as descendency from Gideon Mauwee, and proof of that descendency by birth certificates or other legal documents. However, no explanation is given as to who analyzes the

documentation and how individuals are accepted into the group. Please provide a discussion of your enrollment process if you have one, including any committees, and how you determine whether to accept the documentation submitted.

Criterion 83.7(e):

In the 1991 constitution provided to the BAR with the Schaghticoke petition, membership in the group is dependent upon descendency from Gideon Mauwee. This may present a problem in the acknowledgment process, since Federal acknowledgment as an Indian tribe is dependent on descendency from a tribal unit -- not upon descent from a single individual. Do the modern Schaghticoke descend only from Gideon Mauwee, or also from many other Schaghticoke families into which Mauwee's children and grandchildren married? Many early Schaghticoke documents include mention of the Warrups Chickens family, and others who joined with Gideon Mauwee at Kent. If your current membership also descends from those families, your family history charts and other genealogical documents should include these lines as well as showing the Mauwee descent.

We cannot overemphasize the overall importance of a group's membership list. It defines the group, that is, those people who make up the community. If recognized, the list of members submitted for acknowledgment purposes will become the group's base roll for the Bureau of Indian Affairs' purposes, and, as such, will be binding on the group for some time to come, except for minor corrections. Thus, it must be complete.

The membership list dated November 22, 1994, did not include the addresses and zip codes of the members, nor the maiden names of the married females. This information is required by our regulations, 25 CFR 83.7(e)(2). An explanation of the abbreviations, broken lines, and other identifying symbols and marks on the membership roll would alleviate possible misinterpretations on the part of the BAR researchers. Any and all previous membership lists should be submitted as well. The current membership list needs to be certified by the governing body of the group.

You will be glad to hear that the family history and ancestry charts submitted are sufficient, and the information on them is easily identifiable.

You will be notified when the petition is being placed on active consideration. At that time, it will be appropriate to submit a supplemental membership list. The supplemental list should include additions to the membership, such as new births, any individuals who were inadvertently omitted from the list submitted with the petition, and a note of those members on the original list who are

deceased at the time the petition is placed on active consideration.

Criterion 83.7(f):

MEMBERS OF THE PETITIONING GROUP MAY NOT
BE ENROLLED IN ANY RECOGNIZED TRIBE

The regulations governing the acknowledgment process were designed to prohibit this administrative process from breaking up existing federally recognized tribes. The statement on page 109 of the petition is sufficient to address this criterion, and Section 2 of Article IV of the constitution supports the statement.

Criterion 83.7(g):

This criterion requires that neither your group nor its members are the subject of Congressional legislation that has expressly terminated or forbidden a Federal relationship. The statement on page 110 of the petition is adequate to address criterion (g).

You are to be congratulated on the work you have already done in preparing your petition and reaching this point. We would like to work closely with you and any researchers you might have hired to expedite the work on modern community so that your petition may move forward. It may be that you already have plenty of documents, oral histories and tribal papers available to you, and all you have to do is submit them to the BAR.

Once you have had an opportunity to review this letter thoroughly and share its contents with your researchers and general membership, we recommend that you contact the BAR staff so that we can make arrangements to provide additional technical assistance to you and your researchers.

For further assistance, please contact the Bureau of Indian Affairs, Branch of Acknowledgment and Research, 1849 C Street, N.W., Mailstop 2611-MIB, Washington, D.C. 20240, (202) 208-3592.

Sincerely,

15/ Jo Ann Sebastian Morris

Director, Office of Tribal Services

cc: Surname;440B;440Chron;400;
Hold;VEDeMARCE;kr;x3592;3/95;5/08/95; SCHAGTA.2(Schatico.
TA1:RevisedperGRoth)/WhiteLetters14Disk