Indian Affairs - Office of Public Affairs

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**WASHINGTON** - Assistant Secretary - Indian Affairs Neal A. McCaleb today issued a proposed finding to decline to acknowledge a Derby, Conn., group, the Schaghticoke Tribal Nation, as an Indian tribe.

The Federal acknowledgment regulations (25 CFR Part 83) require that a petitioning group meet seven mandatory criteria. Assistant Secretary McCaleb issued the proposed negative finding because the evidence submitted was not sufficient to show that the petitioner met criteria 83.7(b) for community and 83.7(c) for political authority or influence during certain periods of time.

Although Connecticut has recognized the Schaghticoke tribe, this state relationship does not substitute for the extended periods of time (from the early 1800s to1875 and 1885 to 1967) where there was little or no direct, specific, evidence provided in regard to political authority or influence. The State relationship with a historical tribe is also not a substitute for direct evidence of political authority or influence within the group. In this instance, during the above periods of time, the evidence neither demonstrated that the State dealt with or identified formal or informal leaders of the Schaghticoke, nor that the state-appointed overseers or oversight agencies consulted with Schaghticoke members concerning issues which concerned the entire group. In the 1930s, the State declared affirmatively that there were no leaders recognized by the group. In these respects, the State's relationship with the Schaghticoke petitioner differed from its relationship with the historical Eastern Pequot.

The petitioner does not meet the regulatory definition of a community between 1940 and 1967 and from approximately 1996 to the present. From 1996 to the present, the petitioner's current membership does not comprise all those who were part of the group as it existed from the 1960s through the mid-1990s. Also, one-third of the current membership – although they descend from the historical Schaghticoke tribe – are from a family line that has not been involved with the group since at least the early 1900s.

Assistant Secretary McCaleb says the petitioner meets the other five mandatory criteria for Federal acknowledgment. It has been identified consistently as an American Indian entity from 1900 to the present as required by criterion 83.7(a). In accordance with 83.7(d), it submitted a copy of its governing document and membership criteria. All current members descend from the historical Schaghticoke tribe (83.7(e)), and none are currently enrolled with any Federally acknowledged tribe (83.7(f)). The Schaghticoke have never been the subject of legislation terminating or forbidding the Federal relationship (83.7(g)).

The proposed finding is based on the available evidence in the administrative record. The Schaghticoke Tribal Nation petition #79 is being considered under a court-approved negotiated agreement in pending litigation which modifies the procedures in 25 CFR Part 83 but neither modifies the criteria nor the standards required to demonstrate that the criteria are met. The pertinent lawsuits are *Schaghticoke Tribal Nation v. Kent School Corp. et al., Civil No. 3:98 CVO1113 (PCD), Schaghticoke Tribal Nation v. U.S. and the Connecticut Light and Power Company,* Civil No. 3:00 CV00820 (PCD) and *United States of America v. 43.47 Acres of Land et al.,* Civil No. H-85-1078 (PCD).

Parties to the litigation have six months from the date of the decision to provide comments, documents

and arguments on the proposed finding to the Department. Interested and informed parties who are not also parties to the litigation have 180 days from the date of publication of the notice of the proposed finding in the Federal Register to provide comments to the Department.

**Note to Editors**: *The abbreviated version of the Mandatory Criteria for Federal Acknowledgment that accompanies this press release may be viewed via the Department's website at www.doi.gov.*