

Summary under the Criteria and Evidence for  
Proposed Finding  
Schaghticoke Tribal Nation

Prepared in response to a petition submitted to the Secretary of the Interior for Federal Acknowledgment that this group exists as an Indian tribe.

Approved: DEC 05 2002

  
Assistant Secretary - Indian Affairs

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## Introduction

### *Introduction*

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs (AS-IA) from the Schaghticoke Tribal Nation (STN), petitioner #79, seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR 83). Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR. Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

The STN petition is being considered under a court-approved negotiated agreement in pending litigation which supercedes certain time periods and some of the procedures in 25 CFR 83. The agreement does not modify the criteria nor the standards required to demonstrate that the criteria are met (see Administrative History).

Parties to the litigation have six months from the service of the proposed finding 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 this proposed finding in the *Federal Register* to provide comments to the Department. Comments on the proposed finding should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 4660-MIB. The petitioner and all interested and informed parties commenting on the proposed finding must provide copies of their comments to all parties and *amici* to the litigation.<sup>1</sup> The petitioner shall file any reply to these comments with the Department within 30 days of the close of the comment period. The AS-IA will make a final determination regarding the petitioner's status within four months of the end of the petitioner's reply period and publish notice of this final determination in the *Federal Register*.

Under the court-approved agreement any interested party, including any parties or *amici* to the litigation, who wish to request a formal on-the-record technical assistance meeting under 25 CFR 83.10(j)(2) must make their request not later than 30 days after service of the proposed finding. A formal technical assistance meeting will be held within 60 days of the first such request.

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<sup>1</sup> The addresses of the petitioners, parties and *amici* are available from the Department upon request.

*Name and Address of the Petitioner*

The formal name of petitioner #79, as listed in the current governing document and the name on its letterhead, is the Schaghticoke Tribal Nation. The group used other names on its letterhead over the years, including Schaghticoke Indian Tribe and Schaghticoke Indians of Kent, Connecticut, Inc. The present name was adopted in 1991. The petitioner's mailing address is c/o Mr. Richard L. Velky, 33 Elizabeth Street, 4th Floor, Derby, Connecticut 06418.

The petitioner's reservation is located in the Town of Kent, Litchfield County, Connecticut. For the proposed finding, the petitioner submitted a membership list containing 317 names.

*Administrative History*

The petitioner, as the "Schaghticoke Indian Tribe," passed a resolution to seek Federal acknowledgment September 20, 1981 (Resolution 9/20/1981) which was filed as a letter of intent to petition on December 14, 1981. The Schaghticoke changed the name of the group to Schaghticoke Tribal Nation of Kent by amending the governing document at a membership meeting in 1991 (STN Amendments 10/6/1991, Minutes 11/3/1991). However, the name does not appear on documents until 1993, when the group formed a nonprofit corporation by that name (Cert. of Inc. 12/14/1993).<sup>2</sup>

The first documented petition was submitted on December 12, 1994. After a technical assistance letter of June 5, 1995, supplementary narrative materials and documentation were submitted on April 16, 1997. Technical assistance was provided to researchers for the petitioner on several occasions, including the Spring of 1996 (Reckord to Crone-Morange 5/14/1996). The STN petition was placed on the list of petitioners ready for active consideration on June 2, 1997, after receipt of this initial response to the technical assistance letter. Additional documentation, analyses and corrections were submitted by the STN February 13, 1998, April 2, 1998, March 4, 1999, and December 14, 2000.

By letter of May 22, 1998, the AS-IA denied a request by the STN to consider the STN petition before other petitioners ahead of it on the list of petitioners ready for active consideration (Gover 5/19/1998, Gover to Velky 5/22/1998, Velky to Reckord 5/8/1998, Reckord to Asst. Secretary 4/30/1998).

Comments were received from former STN chairman Irving Harris in 1995, 1998 and 1999 objecting to processing of the STN petition while the group is under the leadership of Richard

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<sup>2</sup> For purposes of this report, the petitioner will be referred to as the STN, its current name, throughout its organizational history, to avoid confusion with the "Schaghticoke Indian Tribe," a recent petitioner which is an interested party to this petition. That latter will be referred to by the initials SIT.

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Velky. These comments did not contain documentation nor substantive comments on the historical and present character of the petitioner, as opposed to its current leadership.

Necia Hopkins, leader of The New England Coastal Schaghticoke Organization, wrote to the Department in 1996, opposing the STN petition and declaring that her organization, the New England Schaghticoke Association, was the real Schaghticoke tribe (Hopkins to Reckord 9/27/1996). The letter asserted that the Velkys were not Schaghticoke, but provided no substantial information or documentation.

Further materials were submitted by the STN, and by parties to the litigation and interested parties, pursuant to the court-approved negotiated agreement under which this case is being conducted. The agreement provided for an initial submission of documentation and comments by the parties, as well as further submissions by the petitioner, by December 17, 2001, and a second submission February 15, 2002. This latter date was extended by order of the court to April 16, 2002, for the STN and other parties. The deadline was extended to April 26, for the "Schaghticoke Indian Tribe" (SIT), a separate petitioner from the STN (see below).

Materials were received for the December 2001 deadline from the STN (received on October 17, 2001), the State of Connecticut, Kent School, Kent Town, and Loretta Bonos. Materials were submitted for the April deadlines by the STN, Connecticut Municipalities, the State of Connecticut in a joint submission with Kent School Corporation, the Town of Kent, Connecticut Light and Power Company and Connecticut Municipalities, the Truman Cogswell family and the SIT. The balance of submissions by the petitioner, parties to the litigation and other interested and informed parties are governed by the court approved agreement.

The Department by letter of October 4, 2002, requested additional materials from the STN concerning membership, as necessary to complete the evaluation of the petition (Smith to Velky 10/4/2002). The requested materials were a certification by the STN council of the August 30, 2001, membership list and copies of a sampling of the group's membership files. The requested materials were received October 16, 2002. These materials are included in the FAIR database and the documentary record of this petition.

The Department by letter of October 4, 2002, to the Office of the Attorney General of Connecticut, requested un-redacted copies of materials that the State had previously provided in a redacted form in response to a request initially made in 1996 under the Connecticut Freedom of Information Act for materials concerning State Indians. The October 2002 letter also requested "any other genealogical information used by the State to verify Schaghticoke ancestry." Materials were received from the State November 11, 2002. These materials are included in the FAIR database and the documentary record of this petition.

Court-approved Negotiated Agreement Governing the Procedures for the STN Petition Evaluation. The Department's evaluation of this petitioner is being conducted under a court approved negotiated agreement between the DOI, STN, and parties to several, concurrent

lawsuits. This order, entered May 8, 2001, established timelines for submission of materials to the Department and deadlines for submission of comments, issuance of a proposed finding and issuance of a final determination. The agreement also defined conditions for handling of case materials and provided for the development of a database system for use in the petition evaluation. The original timelines were modified by a court order on February 14, 2002, which extended most deadlines for 75 days, in response to a request by Kent School, the Connecticut Light and Power Company and the Town of Kent for additional time. In response to a request by the SIT for more time to prepare their comments, the SIT was provided additional time beyond the 75 day extension.

The agreement defined time periods within which the petitioner and interested parties could submit additional materials beyond that already in the record in December 2000. The agreement supercedes the provisions of the acknowledgment regulations, 25 CFR 83, with regard to timelines for the decision, provision of materials by the Department and by the parties to each other, and with regard to deadlines for submission of comments by the petitioner and interested parties. Interested and informed parties not parties to the litigation must also follow these modified procedures. The database, which includes privacy materials, is governed by a protective order and is available only to parties in the litigation.

Under the agreement, the Department agreed to develop a database system which would incorporate all data from the administrative record utilized in the decision-making process into a single database. The agreement provided time to develop such a system. A presentation on the database system design was made to the parties June 4, 2001, after which comments on the design were received from the parties. An initial implementation of the system was provided to all of the parties to the litigation on September 1, 2001.

The database system is a pilot project and is named FAIR, for "Federal Acknowledgment Information Resource system." The system runs on Access 2000 software, a relational database capable of being run on desktop personal computers. The system provides on-screen access to the images of all of the documents in the record, which are linked to entries of information extracted from the documents. The system information includes the genealogical relationships between individuals, as well as the membership lists, overseers' reports, census, and documents in which they appear. The genealogical information may be exported to a separate genealogical software program, Family Tree Maker, for preparation of genealogical charts.

Also part of the pilot project was the use of qualified research assistants, working under the direction of the Branch of Acknowledgment and Research professional staff, to enter the initial set of data from the record. This data consisted of the bibliographical citations for all of the documents in the record, data on individuals from all membership lists and other major lists in the record, and a preliminary chronology of events.

Under the agreement, all documentation submitted by the petitioner, parties to the litigation and other interested or informed parties to the case, all administrative correspondence files of BAR

and any additional documents obtained or developed by the Department in the course of evaluating the petitioner are scanned into electronic image files. The complete documentary record considered for this proposed finding will be included.<sup>3</sup> An initial set of image files was provided in February 2001, consisting of the STN petition materials submitted up to that date and BAR correspondence files up to January 19, 2001.

On June 5, 2002, under the stipulated agreement, the Department provided the petitioner and parties to the lawsuits with the initial database. At the same time, images of additional documents received from the petitioner and parties, submitted in accordance with the stipulated timelines, were also provided. A revised version of the database system software was also provided at that time.

Under the court approved agreement, parties receiving the image files and the database agreed to abide by a privacy agreement, restricting the use of these materials to the parties, their researchers and attorneys. A protective order prohibits the release of the privacy materials by the parties.

#### *Other Groups which Include Former Members of the STN*

There are two groups of Schaghticoke descendants who are interested parties to this petition. They are "The Schaghticoke Indian Tribe" (SIT) and the "Cogswell Family" (Cogswells). Both are made up largely of individuals who were formerly enrolled with the STN and who, moreover, have been closely involved with the petitioner throughout their lives.

The SIT. A group called "The Schaghticoke Indian Tribe" petitioned for Federal acknowledgment by letter dated April 7, 2001 (Russell to McDivitt 4/7/2001). Its letter-style petition, received May 11, 2001, stated that the December 14, 1981, petition of the "Schaghticoke Indian Tribe," now called the Schaghticoke Tribal Nation (the current petitioner), was in fact theirs. The group is a party to the Schaghticoke litigation, and an interested party to the STN petition. The SIT has submitted comments on the STN petition which have been reviewed for this proposed finding. On October 11, 2002, the SIT submitted an initial documented petition and requested that it be considered simultaneously with the STN petition. The Department by letter of October 25, 2002, declined this request, stating that it was not feasible given the court approved timelines for the STN petition. The membership lists submitted with this petition have been reviewed as part of the evaluation of the STN petitioner and have been included in the documentary record for the STN petition and included in the FAIR database system.

The SIT states that it represents the residents of the Schaghticoke Indian reservation, and opposes Richard Velky, the current chairman of the STN. The SIT is led by former STN/SIT chairman Alan Russell, and includes his sister Gail Harrison as vice chairman and Russell Kilson, as a director (Ritchie to Keep 6/21/2000). All three have been reservation residents from the 1970's

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<sup>3</sup>The record does not include briefs and motions in the litigation.

and are former officers and/or council members in the STN (formerly SIT) petitioner. The secretary and another council member are descendants of Julia Kilson and Truman Bradley (non-Cogswell Kilsons), two of the ancestors of the present STN membership. Another director of the SIT, Gary Ritchie (also a non-Cogswell descendant of Truman Bradley and Julia Kilson) is a former STN council member, having served on the STN council led by Alan Russell in 1984.

Correspondence from Alan Russell stated that the SIT had 67 members (Russell to Keep, 6/21/2000). The letter stated that 11 of its members presently resided on the Schaghticoke reservation and the individuals "descended from and thus represent the following core families of the historical Schaghticoke Indian tribe: Chickens, Mauwee, Kilson and Bradley." Presumably the 11 residents include children and/or other relatives of Alan Russell, Gail Harrison, and Russell Kilson.

The SIT's initial documented petition, received October 15, 2002, included a membership list. A review of this list was made for the sole purpose of determining whether any of those listed were also on the current or previous STN membership lists and whether their immediate relatives had otherwise participated in the STN in the past.<sup>4</sup> Those on the list were derived from five different lines. The total number of those on the list was 73, including 10 who were listed as "pending," for whom there was insufficient information to reach a conclusion. Twenty were from the Elsie Harris subline,<sup>5</sup> including Alan Russell and his sister Gail Harrison. Five were descendants of Earl Kilson (descendants of Mary Ett Kilson), including Russell Kilson. The second largest group were 18 descendants of Julia Kilson and Truman Bradley, who were not also Cogswell descendants. These included members of the Ritchie, Eades and Johnson families, some of whom were on early STN/SIT councils and politically active. Eight of these had resigned from the STN in 1999-2000. Nine were apparently from the "Trueheart family," which in turn had been part of the Schaghticoke Indian Tribe Cultural Heritage Association and who claim Cogswell, but not Kilson, descent. Five were descendants of the Chickens family, and distant relatives of the Cogswells that have been part of the STN. Neither of these last two elements have a clear past history with the STN. Russell Kilson, Alan Russell, Gail Harrison and two of the latter's children were on the November 22, 1994, STN membership list, but not on later STN membership lists. As discussed above, there was an indication that some individuals opposed to the Velky-led council, who were on earlier membership lists, declined to enroll again in the STN enrollment process begun in 1995.

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<sup>4</sup>A detailed review appears as an appendix to this finding.

<sup>5</sup>For purposes of this report, the term "subline" refers to subdivisions within family lines. The reference is to the descendants of the children or the grandchildren of the founding ancestor from whom the line is traced. For example, within the Harris line, which traces to Henry Harris and Abigail Mauwee, the sublines are the descendants of the children of James Henry Harris, the couple's only child. In genealogical vernacular, "subline" would likely refer to "one branch of the Harris family tree."

Cogswells. A second group that has withdrawn from membership or declined to re-enroll after 1995 are from the George Cogswell/Kilson line, referring to themselves as "the Cogswell family." The primary contact persons are Truman Cogswell and Theodore Cogswell, Jr. This group is not a petitioner and does not characterize itself as a tribe. Rather, they object to the current leadership and to what they characterize as provisions of the STN governing document which they claim exclude non-residents of Connecticut from voting (Rymer to Fleming 9/10/1998).<sup>6</sup> There is no membership list, but Truman and Theodore Cogswell and some other members of their families withdrew from membership in the STN in December 2000 and October 2002.<sup>7</sup>

This group is an interested party to the STN petition. It provided comment on the STN petition under the court-approved agreement.

### *Litigation*

Several lawsuits filed in the Federal courts impact the history and administrative handling of the Schaghticoke Tribal Nation petition. Two of these are land claims suits under the Non-Intercourse Act, *Schaghticoke Tribal Nation v. Kent School Corp. et al.*, Civil No. 3:98 CVO1113 (PCD) and *Schaghticoke Tribal Nation v. U.S. and the Connecticut Light and Power Company*, Civil No. 3:00 CV00820 (PCD). The third lawsuit is *United States of America v. 43.47 Acres of Land et al.*, Civil No. H-85-1078(PCD), filed in December 16, 1985. In this suit the U.S. seeks to condemn certain lands on the Schaghticoke Reservation, under eminent domain, to become part of the Appalachian Trail. All three involve the question of whether the STN is a tribe.

The land claims suits and the condemnation suit are being heard concurrently. The court approved negotiated agreement under which this petition is being evaluated is part of these concurrent actions.

There have been several lawsuits between members and former members of the Schaghticoke organization, between the petitioner's members and the CIAC and petitioner's member and others. With one very recent exception, these do not impact the administrative history nor Federal court actions referenced above.<sup>8</sup> They are dealt with, to the degree they are relevant to the petition evaluation, in the body of the text.

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<sup>6</sup>There is no such provision in the current constitution (1997), but was in earlier petitioner governing documents.

<sup>7</sup> Additional details are in this report under the 1997 constitution section on membership.

<sup>8</sup>According to newspaper accounts, recent legal action to evict certain former STN members from the reservation has raised legal issues as to who is entitled to bring action concerning the reservation and whether the Federal acknowledgment proceedings are pertinent to the litigation (*Register Citizen* 10/22/2002).

### Abbreviations and Acronyms

These have been used in the Summary under the Criteria and the Description and Analysis of the Evidence

AS-IA	Assistant Secretary - Indian Affairs.
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs.
BIA	Bureau of Indian Affairs.
CFR	<i>Code of Federal Regulations.</i>
CIAC	Connecticut Indian Affairs Council.
CT Gen. Ass.	Connecticut General Assembly
CTSPFC	Connecticut State Park and Forest Commission
DEP	Connecticut Department of Environmental Protection
DOI	Department of the Interior
Ex.	Documentary exhibit submitted by petitioner or third parties.
FAIR	Federal Acknowledgment Information Resource data base system.
FD	Final Determination.
FR	<i>Federal Register.</i>
ICC	Indian Claims Commission.
Narr.	Petition narrative.
OD	Obvious deficiencies letter issued by the BIA.
PF	Proposed Finding.
SIT	Schaghticoke Indian Tribe, petitioner #239
SPFC	State Park and Forest Commission.

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STN Schaghticoke Tribal Nation, petitioner #79

TA Technical assistance letter issued by the BIA.

### **Standardized Spellings**

When discussing Indian tribes and bands, and names of individuals, this Summary uses the current standardized spellings. Where specific historical documents are quoted, these names are spelled as found in the original. One concrete example of this is the variation in tribal name itself, whether Schaghticoke, Scaticuck, Scattacook, while another is the individual family name Mauwee, which appears in more than a dozen different variants.

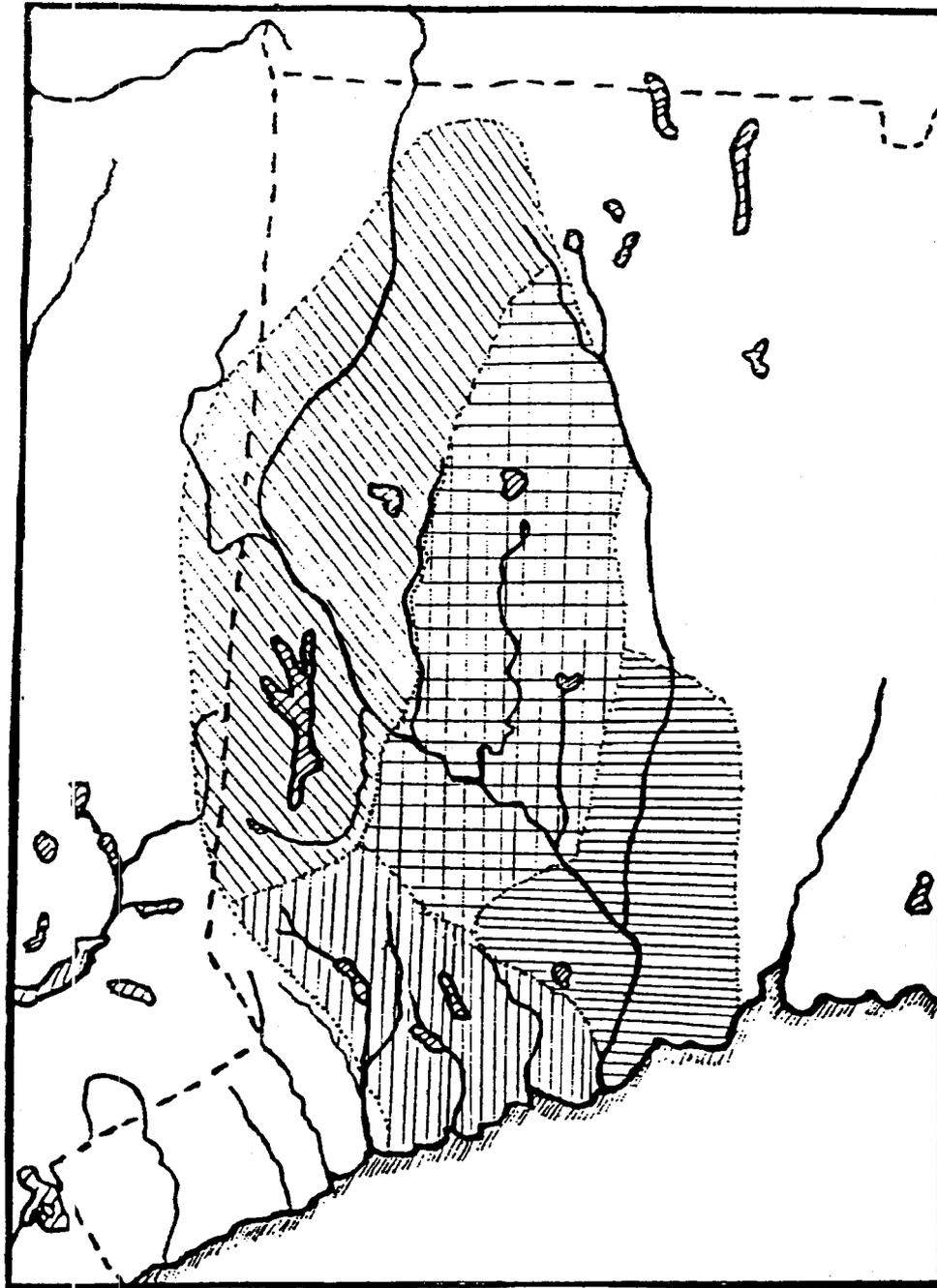
### **Maps**

Map from Wojciechowski (colonial Weantinock, Potatuck, etc. Territory)

1855 Map

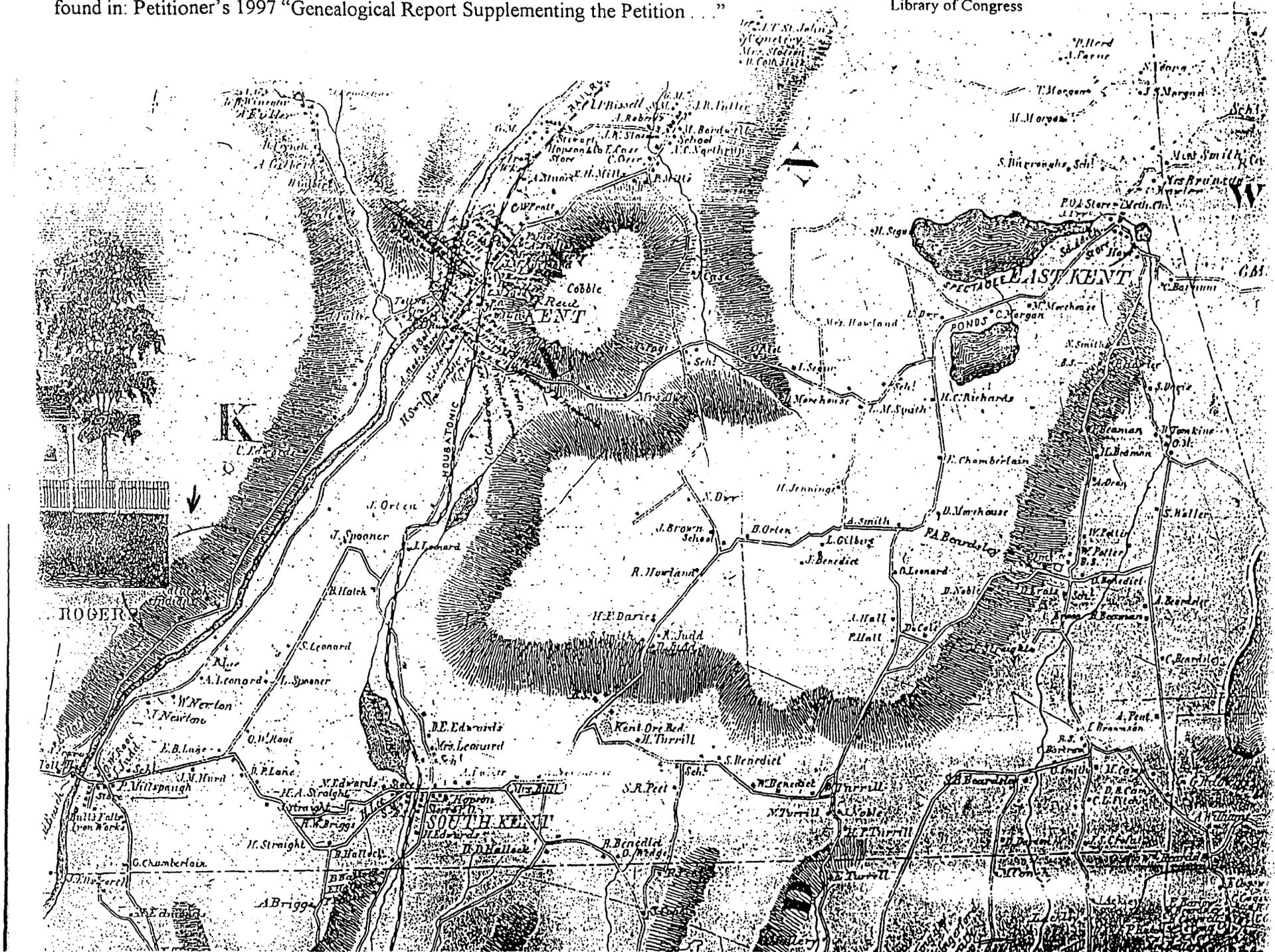
Contemporary Map

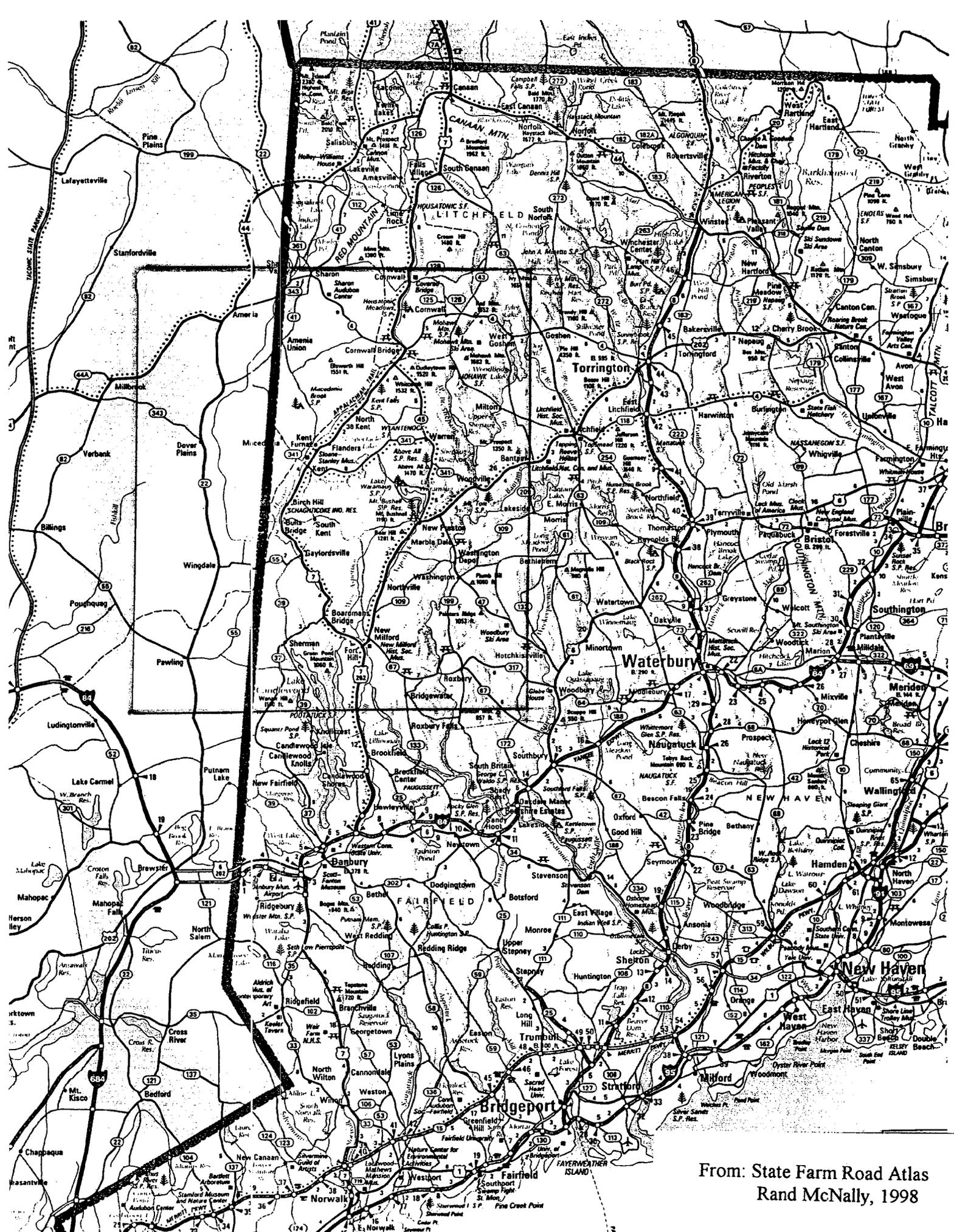
From: Wojciechowski, Franz Laurens  
 Figure 6: The four Paugussett tribes in their territories about 1630  
 Ethnohistory of the Paugussett Tribes: An Exercise in Research Methodology  
 De Kiva, Amsterdam, The Netherlands, 1992



- |   |  |   |                                   |
|---|--|---|-----------------------------------|
|  | = The territory of the Paugussett proper                   |  | = The territory of the Potatuck   |
|  | = The territory of the Pequannock (Golden Hill Paugussett) |  | = The territory of the Weantinock |

Figure 6:  
 The four Paugussett tribes and their territories about 1630





From: State Farm Road Atlas  
Rand McNally, 1998

## Summary Evaluation Under the Criteria

### *State Recognition as Evidence*

This section of the proposed finding discusses the evidence concerning the state recognition of the Schaghticoke tribe. The Eastern Pequot and Paucatuck Eastern Pequot Final Determinations concerning the historical Eastern Pequot tribe concluded in a section entitled "Consideration of Continuous State Recognition with a Reservation."

This final determination concludes that the State relationship with the Eastern Pequot tribe, by which the State since colonial times has continuously recognized a distinct tribe with a separate land base provided by and maintained by the State, and which manifested itself in the distinct, non-citizen status of the tribe's members until 1973, provides an additional form of evidence to be weighed. This evidence exists throughout the time span, but is most important during specific periods where the other evidence in the record concerning community or political influence would be insufficient by itself. The continuous State relationship, although its nature varied from time to time, provides additional support in part because of its continuity throughout the entire history of the Eastern Pequot tribe (EP FD 2002, 14; PEP FD 2002, 16).

The final determination went on to conclude that:

The continuous State relationship with a reservation is not evidence sufficient in itself to meet the criteria. It is not a substitute for direct evidence at a given point in time or over a period of time. Instead this longstanding State relationship and reservation are additional evidence which, when added to the existing evidence, demonstrates that the criteria are met at specific periods in time. This is consistent with the approach taken in the regulations that in most circumstances a combination of evidence is used to demonstrate that a criterion is met (EP FD 2002, 14; PEP FD 2002, 16).

The Schaghticoke have been a state-recognized tribe, with a state reservation, from colonial times until the present. The State administered a Schaghticoke tribal fund and made specific appropriations for the Schaghticoke until well into the 1950's. However, within the general parameters of Connecticut state-recognized legal status, the specifics of state dealings with state-recognized tribes differed from tribe to tribe in at least one important respect that is relevant to the extent to which state recognition provides additional evidence for the community and political influence criteria in 25 CFR 83.7(b) and 25 CFR 83.7(c). In this instance, there are substantial periods of time, from the early 1800's until 1876 and from 1885 until the late 1960's, when the State did not deal with or identify formal or informal leaders of the Schaghticoke, and did not consult with members concerning issues which concerned the entire group. In the 1930's, the State declared affirmatively that there were no leaders recognized by the group.

The State's relationship here thus differs materially from that with the historical Eastern Pequot tribe, where there were recognized leaders with whom the state or state-authorized officials dealt. By comparison, the Eastern Pequot post-1800 had named leaders with whom the State dealt during certain periods of time, consulting with them on issues of importance to the membership or responding to petitions which were the result of internal political processes. There are no such dealings here between 1800 and 1967, except two petitions, one in 1876 and one in 1884, to which the Litchfield County Superior Court responded. Thus, the relationship of this petitioner with the State was different in a material aspect from that of the historical Eastern Pequot.

While continuous State recognition with a reservation can provide additional evidence to be weighed in combination with the specific evidence that is present, it is not a substitute for direct evidence concerning community and political processes. In the historical Eastern Pequot case, the continuous state recognition provided evidence which was in addition to specific evidence for community and political processes. In that case, the evidence from the state relationship in combination with the specific evidence provided the basis for criteria 83.7(b) and 83.7(c) to be met for some limited time periods where the specific evidence itself was insufficient. Because of the narrower quality of the state relationship with the Schaghticoke petitioner, the state relationship provides a more limited amount of additional evidence than it did in the case of the historical Eastern Pequot, especially with regard to demonstrating criterion 83.7(c), consistent with the reasoning in that final determination.

**83.7(a)        The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met.**

From 1900 onwards, the Schaghticoke petitioner and its antecedents have been regularly identified as an American Indian entity by Federal and State documents, by local historians, by academic scholars, and in newspaper articles. Since the FAIR data base is sortable by date, both for documents and for data extracts, the following provides only a brief summary.

Federal identifications include the special Indian Population schedules for the 1900 and 1910 censuses (see the genealogical portion of the report for a more detailed analysis), the 1934 Tantaquidgeon Report on Indian tribes in New England prepared for the Indian Office, and the 1947 Gilbert report on surviving Eastern Indian groups prepared for the Smithsonian Institution.

In 1903, a local historian met James Henry Harris, visited the reservation, and met with Rachel Mauwee. He indicated that there were 15 residents and about 100 tribal members statewide (Dyer 1903, 213-214). The same year, ethnographer Frank G. Speck visited the reservation. His

August 15, 1903, notes recorded the following: "Census and Individuals. Total claimants to tribal funds & rights about 125. 16 only on Reservation. Jim Mauwee Harris only full blood" (Speck 8/15/1903). Speck's notebooks provided additional information on specific individuals and families; he and John Daniel Prince, a linguist, subsequently published articles based upon the visit (Prince and Speck 11/6/1903; Speck 1909).

From the perspective of State identifications, the Litchfield County Court of Common Pleas appointed a new overseer, Fred R. Lane, in 1904 (STN 83.7(b) 1994, 48). He resigned on January 23, 1914, and the court appointed Charles T. Chase as his successor (Overseer Report 1/23/1914). Chase filed overseer's reports which identified the Schaghticoke as an American Indian entity (Overseer Report 12/11/1915; Overseer Report 12/12/1916; Overseer Report 4/1/1924). Chase continued to hold this function during the years when the Schaghticoke were under the supervision of the State Park and Forest Commission (SPFC). In 1932, the SPFC appointed John W. Chase as a replacement for Charles T. Chase, who had died (CTSPFC Minutes 1932). John W. Chase continued as "Agent" under the Office of the Commissioner of Welfare until at least 1956 (Schaghticoke Fund 1941-1966). The Connecticut legislature made appropriations on behalf of the Schaghticoke both prior to and after the transfer of oversight to the SPFC (CT Senate 1915).<sup>9</sup> The "Schaghticoke tribe" is identified in the minutes of the SPFC (CTSPFC Minutes 1925-1940), with associated State appropriations (Schaghticoke Indian Reservation Fund 1925-1926). In 1927, former overseer Fred R. Lane made an affidavit which identified the group (Lane 5/20/1927). The SPFC requested in 1939 that the responsibility of overseer be transferred to a more appropriate State agency:

Whereas under Ch. 20e of Public Act of 1925 the SPFC was made overseer of any tribe of Indians residing in Litchfield County, and under Chapter 272 of the Public Acts of 1935 was made overseer of all tribes of Indians residing in the State of Conn. and in the light of experience gained in the performance of such duty it appears to the Commissioners that said duty has no connection with the provision and care of lands for public recreation and forestry purposes and is in fact a problem in human welfare . . . therefore resolve the commission's petition the legislative council, recommend to next General Assembly that said duty of overseer be transferred to a more appropriate State agency (CTSPFC Minutes 12/13/1939).

The supervision of Connecticut's Indian reservations was transferred by statute to the Office of the Commissioner of Welfare in 1941 (Supplement to the Connecticut General Statutes, Title 51, Chapter 272, Section 592f). These provisions continued in the Connecticut statutes through the 1958 revision (Rev. Stat. Conn., Sec. 47-59, 171). From 1941 through 1973, there are annual identifications of the Schaghticoke tribe and those members of it resident on the reservation in the

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<sup>9</sup>Notes bill in legislature of transfer Litchfield county Indians to the Commission. Indicated no opposition to this (CTSPFC Minutes 4/14/1925). See also: Principal Public Laws 1941.

records of that office (see, for example, CT Commissioner of Welfare 6/30/1943, CT Commissioner of Welfare 6/30/1945, CT Dept. of Public Welfare 3/29/1948, Schaghticoke Indian Fund 1950-1951, Schaghticoke Indian Fund 1954-1955, Schaghticoke Indian Fund 1959-1960, Schaghticoke Indian Fund 1966-1967, Schaghticoke Indian Fund 1968-1969). The Schaghticoke were identified at a hearing of the State Legislature in 1953 (CT Hearing Transcript 3/18/1953) and in another legislative hearing in 1961 (H.B. 2421, The Management of Indian Reservations; CT Public Acts, #304 1961).

From 1973 to the present, the Schaghticoke have held a seat on the Connecticut Indian Affairs Council (CIAC), which was established by legislation (CT Public Act No. 73-660; signed into law June 22, 1973; effective October 1, 1973; CIAC Records, 1973-present). State legislation in regard to the tribes continued through 1989 (CT Public Law 368, Sec. 16 1989). In 1995, an Official Statement by John G. Rowland, Governor, designating November 1996 as Native American Month in the State of Connecticut continued to use the terminology of the 1989 Act:

WHEREAS, Connecticut further recognizes that the indigenous tribes, the Schaghticoke, the Paucatuck Eastern Pequot, the Mashantucket Pequot, the Mohegan and the Golden Hill Paugussett are self governing entities possessing powers and duties over tribal members and reservations; . . . (Rowland 1996, PEP Response to Comments 9/4/2001, Ex. 57).

Throughout the first half of the 20<sup>th</sup> century, newspaper articles, ranging in length from brief "local news" items in the *Milford Gazette* to more extensive feature articles, identified the Schaghticoke as an American Indian entity (Preacher Jim Harris 7/17/1903; Stone for Princess' Grave 7/5/1905; Trio of Indians 6/1920; Only a Few Indian Descendants 3/8/1923; Indians Still State Wards 2/1/1929; Governor Baldwin Attends 1939; Memories of Schaghticokes 1939; 23 Tribes of Indians 8/7/1941). James Henry Harris's death rated an extensive obituary in the *Bridgeport Herald* (Last of the Schaghticokes 12/5/1909).<sup>10</sup> A "special category" of newspaper articles consists of early 20<sup>th</sup> century descriptions of rattlesnake hunts conducted on the reservation. These provided incidental descriptions of the reservation and its residents, identifying the group as an American Indian entity (Hunting the Schaghticoke Rattler 6/5/1904; Rattlesnake Den 5/12/1905; Exciting Day's Sport 5/1906; Rattlesnake Club 5/21/1906; Schaghticoke Rattlesnake Club 6/15/1913; Snake Hunters 6/6/1926).

The sequence of newspaper articles continued throughout the third quarter of the 20<sup>th</sup> century (Indians Fight for Land Ownership 4/9/1953; Mills pre-1953; One of Tribe's Last Survivors 8/17/1953a; Indians Meet in Kent 1954; 31 State Indians c.1960; Pfarrer 3/5/1961a; Bernstein 9/5/1965; Schaicokæ [sic] Tribe 11/3/1969; Schlicht 12/4/1969; Young 8/24/1972; Geller 7/22/1973; Yapple 1973a).

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<sup>10</sup>Two years later, a local news item noted the removal of Mrs. James Harris, "for years the most expert basketmaker at Scataccok," to live in Aspetuck District (Village and Vicinity 9/11/1911).

For the last quarter century, newspaper articles continued (Pratt 3/2/1977; O'Neill 6/6/1982; Epstein 2/10/1983; Haskell 5/10/1986; Miller 7/14/1987; Fitzmaurice 9/5/1993; Carter 1/11/1996; Patrick 3/14/1999) and have been supplemented by more academic studies (Wilbur 4/1/1966; Soulsby/Guillette 1979/1981; Salwen 1978; McMullen 1985; McMullen 1996).

There is no question that the myriad identifications, from which the above samples have been selected, which fall under multiple categories of the types of evidence that may be used under criterion 83.7(a), pertain to the petitioner and its antecedents. Some focus more on one subsection of the petitioner than on others, but the identifications as such are clear.

The petitioner meets criterion 83.7(a).

**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.**

The evidence for this criterion is surveyed in detail in the "Description and Analysis of the Evidence" section following this summary evaluation. Since much of the evidence for the earlier period pertaining to both criteria 83.7(b) and 83.7(c) comes from the same documents, this technique limits repetition.

The evidence indicates that the settlement at Schaghticoke developed primarily as an amalgamation of the Weantinock and Potatuck Indian tribes which existed at the time of first sustained contact with non-Indian settlers. The evidence does not support the contentions of Connecticut that the Schaghticoke settlement derived from a random collection of previously unconnected Indians. The argument of the Connecticut Municipalities that because no "Schaghticoke Tribe," so designated, existed at the time of first sustained contact with non-Indian settlers, the petitioner's antecedents do not meet the criteria, is also not sustained by the evidence, since the Weantinock and Potatuck, the two tribes or settlements primarily antecedent to the Schaghticoke, did exist at the time of first sustained contact. The combination of Indians from two or more related settlements into a single group under the pressure of non-Indian settlement does not mean that a petitioner fails to meet criterion 83.7(b) or 83.7(c) during the colonial period.<sup>11</sup> Section 83.6(f) of the regulations provides that the criteria in 83.7(a) through (g) shall be interpreted as applying to tribes or groups that have historically combined and functioned as a single autonomous political entity.

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<sup>11</sup> "In the early contact period, i.e., the 1600's, the Miamis consisted of a series of independent tribes of related peoples. The largest of these, the Crane tribe, which numbered several thousand people, evolved into the historic Miami tribe during the early 1700's. Bands within the tribe were more or less composed of families related to the village chief, plus additional attached followers. Villages of from 50 to 200 people were the primary settlements" (Miami PF 1990, 3).

Throughout the period from 1743 through 1771, the Moravian records provide sufficient evidence of a Schaghticoke community.<sup>12</sup> Although not all families were resident on the reservation at all times, they returned to it after periods when they had worked or traveled elsewhere, and had close family ties to other individuals in the community. Indeed, the Moravian records provide more evidence of community than has existed for the colonial period in some prior cases. The description by Connecticut that the Pachagatgoch converts wished to model their community on the mission at Shecomeco (Connecticut *et al.* 4/16/2002) does not indicate the Pachagatgoch was not a tribal settlement. From 1771 through 1801, the evidence for community is less ample. Although the 1789 enumeration (Stiles 10/7/1789) indicates that only four families were “on the spot,” his ability to obtain information about who the tribal members were and, in some cases, information about where they were, indicates that the group was still maintaining contact. This is supported by its ability to take political action during this period and by the concerns the Schaghticoke expressed in the petitions they submitted to Connecticut in 1771, 1772, 1773, 1786, and 1799. On the basis of precedent, this material is sufficient to meet criterion 83.7(b) during the colonial and early Federal periods.

For the period from 1800 through 1860, in addition to the data provided by the overseers who were appointed by the State of Connecticut through the Litchfield County Superior Court and the applicable data from the Federal census records, there continued to be a settlement identified and described by outside observers.<sup>13</sup> It is not clear that more than 50 percent of the members resided on the reservation, a finding which alone would mean the petitioner satisfied criterion 83.7(b). However, even if less than 50 percent of the members may have resided on the reservation at some points in time, those who lived there, and who had close kinship relations with the non-resident members, in combination with the other evidence, constitute a large enough portion of

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<sup>12</sup>The regulations provide that, “Community must be understood in the context of the history, geography, culture and social organization of the group” (25 CFR 83.1). Prior decisions pertaining to New England tribes indicate that for the time span from the colonial period to the 19<sup>th</sup> century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather is evaluated much more briefly, and generally, under the provisions of the definition of community in 83.1. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations: “. . . saw this revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden . . . A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here . . . further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account” (59 FR 9287, 2/25/1994). The relevant language in 83.6 follows: “Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time . . .” (83.6(e)).

<sup>13</sup>“Both Dwight and Morse described a community which was clearly identifiable by outside observers” (Paucatuck Eastern Pequot PF 2000, 74).

the Schaghticoke membership to provide sufficient evidence of community through 1860 under 83.7(b)(1). The petitioner meets criterion 83.7(b) from 1801 through 1860.

For the period from 1801 through 1860, the existing data does not confirm that more than 50 percent of the tribal members were living in a geographical community as defined in § 83.7(b)(2)(i). The petitioner may wish to strengthen its case for the period from 1801 through 1860 by demonstrating that either residence in a geographical community or endogamous marriages existed at a rate higher than 50 percent.<sup>14</sup> Such a demonstration would enable the petitioner to utilize the carryover provisions for meeting criterion 83.7(c).

Throughout the period from 1861 through 1899, the existence of a residential settlement on the Schaghticoke reservation continued to be described by outside observers and identified by the State of Connecticut's overseers, appointed through the Litchfield County Superior Court or after 1883, the Litchfield County Court of Common Pleas. The Schaghticoke who resided off the reservation during this period, as documented through genealogical and census records, had close kin ties to those families that remained on the reservation. The combination of these forms of evidence is sufficient under 83.7(b)(1). The petitioner meets criterion 83.7(b) for the period 1861-1899.

The data available for the proposed finding does not demonstrate that the petitioner met criterion 83.7(b) from 1861 to 1899 at the level of sufficient evidence defined under criterion 83.7(b)(2)(i) or 83.7(b)(2)(ii). The petitioner may wish to undertake additional analysis to determine whether either a distinct geographical community with more than 50 percent of the members or endogamous marriages at a rate of more than 50 percent existed during this period. This would enable them to utilize the carryover provision of the regulations in 83.7(c)(3) to establish their case for meeting criterion 83.7(c) in these time periods.

The Schaghticoke group meets criterion 83.7(b) in 1900, based on the existence of the small geographically distinct community (on the reservation), whose members maintained social relations with each other, and evidence that at that point in time the kinsmen of the residents living nearby in the region were maintaining contact with the reservation residents. The existence of a geographically distinct community is evidence to demonstrate community, when used in combination with other evidence, even where it does not reach the 50 percent of the membership necessary to be sufficient in itself under section 83.7(b)(2)(i). In addition, the Schaghticoke included a significant number of family members of those on the reservation who resided in nearby towns such as New Milford and Cornwall. There was also some movement on and off the reservation by residents of those towns, up to approximately 1930, providing further evidence that the community included both on and off reservation residents at any given point in time.

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<sup>14</sup>The directive, Changes in the Internal Processing of Federal Acknowledgment Petitions, stated that: "The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria" (65 *Federal Register* 7052, 2/11/2000).

## Proposed Finding, Schaghticoke Tribal Nation

The several descriptive accounts of the Schaghticoke by visitors around the turn of the century, including one by ethnographer Frank Speck, are ambiguous as far as providing a description of a community as opposed to a settlement of descendants and a number of other, related individuals who are termed "claimants." These accounts, a 1934 Federal Indian Service report and several brief State descriptions of the group between 1925 and 1934, do not provide substantial evidence to demonstrate a community which included those not living on the reservation, although they do not provide evidence to show that one did not exist.

Three family lines, Cogswell, Kilson, and Harris, emerged as distinct at the beginning of the century. With one important exception, there were no marriages between these lines after the mid 19th century although, they had kinship links to each other from intermarriages earlier in the 19th century or in the 18th century. The exception is a marriage between a Mauwee/Kilson and a male Cogswell in 1867, whose descendants comprise the Cogswell family members who remained within the group.

The Schaghticoke in the 20th century did not have a dense pattern of recent intermarriages within the group or with neighboring tribes. Intermarriage between Schaghticoke family lines, and with other, non-Schaghticoke Indians from the immediate region ceased by the mid-19th century, earlier in one major line that is still in the group and a bit later in one other. This is significantly earlier than in some other Eastern U.S. groups reviewed, such as the historical Eastern Pequot and Gay Head Wampanoag. These characteristics in other cases, such as Grand Traverse, Narragansett and Snoqualmie, provided substantial evidence to demonstrate community and supporting evidence for political processes until as late as the mid-20th century.

Supportive evidence for community from 1900 until 1996 is that the Schaghticoke membership, that is, those who came to meetings or were mentioned in interviews and the like, represents only a limited portion of the total number of descendants in the family lines that were involved and are found in the membership today. At least from the mid-1800's onwards, only certain descendants maintained contact with each other and the reservation. In each generation, only some of a given set of siblings had descendants who appeared on subsequent lists and descriptions of the Schaghticoke. Substantial numbers of others from the same sibling set did not participate, apparently no longer maintaining "tribal relations" with their relatives or other Schaghticoke. Enrollment in the Schaghticoke organization beginning in 1970 was almost entirely drawn from this select subset, rather than from the much larger pool of all Schaghticoke descendants. This selectivity provides evidence of social cohesion among the portion of the descendants of earlier Schaghticoke directly antecedent to the petitioning group, showing that it was not simply a group based on descendency.

Only one of the three family lines comprising the Schaghticoke after 1900 had social ties with other Indian groups in the region. Such ties, when broader based in the petitioning group, have provided evidence to support finding a social community in other cases

There is, however, sufficient evidence from 1900 to 1940 to demonstrate that criterion 83.7(b) is met. The primary bases are the reservation community, which encompassed the three main family lines, and the extant kinship ties with others living nearby. Many of these were former reservation residents whose residence nearby continued the 19th century Schaghticoke pattern in which the community was centered on but not limited to the reservation.<sup>15</sup> Additional evidence for community is that the Schaghticoke up through the mid-1990's have not been a descendency group but have only included individual descendants who are maintaining social relations. Continuous state recognition provides additional evidence here, where specific evidence of community exists.

There is not sufficient evidence to demonstrate that criterion 83.7(b) is met between 1940 and 1967. The available interview data provides conflicting evidence concerning social community, especially visiting across family lines, from the late 1930's into the 1960's. Some of the data cited to by the petitioner for this period does not show social relations extending beyond immediate family groups. Some substantial interview data specifically denied contacts across family lines. Evidence from other interview accounts however, suggests broader contacts, including some social gatherings and visiting of reservation residents across family lines.

Some descriptions of reservation visiting concerning the late 1930's to the 1960's described visiting immediate families, rather than the reservation residents in general. There is also some data which indicated that the generation born around 1900 knew everyone on the reservation, not just their immediate relatives, but that the next generation did not have this kind of acquaintance. Other data indicates, to the contrary, that there was also broader contact for at least some individuals in the next generation, born in the 1920's and 1930's. There is some information to show gatherings and on-reservation meetings, drawing in non-residents, in the 1940's and 1950's. However, there is a lack of good evidence for such gatherings during the 1920's and 1930's. There was conflicting evidence from interviews concerning the maintenance of broad social contacts after 1940 to 1967. Descriptions of the initial meetings of the Schaghticoke organization created in 1967 indicated that the participants were not well acquainted with each other at that time.

The conflicting data from the 1930's into the 1960's cannot be resolved with the presently available sources and the analysis conducted by the petitioner or by the Department, and therefore does not provide evidence under criterion 83.7(b).<sup>16</sup> A more substantial, new analysis of the

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<sup>15</sup> There continued to be a small resident community on the reservation until the mid-1950's, although it became predominantly drawn from one of the three family lines by 1950.

<sup>16</sup> Under the February 2000 Directive, the BAR researchers are not required to conduct extensive new analyses of information in the record, but are to evaluate the petitioner's statements.

existing data, together with additional data, would be helpful in resolving these conflicts.<sup>17</sup> The present analysis was sufficient to conclude that the petitioner's claims to have demonstrated community from 1940 to 1967 were not established. The evidence also did not demonstrate the validity of the third party comments that community did not exist in this time period.

To demonstrate community from 1967 to the present-day, the petitioner's reports describe as evidence the holding of political meetings, the practice of traditional crafts, the current geographic settlement pattern, work parties on the reservation, and the continued existence of social networks. The formal political meetings do not in themselves show significant social contact or political relationship. Holding meetings *per se* has not been accepted as evidence of community in previous findings, because any kind of organization can hold meetings (but see below discussion of how the actual Schaghticoke political processes, including meetings, provide evidence for community). The petitioner presented only limited evidence to substantiate the present existence of social networks outside of family sublines. The petitioner did not present substantial interview information or studies on this subject. The evidence in the record does not show that work parties have been frequent, and, in particular, that they involved more than a few people and drew broadly from the membership. Though a few individuals may practice some crafts, there was no showing that this was a distinct cultural tradition or that this involved more than a few individuals.

The geographic pattern of residence now is broader than the traditional one, extending well over to New Haven and Bridgeport. In addition, there is no evidence that this geographic pattern is the result of a continuing tribal tradition, rather than simply the result of past historical migrations. The distribution is not so broad as to provide evidence against the existence of community, although the pattern does not provide strong evidence for community either.

Each subline traces to a common ancestor multiple generations back. There was not good interview data to clarify the degree to which the sublines formed social as opposed to genealogical units, *i.e.*, whether individuals actually defined the sublines as social units, but political participation and alignments tended to follow these kinship lines. What direct evidence concerning social community that there was indicated that individuals drawn from within the same subline probably maintained some contact with each other.

Overall, the evidence is of fair quality that some contacts have been maintained within the sublines. The maintenance of kin contacts is particularly evident from the patterns of political mobilization discussed under criterion 83.7(c). The evidence for this is indirect, but is demonstrated by the political alliances evident in the political conflicts.

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<sup>17</sup>A substantial body of interviews of Schaghticoke which were conducted from 1976 to the present were not submitted by the petitioner or by other parties. Some of these interviews were cited but not included. Others are indicated by reports and other documents which were included in the record. In addition to the materials from 1976 and later, interviews were conducted by the researcher Wilbur in 1961, which would place the information much closer to the time period in question here than other sources (Wilbur 1966). This evidence should be submitted during the comment period.

The primary body of evidence for community between 1967 and 1996 is found in the data describing the intense patterns of political conflict, which is a type of evidence described in criterion 83.7(c). This information demonstrates frequent mobilization of most of the membership, most often along the lines of the major families or subdivisions of them. Evidence used for criterion 83.7(c) can be used as well for criterion 83.7(b), where that evidence describes circumstances that indicate that social communication is occurring and that social ties exist which influence the patterns of political conflict. Precedents for this are found in the Snoqualmie decision. Additional supporting evidence is the selective nature of the membership in the STN in this period.

The present-day community, as defined by the 2001 STN membership list, does not meet the requirements of criterion 83.7(b). The community so defined differs substantially from the community described for period from 1967 to approximately 1996 for two reasons.<sup>18</sup> One reason is that important segments of the group as it existed prior to 1996 have resigned membership in the petitioner or do not appear on the current membership list because they declined, for internal political reasons, to participate in the enrollment process which led to the current STN list. That process began in 1995 and continued through 2001. These individuals, approximately 60 in number, were a significant part of the social and political relations within the group between 1967 to 1996.

The discussion below under criterion 83.7(c) concludes that there continues to be a single political system which includes these individuals, though they are no longer enrolled in the STN. The absence of these individuals from the current STN membership list means that the current petitioner, as defined by its most recent enrollment, is substantially less than the entire community.

In the Department's final determination to acknowledge the Eastern Pequot and the Paucatuck Eastern Pequot petitioners as a single tribe, the historical Eastern Pequot, the Department concluded that it did not have the authority to acknowledge petitioners which were parts of unrecognized tribes. The Pequot decisions stated in part:

Although the regulations call for the presentation of petitions from groups seeking acknowledgment as a tribe, and for the Department to evaluate those petitions, the fundamental purpose of the regulations is to acknowledge the existence of tribes. The Secretary does not have the authority to acknowledge a portion of a tribe, where that portion does not substantially encompass the body of the tribe. The Secretary does have the authority to recognize a single tribe in the circumstance where the tribe is represented by more than one petitioner (EP FD 2002, 13).

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<sup>18</sup> A specific beginning date for the present-day community is not given because the changes described occurred over a period of approximately six years, beginning with the requirement in 1995 for all STN members to re-enroll, and the addition of the Joseph Kilson descendants, which began in 1996 and extended to 1999.

The function of a petition is to get an Indian group's case before the Department. The intent of the regulations is not to acknowledge a portion or faction of an unacknowledged tribe, apart from the remainder of the tribe, simply because the original petitioner excluded the remainder of the tribe. In the case of unrecognized groups the regulations do not authorize acknowledgment of only part of a group that qualifies as a continuously existing political entity. Substantially all of the acknowledgeable group must be acknowledged in order for there to be a complete political unit. Based on this premise, there is an implied limit as to how recent a separation into two or more distinct entities may be, but there is no statement in the regulations as to how recent a division may be (EP FD 2002, 36).

The second reason that community under criterion 83.7(b) is not shown for the present-day is because substantial numbers of descendants of Joseph D. Kilson (born 1829) were enrolled for the first time beginning in 1996. There is little evidence of their association with the rest of the Schaghticoke families, including other Kilsons, after the early 1900's. They constitute 110 of the 317 who are presently enrolled in the STN, more than a third of the total STN membership. This addition represents a significant change from the practice up to that point of drawing membership only from families who had maintained social relations. While the formal membership criteria in the various Schaghticoke governing documents called only for descendency (recorded as Schaghticoke by the State, from Gideon Mauwee, or from the 1910 census), in practice the enrollment procedures were not that broad.

The continuous state recognition with a reservation provides additional evidence for community, which, when added to the specific evidence in the record, is sufficient to demonstrate that criterion 83.7(b) is met between 1900 and 1940, although the direct evidence concerning community after 1920 is limited. State recognition does not add enough evidence, when combined with the with other evidence in the record between 1940 and 1967, because of the conflicting nature of the specific evidence for that period. State recognition provides additional evidence for community between 1967 and 1996, through the combination of the evidence from political events, membership definition and other sources provides sufficient direct evidence. State recognition, in combination with other evidence, does not provide enough additional evidence for criterion 83.7(b) to be met from 1996 to the present because of the substantial questions concerning whether the complete community is within the current membership of the current petitioner and what the character of social relationships are with the one-third of the current STN membership who have not been shown to have been maintaining social relations with the rest of the membership from the first quarter of the 20th century to 1996.

Summary: The Schaghticoke Tribal Nation does not meet the requirements of criterion 83.7(b) between 1940 and 1967 and from approximately 1996 to the present. Therefore the petitioner does not meet the requirements of criterion 83.7(b).

**83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**

The evidence available indicates that the Schaghticoke meet criterion 83.7(c) during the colonial period and during the early Federal period, to 1801. The actions of the local authorities in regard to the tribe were in accordance with the existing Connecticut statutes.<sup>19</sup> Governance by a colony or state does not negate the existence of tribal autonomy within the meaning of the 25 CFR Part 83 regulations.<sup>20</sup>

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<sup>19</sup>During the later 1720's, Connecticut passed three pieces of legislation that pertained to its supervision of Indian tribes. The act in 1721 stated that the authority and selectmen of each town "wherein there are any Indians living or residing" were directed to assemble and convene such annually and acquaint them with the "Law of the government made for punishment of such immoralities . . . and they are not exempted from such penalties." In October 1725, it resolved: "That till the Session of this Assembly in May next, the Care of the Indians in their Severall Tribes in this government be under the Inspection of the Governr & Council from time to time to regulate, restrain, Set at Large &c as to them shall Seem best" (IP, I:120). In October 26, it passed an act to prevent the quiet title act being used to assert claims to "several tracts of land sequestered for several tribes of Indians within this government . . ." (7 *Pub. Rec. Conn.* 71-72; IP, I:130). In 1727, it passed an act regulating how Indian children bound out to the English were to be instructed in Christianity, to read English, etc. (IP, I:131).

Subsequent acts also call for meetings and the like to remind the Indians that English laws apply, and the extent to which those laws applied. Two separate acts were passed in 1750 (Acts and Laws of Conn. 1750, 79, 95-99). The first Act of 1750 focused on the subjection of Indians to the laws of the Colony, including those of Sabbath observance, and prohibited trade in firearms with the Indians (there was no specific mention of tribes). It provided that the murder of one Indian by another was to be punished under English law, but made an exception where the murder was of "those among whom they are at war with." The Act stated that, "no person shall be allowed. . . . to recover before any court . . . any action of debt . . . for any good sold, lent or trusted out to any Indians whatsoever."

The second 1750 Act was titled, "Foreigners Not to Trade with the Indians. An Act for Preventing Foreigners Trading with, and Corrupting the Indians; and Carrying on Other Evil and Dangerous Designs in this Colony" ("Acts and Laws" N.P. A-2, 79; #113 Pet. HIST DOCS I, Doc. 38, 79). It seeks to avoid sedition or the estrangement of the Indians from the government and refers to "evil and dangerous designs" by French and Dutch. The act references "any Indian or Indians" and does not specifically use the term "tribe." No historical context was provided for the passage of this act, although the implication is that there was an expectation that the Indians might act independently of the colony's authorities.

<sup>20</sup>In response to the Mohegan petition for acknowledgment, the Attorney General of the State of Connecticut argued that colonial oversight indicated the petitioner did not meet the requirement that: "The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)), saying that ". . . the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut, . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c" (Mohegan PF 1989, 26). The AS-IA concluded: "[T]he 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 . . ." (Mohegan PF 1989, 26-27; for related precedents, see Narragansett PF 1982, 11; Narragansett PF 1982, 2; Gay Head PF, 4). As long as the state was dealing with a group as a group which had named leaders or the evidence shows that the group was acting in concert, thus exercising political influence internally, the petitioners meet the "autonomy" requirement of 83.7(c). See generally (continued...)

In regard to 18th century political authority, the State of Connecticut argues that the status of Gideon Mauwee was not that of political leader of the settlement as a whole, but rather that of a “steward” appointed by the Moravians for the Christian portion of the population and deriving his authority from the Moravian missionaries rather than from the Schaghticoke tribe (CT 4/16/2002, 52-53).<sup>21</sup> This assertion is not borne out by the Moravian records themselves, which describe Mauwee as a “captain” at the time of their first arrival at Pachgatgoch, noting that on January 26, 1743, Martin Mack and his wife “were lodg'd by Captain Mawessman . . .” (B.111, F. 3, item 3). Even if it were the case, however, that Gideon Mauwee derived his authority from an appointment by the Moravian missionaries, it would not indicate that the petitioner failed to meet criterion 83.7(c) in this time period.<sup>22</sup> Leadership exercised through an indigenous church has been accepted as demonstrating political authority or influence in prior decisions.<sup>23</sup>

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<sup>20</sup>(...continued)

the discussion of standards for the colonial period (EP FD 2002, 139-141). Political influence or authority includes “. . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence” (83.1).

<sup>21</sup> Mauwee's prominence in part was due to his selection as a community steward by the Moravian missionaries. They considered him to be their steward of the Schaghticoke mission community. (Moravian Archives. B.115, f.4. JT Ex. 49). However, from the time of Mauwee's baptism by the Moravians in 1743 until his death in 1760, the data strongly suggest that Mauwee was not the leader of all the Indians residing at Schaghticoke, but only a steward to those of the Moravian Indian community residing there. For example, expounding his new found beliefs, Mauwee was harassed by the non-converted Indian community, then living at Schaghticoke. In one case a non-Christian Indian put a gun to Mauwee's head and threatened to kill him if he continued to speak of Jesus. (Loskiel 1839, pt. II:44, JT Ex. 50) (CT et al. 4/16/2002, 52-53).

Connecticut's analysis in the above passage implies that the existence of any opposition to a given leader negates the existence of political process. Under the regulations, conflict can be evidence of political processes and political influence.

<sup>22</sup>“Leadership exercised through a church, by indigenous ministers, can provide evidence under several categories mentioned in criterion 83.7(c), such as . . . under 83.7(c)(2)(iii) to show that ‘group leaders and/or other mechanisms exist or existed which . . . exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior’ (MBPI FD 1999, 15); ‘The 25 CFR Part 83 regulations do not make any requirement that a petitioner have a ‘secular government’ . . . but rather . . . that the leadership of a petitioner have political influence or authority over the group's members in a bilateral relationship’ (MBPI FD 1999, 16).

<sup>23</sup>“Major cultural changes were evident during the 1700's. After resisting Christianization in the 17<sup>th</sup> and early 18<sup>th</sup> centuries, a large body of the tribe was converted in the 1740's, . . .” (Narragansett PF 1982, 2). “The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable” (Narragansett PF 1982, 10); “It should be clear that the retention of aboriginal culture or language is irrelevant to  
(continued...)

Throughout the period from 1743 through 1801, the sequence of Schaghticoke petitions, with their content focused upon preservation of the land base, and requests for specific individuals as overseers, had a substantially stable sequence of signers that changed only gradually over the course of time as the older men died and younger ones became household heads. These provide sufficient evidence of the existence of political authority or influence within the group for the colonial and early Federal period, in accordance with existing precedents.<sup>24</sup>

For the period from 1801 to 1860, there is no evidence in the record pertaining to political authority or influence. There are no named leaders either by outside observers or in internal documents. The State or the overseer did not deal with leaders. The evidence does not show that the group submitted any petitions to the State authorities, which is in contrast to the historical Eastern Pequot. While a single man served as overseer from 1801 to 1852, thus reducing the number of occasions for petitions, the evidence submitted did not include any data showing that the group expresses its views or was consulted in regard to the 1852 and 1860-1861 appointments. Although, in a certain sense, Eunice Mauwee represented the group to outsiders through the interviews that she granted, there is no evidence that she did so in "matters of consequence," as required under the definition of political influence in the regulations.<sup>25</sup> For the period from 1801 to 1860, the overseers' records and descriptions by outside observers reflect the existence of a continuing geographical community. The evidence shows that the geographically distinct community maintained continuing ties with non-resident relatives, many of whom received disbursements from the tribal fund when in need. However, the record provides no data beyond the fact of this continuous existence and descriptions of a few selected members. There is no direct information in regard to political process.

Since the overseers' records for the period do not distinguish between non-residents and residents (some limited residency data could be gathered from the census), the tentative reconstructions

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<sup>23</sup>(...continued)

the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3).

<sup>24</sup>"Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25); "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4).

"The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers, combined with the signatures on the petitions, indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes" (Eastern Pequot PF 2000, 104).

<sup>25</sup>" . . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).

attempted by the BIA researchers were not sufficiently reliable to reach a conclusion as to whether the residential community included more than 50 percent of the total tribal membership. For the period prior to the 1850 Federal census, there was not enough evidence in the record even to attempt a tentative reconstruction. Therefore, in this proposed finding the petitioner cannot benefit from the carryover provisions of § 83.7(c)(3) to use this form of evidence, listed in § 83.7(b)(2)(i) as sufficient in itself to demonstrate community, to demonstrate political influence. Clarification and improved data on this issue, in response to this proposed finding, may provide sufficient evidence under this section of the regulations to demonstrate that criterion 83.7(c) is met.

The state relationship by itself does not provide sufficient additional evidence to meet criterion 83.7(c) in the absence of other, specific evidence of political influence.<sup>26</sup> The regulations state at section 83.6(d) that: “a petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria.” The petitioner does not meet criterion 83.7(c) from 1801 through 1860.

There is very limited evidence for political authority or influence under criterion 83.7(c) in the period from 1861 through 1899 in the form of two petitions signed by more than half of the Schaghticoke's adult members.<sup>27</sup> By themselves, these two documents within a period of 40 years do not provide sufficient evidence to support a finding that the petitioner meets criterion 83.7(c) for this full period. The evidence does not show that there were any petitions submitted in connection with the overseer's appointments of 1865 and 1870, or that State authorities consulted with the group in making them. The evidence for criterion 83.7(b) for this period is not strong enough to apply the carryover provisions to criterion 83.7(c)(3) because none of the forms of evidence in §83.7(t)(2) were shown to have been present by reliable evidence.

However, for the period from 1861 through 1899, the Schaghticoke have shown the existence of community under § 83.7(b)(1) at more than a minimal level. Under § 83.7(c)(1)(iv), this provides supporting evidence for meeting criterion 83.7(c).<sup>28</sup> The petitions, in combination with the

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<sup>26</sup>“The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence” (Eastern Pequot PF 2000, 104).

“The continuous State relationship with a reservation is not evidence sufficient in itself to meet the criteria” (EP FD 2002, 14; PEP FD 2002,16).

<sup>27</sup>“The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers, combined with the signatures on the petitions, indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes” (Eastern Pequot PF 2000, 104).

<sup>28</sup> One form of evidence to demonstrate criterion 83.7(c) is that in §83.7(c)(1)(iv): The group meets the  
(continued...)

existence of community at a more than minimal level and the continuous state relationship since colonial times and the continuous existence of the reservation lands held in trust by the State, with oversight function, are sufficient to show that the petitioner meets criterion 83.7(c) for the period from 1876 through 1884. The state relationship here provides additional evidence because in this period there was a specific political dealing with the group in that the Litchfield County Superior Court and Court of Common Pleas did act in response to the petitions.

For the periods from 1861 to 1875, and from 1885 to 1899, the evidence is not sufficient to demonstrate that the Schaghticoke meet criterion 83.7(c). The state relationship does not provide additional evidence for these periods on either side of the two petitions because there is an absence of specific evidence of the exercise of political influence within the group within the meaning of the acknowledgment regulations.

There is almost no specific evidence of Schaghticoke political activity from 1900 to 1949. The evidence does not show that the group submitted a petition in connection with the overseer's appointments in 1904-1905, 1914, or 1932, or that State authorities consulted with the group in making these appointments. The several accounts of the Schaghticoke around the turn of the century, including one by ethnographer Frank Speck, do not name anyone as a leader. Though they describe some individuals who were well known to non-Indians for various reasons, such as James Harris, the accounts do not identify them as leaders.

There was no significant evidence to support the petitioner's position that James Harris (died 1909) and George Cogswell (died 1923) were leaders. Although they were well known, none of the contemporary descriptions of their activities described roles as leaders of the Schaghticoke. The references to them by the title of "chief," often in newspaper accounts, do not provide substantial evidence that they exercised political influence or carried out activities which meet the definition of political influence in § 83.1 of the regulations. Interview references to them as leaders provided little substantial detail.

There is no good evidence Howard Nelson Harris was "chief" before being appointed to that position in 1954 by the Schaghticoke council initiated by Franklin Bearce in 1949. The petitioner's claim that Harris had been chief since he became an adult (approximately 1920), succeeding James Harris, his father, has little support and there is some evidence to the contrary. Interview data from the Harris family itself did not provide any evidence that he was a leader before 1954, and little specific evidence to demonstrate he exercised political influence from that date until his death in 1967. Evidence of Howard Harris' contacts with the state in the mid-1920's and in 1950 provide no indication that he was considered to be a leader or that he had presented himself to State officials as a leader.

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<sup>28</sup>(...continued)

criterion in § 83.7(b) at more than a minimal level.

There was little or no evidence to support the petitioner's claims that various other individuals exercised leadership on the reservation between 1900 and the 1950's. There was little or no evidence to demonstrate that various individuals listed by the petitioner as being "culture keepers," from 1900 to the present actually functioned as leaders who influenced significant numbers of members.

There are no named Schaghticoke leaders with whom the state dealt between 1900 and 1967. One state report, in 1934, said that there were no Schaghticoke leaders recognized by the Schaghticoke. This contrasted with statements in the same report concerning other state-recognized tribes which identified specific leaders. This is evidence which specifically indicates that there were no leaders in the period between 1900 and 1949. A 1934 report for the U.S. Indian Service also specifically stated that there was no leadership recognized by the Schaghticoke, again in contrast with other Connecticut state recognized tribes.

Between approximately 1949 and 1959, there was a council with named officers. This organization pursued a claim before the Indian Claims Commission (ICC) and attempted to deal with the State on the issue of providing more housing on the reservation. This council came about through the efforts of Franklin Bearce, a non-Schaghticoke. Bearce at times titled himself as Chief of the Schaghticoke, although the council in 1954 designated Howard Harris as chief. There is good evidence that Bearce in these efforts consulted regularly with various Schaghticoke individuals, including especially Harris, as well as others. There is not good evidence that those holding office in this time period, Howard Harris, as chief and Theodore Cogswell, as "Sagamore," as well as several others, had a following or significant duties for any extended period of time.

There is some evidence to indicate that the Bearce council dealt with issues of significance and that his efforts tapped into an already existing set of issues and relationships, but the present evidence is insufficient to demonstrate that criterion 83.7(c) is met for this period. Although the reservation housing issue may have been one of some importance to a significant number of members, it has not been shown that the claims issue, involving losses that had occurred over a hundred years before, was an issue of importance to the membership in general and thus evidence for criterion 83.7(c) under § 83.7(c)(1)(ii).

There is some evidence that there may have been more political activity which involved Franklin Bearce and the Schaghticoke for some years earlier than 1949, possibly as early as 1939. If developed further, additional evidence and analysis about the individuals and the council influenced by Bearce might give a clearer picture of whether substantial political processes occurred. There is limited evidence that the organization was affected by the same family line divisions and conflicts which show up clearly after 1967. Better information about conflicts in this period might provide evidence for significant political processes.

The third parties have raised the issue of whether the fact that this council's activities were initiated and led by a non-Schaghticoke shows that there were not significant political processes

within the Schaghticoke. The fact that an outsider was instrumental in initiating and, in part officially heading, these activities does not necessarily mean that these activities provide no evidence to demonstrate political influence. Such activities would provide evidence of political influence to the extent that it could be shown that Bearce drew upon and worked with internal political figures, that the council he formed addressed issues of clear significance to the membership, and that substantial internal political processes occurred.

There was limited evidence that the State dealt briefly with Bearce as leader, in the early 1950's, based on his statements. If confirmed by other evidence, especially by State documents, this would provide significant evidence concerning the State relationship and Bearce's position, notwithstanding that the State knew that he was not a Schaghticoke.

Some Schaghticokes attended a 1953 hearing of the State General Assembly on a proposal to terminate the Connecticut state reservations. This would have been a significant issue by its very nature, but there was no information concerning how many attended, whether this was done by the council that had been established by Bearce, was otherwise the result of leaders or concerted group action, or was simply the result of individual actions.

As noted above, there was little evidence to support the petitioner's contention that Howard Harris functioned as chief in a meaningful fashion or that he was chief from the 1920's until his death. Some Schaghticoke, from a different family line, have specifically denied that he was chief at all, even after 1954, and stated that different individuals, with the title of Sagamore, were chief from the 1930's until 1967. These latter statements by members of the Cogswell family provided conflicting evidence as to whether those individuals named as "sagamores" were considered as leaders of all of the Schaghticoke or just of the Cogswell line. This is part of the unclear picture, from the late 1930's to 1967 of the actual status of individuals with leadership titles, possibly all generated by Bearce's efforts.

There is some evidence that the intense conflicts from 1967 onward did not begin at that point but were the result of earlier social relationships and, possibly, earlier political conflicts. However, the petitioner has not provided substantial information on the possible antecedents of the post-1967 conflicts. Examples of such evidence in the record are the events surrounding the Bearce-created council, active from 1949 to approximately 1959, which hint at a pre-existing Harris/Kilson conflict, and also suggest conflicts, and relationships, between the Cogswell family line and the Harrises. Such conflicts have been characteristic of Schaghticoke political processes from 1967 to the present. Further information on this would help explain the intensely active post-1967 period as well as provide evidence for political processes before 1967.

There is either no direct evidence to show political influence, or only a small amount, between 1900 and 1967. State recognition in the form it takes in relation to the Schaghticoke does not provide substantial evidence which, added to the specific evidence in the record, demonstrates that criterion 83.7(c) is met for that time period.

From 1967 until approximately 1996, there is substantial evidence of political involvement of much or most of the Schaghticoke membership at the time. There was a continuing series of conflicts, which, although they also included conflicts between the several strong personalities, showed consistently broad involvement of members of the group. The evidence is largely drawn from petitions, voting lists, and attendance lists, meeting minutes, and other written descriptions of meetings. There is also some additional evidence from interviews concerning these conflicts, as well as some "personal documents and accounts," such as letters, which provide descriptions of the conflicts and the events within them. The political pattern is that the several family line groups and sublines have formed a framework for political conflict, as the units which have mobilized for and against certain issues, and in support of or against specific leaders. These political mobilizations occurred multiple times over a significant period.

These conflicts provide evidence over a period of more than 30 years of involvement in political processes by most of the group's members. Section 83.7(c)(1) of the regulations describes several forms of evidence to demonstrate the criterion is met. The patterns of these conflicts and the events within them indicate that knowledge of issues and events was being communicated within the membership, in order for these events and actions to have taken place. This type of evidence is described in 83.7(c)(1)(iii). These internal conflicts show controversy over valued group goals (e.g., whether to develop the reservation, and how), over properties (the reservation), over processes (constitution, fairness of elections), and/or decisions. This is the form of evidence described in 83.7(c)(1)(v). These events showed that most of the membership considered the issues acted upon to be of importance, the form of evidence described in 83.7(c)(1)(ii).

The State of Connecticut's April 2002 comments concerning the conflicts characterize them as factionalism and state that while this "may reflect some political activity on the part of the two factions, it is hardly evidence of real political authority" (Connecticut et al. 4/16/2002, 114). The State's view is that, given such conflicts, the petitioner cannot be said to have exercised "political authority." The State also notes that the Schaghticoke councils and leaders have frequently sought the help of external authorities to resolve the conflicts. The comments also state that there was little evidence concerning "political activities of the broader group" (Connecticut et al. 4/16/2002, 115).

While the mere fact of conflict within a petitioning group is not good evidence for political processes, in these conflicts there is very strong evidence that the conflicts occurred over an extended period of time, with detailed evidence concerning the political issues at stake as well as the breadth of participation. There is good evidence of broad participation. The inability to resolve the conflicts is not evidence that political processes do not exist within the meaning of the regulations. That one or another party has sought to have external authorities intervene, or more precisely declare their side to be the legitimate leadership, does not preclude a finding that significant political processes exist. The regulations require that a petitioner's political processes be autonomous vis-a-vis another Indian entity but do not require autonomy of other, non-Indian

external political authorities.<sup>29</sup> Thus, the efforts of various Schaghticoke subgroups to use the State agencies, such as the CIAC, to support the legitimacy of their own positions in regard to contested elections, etc., do not show an absence of political processes, but rather demonstrate efforts to manipulate outside resources to strengthen the position of the various contenders.

Overall, there is sufficient evidence to demonstrate that the petitioner meets the requirements of criterion 83.7(c) from 1967 to approximately 1996.<sup>30</sup> A stronger demonstration of criterion 83.7(b), community, through direct evidence would provide additional supporting evidence. There may be significant additional evidence in the interviews done by various researchers that were not submitted for this proposed finding or not located by the petitioner.

Changes in the STN's membership starting around 1996 and culminating in the 2001 membership list preclude a finding that political processes continued within the group. Former STN members who are not presently members, the "Cogswell family" and a substantial portion of the SIT (the Schaghticoke Indian Tribe, a separate petitioner), have a strong history of past involvement in these political processes. These individuals are clearly part of the same group, but not of the current petitioner. The conclusion of this proposed finding is that in the present-day there continues to be a single Schaghticoke political system encompassing the STN, and the Cogswell family, and a substantial portion of the SIT, who are not presently members of the STN. Consequently, the present petitioner's membership does not substantially encompass the complete political system. The regulations do not permit acknowledgment of only part of a group, though they do not require that every person who would be considered part of it be on the membership list submitted for acknowledgment. In the final determination concerning the historical Eastern Pequot tribe, it was noted that the Secretary does not have the authority to acknowledge parts of tribes (see the language from this finding quoted under criterion 83.7(b)).

In addition, there is not evidence to show whether a substantial portion of the currently enrolled STN membership, the Joseph D. Kilson descendants, who have only been STN members for a few years, are maintaining significant social contact with each other or with the rest of the present membership. Nor is there evidence to show more than a *pro forma* political relationship with the core STN membership. These descendants comprise a third of the present STN membership.

For these reasons, the STN does not meet the requirements of criterion 83.7(c) from approximately 1996 to the present.

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<sup>29</sup> See footnote above discussing the term autonomy as applied in the regulations.

<sup>30</sup> The same considerations concerning a precise date for the present-day community apply to the consideration of political processes, though it is concluded here that the processes continue but are no longer substantially coterminous with the membership as defined by the enrollment. The changes occurred over a period of approximately six years, beginning with the requirement in 1995 for all STN members to re-enroll, and the addition of the Joseph Kilson descendants, which began in 1996 and continued to 1999.

Because the State relationship in this instance lacks a substantial political component, it cannot add substantial evidence concerning political processes. In the absence of any specific, direct evidence of political processes and leadership, the state relationship is not by itself sufficient evidence for the Schaghticoke to meet criterion 83.7(c) between 1800 and 1875, 1885 and 1948, and 1960 to 1967. The state relationship in combination with the specific evidence in the record for the period from 1949 to 1959, does not add enough evidence to demonstrate that criterion 83.7(c) is met.

Summary: The Schaghticoke Tribal Nation does not meet the requirements of criterion 83.7(c) from 1800 to 1875, from 1885 to 1967, and in the present-day group. Therefore the petitioner does not meet the requirements of criterion 83.7(c).

**83.7(d) A copy of the group's present governing document, including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.**

The petitioner has provided a copy of its current governing document, a constitution which was adopted in 1997. This constitution is essentially the same as one adopted on November 1, 1987, with subsequent amendments attached. The petitioner also enclosed copies of constitutions dated 1980 and 1973.

The petitioner's constitution describes its membership criteria and how it governs itself. The petitioner also provided a description of its enrollment procedures in the April 1997 Genealogical Report. The petitioner also sent copies of some of its membership files in October 2002, which demonstrate that it is following its own procedures for documenting the members' descent and maintaining the membership records.

Therefore, the petitioner meets criterion 83.7(d).

**83.7(e)(1) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.**

This section of the proposed finding discusses the ample evidence in the record which demonstrates that 100 percent of the petitioner's membership descends from the historical

Schaghticoke tribe; that is, from Indians on the reservation in Kent, Connecticut, who were identified by the State of Connecticut as Schaghticoke Indians. The continuity of descent has been maintained through three family lines: Kilson, Harris, and Cogswell. The direct ancestors and collateral relatives of the current members, as well as other Schaghticoke Indians who may or may not have had familial relationships with ancestors of the current membership, are named throughout the 19th Century overseers' reports as Schaghticoke Indians. The Federal census records from 1860 (by analysis) and from 1870 to 1910 (through discrete listings) show that the petitioner's direct ancestors lived on the reservation, although individuals or families periodically moved out to seek employment elsewhere. In those cases where the petitioner's direct ancestors were living off the reservation, they had siblings, parents, grandparents, or other relatives who continued to reside on the reservation.

The Cogswell, Harris, and Kilson family lines were well represented on the Schaghticoke reservation at the time of the 1910 census, when six Schaghticoke households with 18 individuals were enumerated as "Pequot Indians." The Federal census mistakenly identified the individuals as "Pequot," while accurately giving the name of the "Indian Reservation" as "Schaghticoke" (U.S. Census 1910). During the same period, the State identified the residents as Schaghticoke Indians and continued to deal with them as belonging to the Schaghticoke reservation and having rights to support from the Schaghticoke tribal funds. The petitioner uses the 1910 Federal Indian Population census as a source for determining membership eligibility. One standard, as defined in its membership criteria, is descent from: "any person identified on the 1910 US Federal Census as a Schaghticoke Indian." Of the petitioner's 317 current members, 202 have a direct ancestor on the 1910 census of the reservation. The remaining 115 individuals, who are currently members of the petitioning group descend from Joseph D. Kilson (110) or from Truman Bradley and Julia M. Kilson (5) through branches of the families that do not have a direct ancestor on the reservation in 1910.

Tracing these families from 1910 back through time, the BIA found that the individuals who were on the reservation in 1910 were themselves, or their parents and grandparents were, on the reservation in 1900, 1880, 1870 and 1860. In addition to residing on the reservation at the time the Federal censuses were taken, the petitioner's ancestors were consistently named in the Schaghticoke overseers' reports throughout the 1800's as Schaghticoke Indians. These two primary sources support the fact that the petitioner's ancestors were unambiguously identified as Schaghticoke Indians in their own life-times by local officials and state officials. These records also show that there were other Schaghticoke Indians living in the same geographic neighborhood (the reservation and the Town of Kent) or in near-by towns such as Cornwall and New Milford, who were also associated with the reservation Indians, whether through blood ties or through descent from the Indians who had been at Schaghticoke in the 18th century. In other words, the petitioner's ancestors were not isolated individuals, but had clear, consistent ties to a community of Schaghticoke Indians who were on the reservation and identified by the State.

Everyone on the petitioner's current membership descends from at least one of the Schaghticoke Indians who signed an 1884 petition for a new overseer. Again, the petitioner's three family lines

were represented on this petition, Cogswell, Harris, and Kilson, as well as other families who also had clear ties to the Schaghticoke Indians named in the overseer's reports from the first quarter of the 18th century, Mauwee and Bunker.

The Mauwee women on this list; Rachel, Vina (Lavinia), and Abigail, were either sisters, half-sisters, or cousins to each other and to Parmelia (Mauwee) Kilson, (the mother of A. V. Kilson and of Julia (Kilson) Bradley on the 1884 petition). The historical record, including an interview with Eunice Mauwee (1756/1760 to 1860) in about 1859, identified Lavinia as her granddaughter. This interview also identified Eunice as the granddaughter of Gideon Mauwee (about 1682 to 1760). In her own life-time, Eunice was repeatedly identified with her notable grandfather, and the local histories and early traditions connect Eunice Mauwee to her father Joseph Chuse Mauwee and grandfather Gideon Mauwee. The petitioner's membership eligibility criterion of descent from Gideon Mauwee, who was a leader of the Schaghticoke in the Moravian era (1743 to his death in 1760) is apparently based on the long-standing traditions concerning the relationships between Parmelia, Abigail, Rachel, Truman Bradley, and Eunice Mauwee, and thus to Gideon Mauwee. Eunice's family did not settle at Schaghticoke until after the end of the Moravian era. Later claims that Parmelia, Rachel, and Abigail, or even Truman Bradley were her children were in error. Given their birth years (1798, 1812, abt. 1830/1833, and 1821) this younger generation of Schaghticoke Indians were more likely to have been her grandchildren or grand-nieces and nephew. However, it is clear that these individuals, whether actual descendants of Eunice Mauwee or not, were repeatedly identified by the State as Schaghticoke Indians in the overseer's reports throughout 19th century, were on the 1884 petition, or were found living (or their children were) on the reservation in the different Federal censuses in the latter part of the 19th century or the early 20th century.

Thus, the connection between the individuals on the petitioner's August 30, 2001, membership list and the Schaghticoke Indians of the early 1800's, as identified by the State records, is well documented by the evidence in the record at this time. While the exact "blood-line" connections to the previous generations in the 1700's are less sure, there is more than enough evidence to reasonably assume the individuals named in the early 1800's were the children, grandchildren, or collateral relatives, or a part of the community of Schaghticoke Reservation Indians of the 1700's. The regulations do not demand a precise, named parent-to-child relationship in order to establish the petitioner's descent from the historical tribe, but asks that "the available evidence establishes a reasonable likelihood of the validity of the facts relating to a criterion" (§83.6(d)). Therefore, based on the evidence available at this time, the petitioner has demonstrated that it descends from the historical Schaghticoke tribe as identified by the State in the early 1800's, and demonstrated the reasonable likelihood that it descends from the historical Schaghticoke tribe as it was identified in the 1700's.

- 83.7(e)(2) The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include**

**each member's full name (including maiden name), date of birth, and current residential address. The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists.**

The petitioner has provided a copy of its current membership list, dated August 30, 2001, and certified by its governing body, by a letter dated October 14, 2002, as well as previous membership lists.

Therefore, the petitioner meets criterion 83.7(e).

**83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.**

No members of petitioner #79 are known to be dually enrolled with any federally acknowledged American Indian tribe. Therefore the petitioner meets criterion 83.7(f).

Proposed Finding, Schaghticoke Tribal Nation

**83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.**

There has been no Federal termination legislation in regard to petitioner #79. Therefore the petitioner meets criterion 83.7(g).

**Proposed Finding, Schaghticoke Tribal Nation**

## DESCRIPTION AND ANALYSIS OF THE EVIDENCE

### Historical Background

#### *The Formation of the Permanent Indian Settlement at Schaghticoke: 1700-1742*

“Pequot Origins” Theory. The “Pequot origins” hypothesis for the Indian settlement at Schaghticoke in the Town of Kent, Litchfield County, Connecticut, is significant in that, as late as the Federal Indian Population census schedules of 1900 and 1910, the residents of the reservation were identified as Pequot Indians rather than as Schaghticoke Indians. Some of the petitioners members were still asserting a Pequot identity in the 1990's. The idea that the Schaghticoke settlement consisted of Pequot refugees was recorded as early as 1812 by a local resident, a member of the Connecticut General Assembly who had served as auditor of the Schaghticoke overseer's accounts, in his *History of Kent*:

The present [1812] number of Indians is about forty. Theu [*sic*] are the descendants of the remnant of Pequods who escaped the destruction in the swamp at Fairfield in the year 1637. The old persons among them relate the transactions of the memorable day as they have been handed down by tradition. A part of those who escaped established themselves at Pootatuck in Newtown. From them and from New Milford where part of them had also settled about the year 1724 or 1725 several of them went on a hunting party up the Ousatonic. They soon after formed a small settlement on the west side of the Ousatonic River about four miles south of the center of the town [of Kent]. Some Indians from Dover in the state of New York soon after joined them and at the time the English first began their settlement, the Indians had become considerably numerous (Slosson 1812, 3).

Subsequent reiterations of the “Pequot origins theory” increasingly omitted Slosson's reference to intermediate settlements at Potatuck (sales of land by this group covered much of the later Connecticut Towns of Newtown, Woodbury, and Southbury) and New Milford (where the Indians were otherwise known as Weantinock). By 1836, Barber's history of Connecticut linked Gideon Mauwee, later leader of the Schaghticoke in the Town of Kent, to Dover, New York: "Gideon Mauwehu, the king or sachem of the Scatacook tribe, was a Pequot Indian. The last place of his residence, previous to his coming to Kent, was in the town of Dover, N.Y. on Ten mile river [*sic*], a few miles west of Scatacook" (Barber 1836, 471). Barber derived the traditional story that he was Pequot from an interview with Mauwee's granddaughter Eunice Mauwee; it was repeated by DeForest (DeForest 1851, 407), although DeForest also noted that he was first known as the leader of a small band of Indians on the Lower Housatonic (DeForest 1851, 407), that he was associated with the area of New Milford, had lived at Dover, New York, and drew settlers to Schaghticoke from both New Milford and Potatuck (DeForest 1851, 408-409).

In his August 8, 1852, interview with Eunice Mauwee, David T. Lawrence obtained the following data: "She traces her ancestry to the once powerful tribe of the Pequods, and speaks of a battle by which they were driven westward [1637]" (Lawrence 1852a, 2). In 1860, the history of the dedication of Moravian memorials presented a modified version, tying the origin both to the Pequots and to King Philip's War. "Of the history of the Pishgachtigok Indians we are indebted for the following account to several of the gentlemen we met at Kent village. After the treacherous death of King Philip, the English colonists, bent on the extermination of his faithful adherents, waged a relentless war . . . ." (Reichel 1860, 72).<sup>31</sup> This account asserted that the refugees saw the valley, calling the river Hoosatenuc and the corn lands Pishgachtigok. "The descendants of these 'King Philip's men' . . . are called the Schaghticoke Indians, the word an evident corruption of Pishgachtigok. Of the fifty survivors, there are but three or four in whose veins flows the uncontaminated blood of the Pequods" (Reichel 1860, 73).

Benson J. Lossing's biographical sketch of Eunice Mauwee was entitled "The Last of the Pequods" (Lossing 1871, reprint Lossing 1877), and was based upon the interview done in 1859 at the time of the dedication of the Moravian memorials. It presented an elaborated description of the Pequot origins theory, omitting the tie to King Philip but describing Sassacus at some length (Lossing 1871, 573-574). "Almost a hundred years later, a descendant of one of these Pequot captives was a man of energy and wisdom, named Mahwee or Mahweesum, whose family lived in Western Connecticut. With a party of hunters (he was then quite young), he chased a buck to the summit of a range of high hills beyond the usual limits of their hunting" (Lossing 1871, 574), with considerable romantic elaboration of the scenery. "Of this mixed tribe, so formed, Mahwee, about the year 1728, became sachem or civil ruler, and held the scepter until his death" (Lossing 1871, 574). Lossing indicated that Mahwee lived for a time in Dover, New York, and a couple of other places, but went back to Schaghticoke before the Moravians came (Lossing 1871, 574-575). Subsequent secondary sources, from Orcutt (Orcutt 1882) through the 1970's, basically repeated the data found in earlier publications. Modern works on the history of Kent, without source citations, assert that the "first settlers" of Kent "were Pequot Indians driven away from the New London area by an alliance of English and other Indians," and identify "Mauwee" as one of these

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<sup>31</sup>This error connecting Schaghticoke with King Philip's War may stem from confusion with the Schaghticoke settlement in New York Colony, which did include refugees from King Philip's War. The New York Schaghticoke was located at the confluence of the Hudson and Hoosic rivers, about 15 miles north of present Albany, New York, by New York governor Edmund Andros in 1677: "This village served as a relocation settlement for Indians from the east, including Mahicans from the Westfield River region of Massachusetts and refugees from King Philip's War . . . ." (Lawson 1997, 16; citing Frazier 1992, 5-6).

The petitioner's researchers assert specifically that Robert Treat's February 2, 1699/1700 letter from Milford, CT, to Governor John Winthrop (dating it 1699), applied to the antecedents of the modern Schaghticoke petitioner rather than to either the MA or NY group (Lawson 1997, 15-16; Lavin 1997, 30). In the context of the prior portion of the letter, discussing New York matters, the petitioner's arguments are not persuasive, particularly since the petitioner's researcher was aware of the 1689-1698 context of the New York settlement: "During King William's War, the extended conflict between French Canadians and Indians that took place between 1689 and 1698, the Schaghticoke Indians from the New York settlement lost the majority of their warriors" (Lawson 1997, 16; citing Frazier 1992, 5-6).

refugees, who with his followers formed a "new tribe" (Kent, Connecticut 1974; Whitehead 1976, 47-48).

Interpretations Presented by the Petitioner. On March 23, 1990, anthropologist William Starna wrote: "I have recently received a copy of a letter you wrote to Kevin McBride in your capacity as Vice President of the Schaghticoke tribe (attached). In it, you make a statement that the Schaghticoke tribe is Pequot" [no copy of the attachment was located in the petition submissions] (Starna to Crone 3/23/1990, 1). Starna continued:

Identifying the Schaghticoke tribe as Pequot in official tribal correspondence, and moreover, noting that the Tribal Council supports this claim, is a serious mistake on your part. At the same time, your attempts to separate the Cocksure line from the Schaghticoke, and calling this family Potatuck, while you are still in the process of 'researching materials,' is not supported by our research.

As both Henry Sockbeson and I have explained to you on numerous occasions, the ultimate source of the Schaghticoke tribe is not an issue in-so-far as the petition is concerned. There is no doubt that your people are derived from a number of native groups who consolidated themselves sometime in the late seventeenth and early eighteenth centuries. There is a considerable body of literature that mentions Potatucks, Weantinocks, Paugussetts, and Pequots as contributing groups to what eventually becomes the Schaghticoke tribe. We have to take this into account and use this literature despite what you might believe (Starna to Crone 3/23/1990, 1).

The researcher concluded that: "Your assertions that the Schaghticoke tribe is Pequot, and not anything else, is inconsistent with the petition and historic fact" (Starna to Crone 3/23/1990, 2).

The historical report presented by the petitioner discussed the Pequot origins theory for the Schaghticoke and the reported that Gideon Mauwee<sup>32</sup> came from New York (Lawson 1997, 5), as well as the theory of the settlement's origins from Potatuck/Derby (Lawson 1997, 6). Upon occasion, the Historical Report cites to "Richmond 1994" (STN Pet. 1994) -- i.e. to the prior Schaghticoke petition (Lawson 1997, 15), but without committing to any single hypothesis.

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<sup>32</sup>The petitioner's Anthropological Report accepts the error that Gideon Mauwee was a son of the early Mahican convert to Moravian Christianity, Isaac Otawapamen/Seim (Lavin 1997, 27) and extrapolates ethnographic concepts from this error on subsequent pages. This mistake is not made by the petitioner's Genealogical Report (April 1997). The error appears to be based upon a misinterpretation of the following passage of Loskiel: Pachgatgoch, and Potatik, Part II, Ch. 33. "Among those, who were then baptized, was the captain of Pachgatgoch, Mawese man, named Gideon in baptism, and a son of the Indian brother Isaac in Shekomeko. About two months before, the latter went to visit his father, whom he had not seen for eight years. But as he did not relish the Gospel, he soon felt himself uneasy at Shekomeko, and retired to Pachgatgoch" (Loskiel 1794, 43). The passage clearly refers to two different men, one being Gideon Mauwee and the other, "the latter," being an unnamed son of Isaac Otawapamen a.k.a. Simon or Seim.

The anthropological report presented by the petition asserted partial Niantic origins for the Schaghticoke tribe:

Who the original occupants of the Schaghticoke tribal lands were is presently not known. What is known is that the earliest historically documented Schaghticoke community consisted of an amalgamation of Mahikan [*sic*], Pootatuck, and Niantic Indians (and possibly also Oweantinocks and members of other groups) forming a primarily Christianized, self-sufficient Native American refuge to which in later years fled remnants from Indian settlements disenfranchised by English colonization (Lavin 1997, 5).

This is the only reference to Niantic origins in the literature; the report contained no source citation for this assertion. The record does not indicate that the Schaghticoke settlement, after its conversion to the Moravian form of Christianity, provided a "refuge" to which remnants from other settlements fled in later years. Rather, the Schaghticoke settlement appears to have reached, for all practical purposes, its essential form by the 1750's; there were few additional 18th century accretions and those, such as the Chickens family members and Joseph Chuse Mauwee, were individuals or families who had preceding ties to the group (see below).

Petitioner's researcher asserts that a 1725 entry in the Council Journal entry was "The first official reference to the Schaghticoke in the public records of Connecticut" (Lawson 1997, 21). However, since the referenced scout of ten men from Simsbury was to be sent to the Indians at Housatunnack and Weataug, "that many of the eastern Indians are come out against these frontier parts of the country, and also that Scatecook Indians are all drawn off, its suppos'd to the enemies' and we send them this news that they may secure themselves in the best manner they can from the said enemies" (CT Council Journal 1725, 511-512), it appears more probable that this once more referred to the same-name settlement in New York.

The earliest historian of the Schaghticoke, by contrast, rather than considering the petitioner's antecedents to have been "drawn off" in 1725, dated the formation of the settlement in Kent to the mid-1720's, stating that the Indians from Potatuck and New Milford soon after 1724-1725,

formed a small settlement on the west side of the Ousatonic River about four miles south of the center of the town. Some Indians from Dover in the state of New York soon after joined them and at the time the English first began their settlement, the Indians had become considerably numerous. Although their settlement preceded [*sic*] that of the English but [*sic*]12 or 14 years, yet at that time the Indians could muster 100 fighting men. At that time they were an industrious people and cultivated their lands so as to obtain a comfortable subsistence. Considerable pains were taken to instruct them in the Christian religion but the success was not answerable to the expectations of the settlers (Slosson 1812a, 3-4).

Argumentation Presented by the State of Connecticut, Connecticut Municipalities (Housatonic Valley Association) and Other Interested Parties. The State of Connecticut, with associated interested parties, submitted comments in regard to the origins of the petitioner (CT et al. 4/16/2002).<sup>33</sup> Several Connecticut municipalities (the City of Danbury, Towns of Bethel, New Fairfield, Newtown, and Ridgefield, and the Housatonic Valley Council of Elected Officials) also submitted comments as interested parties to the petition (CT Municipalities 4/16/2002), stating: "While the Housatonic Valley Coalition is not prepared to say, at this time, that the STN group fails the acknowledgment criteria, it is clear that fundamental questions necessary to prove the existence of a tribe under federal law have not been answered by the petitioner" (CT Municipalities Intro. Narr. 4/16/2002, [1]). Of the three major sets of argumentation presented by the Housatonic Valley Coalition,<sup>34</sup> only the second is analyzed here, because it is the only one directly relevant to the Colonial period. The comments state that "the point of first sustained contact with non-Indians" (83.1 defining the term 'continuous')

... is determined by when contact occurred between Indians and non-Indians generally in the affected region; it is not based upon when the petitioner group itself first interacted with non-Indians. To meet this test, the burden is on the petitioner to show that its tribe existed at "the period of earliest sustained non-Indian settlement and/or governmental presence in the local area in which the historical tribe or tribes from which the petitioner descends was located historically." (Id § 83.1). . . . Also, a petitioner can descend from more than one tribe in a situation where tribes "combined and functioned as a single autonomous entity." Id. § 83.7(3). These tribes which combined must themselves have existed at the point of first sustained contact. In addition, they must come together through a deliberate act of consolidation or amalgamation . . . (CT Municipalities Intro. Narr. 4/16/2002, 5-6).

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<sup>33</sup>Comments of the State of Connecticut, The Connecticut Light & Power Company, Kent School Corporation, and Town of Kent Regarding the Petition for Federal Tribal Acknowledgment of the Schaghticoke Tribal Nation Petitioner Group (CT et al. 4/16/2002). In regard to the early history of the petitioner, the Connecticut comments outline: I. Introduction and II. Acknowledgment Standards (CT et al. 4/16/2002, 1-15); III. Discussion. A. The absence Of A Distinct And Autonomous Schaghticoke tribe At The Point Of First Sustained Contact. 1. The Legal Test; 2. The Settlement of Western Connecticut; 3. Indian Tribes at the Time of Settlement; 4. The Emergence of the Schaghticoke (CT et al. 4/16/2002, 16-58).

<sup>34</sup>"From the research conducted to date, it appears quite certain that the purported Schaghticoke Tribe did not come into existence until well after this region of Connecticut was settled. As a result, as a 'post-first sustained contact' tribe, the petitioner would appear to fail several acknowledgment criteria" (CT Municipalities Intro. Narr. 4/16/2002, 2).

"Our comments consist of three main sections. The first section discusses the acknowledgment criteria. The second section provides our research on the failure of the STN to prove that its alleged antecedent tribe existed when this area of Connecticut was settled. The final section discusses STN's inability to prove continuous tribal political authority and social community or descent from an historic tribe" (CT Municipalities Intro. Narr. 4/16/2002, 2).

The position taken by the Connecticut municipalities is that:

Based upon the evidence submitted to date, the petitioner has not satisfied this test. Nowhere does the petitioner explain the historical antecedent for the Schaghticoke Tribe at the point of first sustained contact. Instead, the petitioner's evidence simply portrays a situation where the purported Schaghticoke Tribe effectively materialized out of nowhere, sometime in the mid-1700s. There is no reference to the Tribe's pre-colonial roots or history; no discussion of its first contacts with European settlers; and no discussion of any acts of "amalgamation" that brought tribes or tribal groups together to form a new tribal entity (CT Municipalities Intro. Narr. 4/16/2002, 6).

The Connecticut municipalities quote the STN Historical Report (Lawson 1997, 24) as showing that, "The petitioner concedes that its tribe first appeared in 1742," stating that, "[w]hile the STN describe a situation where Indians occupied lands at a location called 'Schaghticoke' (i.e., Kent) at earlier points in time . . . , they fail to demonstrate that the Indians located there constituted a tribe at all, let alone the tribe from which they descend" (CT Municipalities Intro. Narr. 4/16/2002, 6). The Connecticut municipalities then argue that 1742 was long after, indeed nearly a century after, the date of non-Indian settlement in the region, citing specifically to land purchase from Weantinock sachems in 1671 and stating: "Significantly, these Indians were not Schaghticoke Indians. In fact, there is no reference to a Schaghticoke Tribe in any of the histories of this period" (CT Municipalities Intro. Narr. 4/16/2002, 7-8). The Housatonic Valley Association's comments' subsequent discussion of the early land purchases from the Potatuck (CT Municipalities Intro. Narr. 4/16/2002, 8-9) specifically denies that these show the existence of antecedents for the petitioner.<sup>35</sup> The discussion by the State of Connecticut focused on other precursor tribes, most extensively the Potatuck (CT et al. 4/16/2002, 38-40).<sup>36</sup>

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<sup>35</sup>"By the late 1600s and into the early 1700s, a veritable boom in settlement and colonial town establishment was underway. Numerous new communities spring up. Contacts with Indians throughout this region were prolific, common, and routine. These contacts revolved around trade and land transactions. Indeed, many of the contacts occurred with the Potatucks [*sic*], one of the many tribes from which the purported Schaghticoke Tribe gained some of its individual members. Based upon these interactions, it must be concluded that, for purposes of BIA acknowledgment, the point of first sustained contact with non-Indians in the local area of the petitioner occurred during the mid-to late 1600s. The question then becomes whether the Schaghticoke Tribe existed at that time. As discussed below, the petitioner has failed to offer evidence to satisfy its burden of proof on this point" (CT Municipalities Intro. Narr. 4/16/2002, 10-11).

<sup>36</sup> "During the period from the mid-seventeenth to the mid-eighteenth centuries, at least four tribes existed within the local area. These tribes were the Potatuck in northwestern Connecticut, the Mahican in northwestern Connecticut, eastern New York, and southwestern Massachusetts; the Housatonic in southwestern Massachusetts; and Tachkanik in eastern New York" (CT et al. 4/16/2002, 38). "Each of these tribes came into contact with the colonial authorities and settlers throughout the 100 years before the emergence of the Schaghticoke Indian community at Kent" (CT et al. 4/16/2002, 38).

Discussion of the "dispersal" and "tribal disintegration" of the Potatuck follows (CT et al. 4/16/2002, (continued...))

Proposed Finding, Schaghticoke Tribal Nation

After discussion of colonial contact with the Weantinock, Potatuck, and Mahican Indians, the Connecticut municipalities state:

It is, of course, the STN's burden to prove that they existed as an historical tribe at first contact. Despite the importance of making this showing, the STN's reports to BIA gloss over this issue, trying to create the impression that a tribe always existed. Under close scrutiny, the STN's analysis of its historical origins reveals that, in fact and by its own admission, its antecedent tribe did not come into being until as late as 1742. To the extent a tribal group may have existed at this time, it was of short duration and failed to maintain continuity over time (CT Municipalities Intro. Narr. 4/16/2002, 11).

The Connecticut municipalities also argue also that "the Schaghticoke Tribe was formed in Kent, Connecticut, in 1738 out of the remnants of several Connecticut Tribes" (CT Municipalities Intro. Narr. 4/16/2002, 12, quoting Devlin, Illustrated History of Danbury at 140. Ex. 7). Based upon Devlin, the Connecticut municipalities maintain that,

While BIA's regulations do allow for tribes that existed at first contact to reformulate themselves into a new tribe by act of "amalgamation" (see 25 C.F.R. §3.7(3), this principle does not apply when individual Indians from diverse other tribes came together by happenstance and without any political or social continuity to their pre-existing tribes or deliberate act to forge a new tribal entity. This is, however, precisely what appears to have happened in the case of the Schaghticoke (CT Municipalities Intro. Narr. 4/16/2002, 12).

The STN have not offered proof that there was an historical Schaghticoke Tribe at the time of first sustained contact. The tribes from which the individuals and families who eventually composed the Schaghticoke tribal group left -- Pootatuck, Mahican, Paugussett, Pequot -- all had long histories in the region before the arrival of the colonists, and their presence and interactions with traders and settlers is amply demonstrated in historical sources. If a Schaghticoke Tribe existed at this time, such a fact would be apparent; it would not be necessary to presuppose the existence of such a tribe as the STN attempt to do. For all of these reasons, the Housatonic Valley Coalition does not believe the STN has met its burden to prove the existence of an historical predecessor tribe in existence at the time of first contact, as is necessary to satisfy the acknowledgment criteria (CT Municipalities Intro. Narr. 4/16/2002, 14).

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<sup>36</sup>(...continued)

38-40).

Connecticut's argumentation in regard to the pre-Moravian period is similar but focuses upon a different emphasis, the nature of Schaghticoke origins rather than Schaghticoke non-existence prior to 1742:

Significantly, the petitioner has provided no evidence for any amalgamation of discrete tribal groups into a new Indian community at Schaghticoke. Instead, the occupation of the lands at Kent was, quite clearly, the product of the helter-skelter arrival over time of disparate individuals or families from diverse tribes who happened to end up in the same location. Whenever this Indian settlement first became established, it was not until the middle of the 1700's that anything resembling a tribe emerged, long after first sustained contact in this local area (CT et al. 4/16/2002, 50).

The material in the following sections is pertinent to the third parties' views. The comments by Connecticut continue beyond the "first contact" issue and consider the Moravian era at some length (see below). It should be noted that on the Federal level, as summarized by Felix Cohen, that the treatment of a group as having collective rights in tribal lands or funds, even though not expressly designated a tribe, has been particularly relied upon in concluding that a group constitutes a "tribe" (Cohen 1942, 271).

Data Available from Wojciechowski. Significant new data from primary sources was not presented until the research of Frans Wojciechowski (Wojciechowski 1992). The research done by Wojciechowski on the early history of the Indians of northwestern Connecticut (Wojciechowski 1992) is solidly based upon primary sources, and therefore does not need to be repeated in detail in this report.<sup>37</sup> Basing his ethnographic research primarily on a detailed analysis of the surviving deeds, he concluded:

By 1716, we find that Weramaug had become the most prominent chief of the Weantinock. He sold large tracts of land north of New Milford between 1716 and 1722 (Appendix D, Docs. 8-10). On the first two of these deeds we also encounter the mark of Mauhehu (syn. Mawehew, Mauwehu), the later chief at the settlement at Schaghticoke . . . After Weramaug's death in 1722, Mauwehu apparently took over the leadership of the Weantinock, for his mark is to be found on all subsequent deeds for tracts west of Potatuck territory (see Appendix D, Docs. 11, and 13-19); in document 19 he is called Gideon, the name he took after his conversion to Christianity (Wojciechowski 1992, 47).

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<sup>37</sup>Neither the petitioner nor interested parties presented the relevant data contained in Wojciechowski's research (Wojciechowski 1992) in full. The BIA researcher extracted the items and placed the relevant data in the FAIR data base, linked to the fragmentary submissions, in order that users would have the bibliographical citation.

It is clear that the first appearances of Gideon Mauwee in the historical record show him as in the vicinity of New Milford, associating with Indians who are identified as Weantinock.<sup>38</sup>

Wojciechowski's data, while providing no reference to any distant Pequot background, confirms Slosson's 1812 picture of a Schaghticoke settlement that was drawn primarily from a combination of the Weantinock and Potatuck Indians, who were settled in northwestern Connecticut prior to first sustained contact with non-Indians and whom Connecticut, through deeds and legislation, acknowledged as holding the aboriginal title to the region.<sup>39</sup> As will be seen below, the mid-18th

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<sup>38</sup>Wojciechowski 1992. Appendix D: Annotated Documents Relating to the Weantinock (Schaghticoke), pp. 242-243. Document 8. June 19, 1716. New Milford Deed. We, Weramaug of Oweantunuck and Nepato of Knunckpacooke, Indian proprietors of the land that lies along Stratford Great River, northerly from Milford . . . Weramaug's mark, Nepatoe's mark; witnesses; Jacob's mark, Tanhook's mark, Mauhehu's mark, Simon's mark. Knunckpacook was a locality on the river in Kent, or a little above. Source: Orcutt 1882b:104; Deed recorded in New Milford Records, Volume I, page 73; another copy in Connecticut Archives, Towns and Lands (MSS), Volume Iv, pages 36-37. According to Orcutt (1882a:117) the full text contains the statement that Weramaug was "kinsman to Nepatoe."

Wojciechowski 1992. Appendix D: Annotated Documents Relating to the Weantinock (Schaghticoke), pp. 243-244. Document 9. October 22, 1720: Deed of northern Weantinock territory. Waraumaug's Deed and Reserve. Know ye that Weromaug, Weraroquin alias Curlow, Nepatoo, Ahanyeam, Mawehew, Owound, Tawhood, Paconopect, Tackahound alias John Wawnowgh, and Wassomaug, Indian proprietors and owners . . . to Windsor . . . hands Weromaug his mark, Mawehew, Paconopect, Wearoquin, Wossomaug, Ta.k.a.hound, Nepatoo, Awhound, Wonwnough, Ahanjean, Towhook, Hartford, oct. 22, 1720. Colony Records of Deeds & Patents, Vol. 3. Source: Orcutt 1882a:118-119. Large parts of the present towns of Warren, Cornwall, Canaan, Norfolk, Goshen and the surrounding area; reservation contained more than 20,000 acres.

Wojciechowski 1992. Appendix D: Annotated Documents Relating to the Weantinock (Schaghticoke), pp. 247-249. Document 11. April 24, 1729: Deed in the Sherman-New Fairfield area. We Cockkenon and Mauwehue owners and proper propiators of all the unsold lands with in the Grant of new Fairfield . . . bounded east on New Milford and the Ousetonack River, west on land under the gouvernement of New York . . . Cockkenon his mark, Mawwehue his mark; witnesses: Catorukese his mark, Won pound his mark, Jacob Curkey his mark, Shonin his mark, Quejy his mark, ComCukeSon his mark, Ceape his mark, Siecuss his mark, Jones his mark, Shoeen his mark, Oceres his mark. Source: Connecticut Archives; Towns and Lands, First Series, volume 8, part 1, doc. 4.

Wojciechowski 1992. Appendix D: Annotated Documents Relating to the Weantinock (Schaghticoke), pp. 250. Document 13. July 17, 1741: Schaghticoke deed in the Kent area. We, Maweho, Tom Cuckson, James, Watau, Coness, Indians, all of Scaticook, sell to John Read 200 acres of land on Stratford River . . . marks. Source: Orcutt 1882b:17; gives as source "the Land Records at Hartford" and mentions that Read traded this land with an Indian called Chickins in 1748 (see the commentary added to Appendix B, document 37). [spelling and punctuation *sic*]

<sup>39</sup>Neither group was large to begin with. Looking only at contemporary documents rather than later estimates, the Weantinock had 19 warriors in 1703 (Census of J. Minor, in Butler Papers MSS). (Wojciechowski 1992, 85) and the total Weantinock population was 49 in 1725 (Wojciechowski 1992, 85; citing Talcott 1896, 397).

"At Poodatook by the river against Newtown, I have been lately informed by some Newtown people, when Newtown was first settled, a little above 50 years ago, there were reckoned of that tribe 50 fighting men; but now only one man among the broken remains of 2 or 3 families (Birdsey to Stiles 3 September 1761, MHSC 1809,

(continued...)

century Moravian records show that there were strong pre-existing ties of relationship among the settlers at Schaghticoke who came from these two areas, as well as pre-existing relationship ties between the original Schaghticoke settlers and other Indians who subsequently joined the group, such as the Chickens Warrups family.

Data from Connecticut Colonial Documents. In May 1735, the Connecticut General Assembly resolved that the Indians that "some time dwelt at New Milford [and] are removed and settled on the west side of Ousatunnuck River, in a bow on the west side thereof, about three or four miles above New Fairfield, upon a piece of plain land there, and have a desire to continue at said place" would be allowed to continue to reside there and that no land transactions were to be made without the approval of the Assembly (CT Public Records 1874a, 38-39).

Some records from the later, Moravian, period of Schaghticoke history also reflect back and make specific connections of the Schaghticoke settlement to the Weantinock of the pre-1742 period, as in the case of the deed selling Weramaug's reserve. On July 14, 1749, a deed stated that: "I Chere Werawmaug of Scatacook in Kent in the County of Hartford . . . [sell] . . . to Edward Cogswall of New Milford . . . a parcel of land lying in Kent in a place known by the name of Wearamaques Reserve . . . 400 acres more or less . . ." (Conn. State Library, microfilm #728, Kent Deeds, vol. 1 1735-1752, p. 464; Schaghticoke Pet. Hist. Docs. IV/275). This "Chere Werawmaque" was the man who, as Tscherry (and numerous variant forms) resided at Schaghticoke and was baptized under the name of Solomon.<sup>40</sup>

A 1762 entry in Ezra Stiles' notebooks specifically linked the Schaghticoke settlement to the Weantinock: "Scatticook, 3 miles on River, about 30 wigwams, about 150 Souls Indians, the remains of the New Milford Tribe" (Stiles 1916, 172).

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<sup>39</sup>(...continued)

10:112). DeForest doubted the validity of the Potatuck estimate: "The Potatucks were said to number in 1710 fifty warriors (Stiles' Itineraries), but this estimate, being made more than half a century subsequent to that date, is very uncertain and probably altogether too large. President Stiles gives it as his opinion that they were at this time subject to Weramaug, a considerable sachem who lived on the Housatonic within the township of New Milford" (DeForest 1852, 352).

"May 1742, a committee of the General Assembly reported that there were 30 Indians near New Milford and 40 'at a place called Potatuck' on the borders of Newtown and Woodbury (see Appendix A, Map No. 2). The Committee recommended that funds be appropriated for the support of those who would attend school and worship services and that the clergymen of New Milford, Woodbury, and Newtown should provide care and instruction to these Indian families. The General Assembly responded by providing funds for that purpose (Connecticut Archives, Indians, series 1, part 2, pp. 242-243)" (Lawson 1997, 32). (Bates No. 36 of 229, Historical Report).

<sup>40</sup>The Connecticut comments erroneously identify Tscherry/Solomon, rather than Christian Sherman, as the brother of Petrus Sherman (CT et al. 4/16/2002, 58).

There is also data in the deeds abstracted by Wojciechowski that ties signers of Moravian-era Schaghticoke documents to a prior residence at Potatuck.<sup>41</sup> The connection is particularly clear in the case of the Cocksure and Kehore families, both prior to<sup>42</sup> and during<sup>43</sup> the 1740's, but it is also the case that Gideon Mauwee's wife, Martha, was from Potatuck. In January 1743, Joshua and

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<sup>41</sup>Wojciechowski 1992. Appendix C: Annotated Documents Relating to the Potatuck, pp. 218. Document 16. October 25, 1705: Woodbury purchase. Third version of the Kettletown purchase. Indians: Tomseet marke, Chyiondge his marke, Cotsure his marke, Wampumbom; W. Land Records, vol. 2, p. 137. Source: Cothren 1871:28-29.

Wojciechowski 1992. Appendix C: Annotated Documents Relating to the Potatuck, pp. 221-222. Document 19. June 23, 1710: Woodbury deed. In 1703 the General Court granted Woodbury an addition to their township. They commenced negotiations for purchase with the Indians; obtained the deed June 23, 1710, executed by Nunawague, Chesguneege, Cockshury, Wussuttanunckquet and Sasaw, by estimation 7 or 8 miles east and west and about 5 or 6 miles north or south; bounded east on Waterbury, south on the original town of Woodbury, west on New Milford alias Dantanuck; and northerly as yet on our own land. Woodbury Town Records, vol. 2, p. 179. Source: Cothren 1871:56-57.

Wojciechowski 1992. Appendix C: Annotated Documents Relating to the Potatuck, pp. 223-225. Document 22. March 2, 1715/16: Deed in the Litchfield area. We Chusqunnoag, Corkscrew, Quiump, Magnash, Kehow, Sepunkum, Poni, Wonposet, Suckquunkqueen, Toweeume, Mansumpansh, Norkgnotonckquy - Indian natives belonging to the plantation of Potatuck . . . marks Chusqunnoag Corkscrew, Quiump, Magnash, Kehow, Sepunkum, Poni, Worposet, Suckquunockqueen, Taweeume, Mansumpansh; Witnesses; Weroamaug, Wognacug, Tonhocks. Personally acknowledged in Woodbury. Source: Woodruff 1845:13-15.

Wojciechowski 1992. Appendix C: Annotated Documents Relating to the Potatuck, pp. 225-226.

<sup>42</sup>Document 23. August 7, 1723: Newtown deed. I, Quiomph, an Indian of Pootatuck, do declare myself ye sole heir of all land that is not purchased by ye English before this date in y boundaries of Newtown, in ye County of Fairfield . . . except a corner of intervale land lying by ye river where Cock shures fence is bounded easterly by ye river . . . Indian witnesses: Mauchoro, Wahuncop, Machocomp, Mausumpus. Source: Johnson 1917:15. Background information Boyle 1945:viii, 9; Johnson 1917:14-17; incomplete abstract 1886:36. "The Potatuck Indians sold Cocksure's Field of 6 acres, which they had reserved for themselves in the above deed, to Peter Hubbell of Newtown in 1730. This deed was recorded in the Newtown Land Records, volume 3-4, page 45 (Boyle 1945:9)" (Wojciechowski 1992, 226).

<sup>43</sup>"...We Thomas Sherman and Jeremiah Cockshaw /and inserted/ Saml Cockchaw Indians of Pootituck in Woodbury in ye county of Litchfield and Colony of Connecticut...Set our hands and Seals...

Tom Sherman  
Jeremiah Cockshaw  
Samuel Cockshaw

In the Presents [*sic*] of

Ebenezer Down

Gideon Mayeyou

John Harry (Indian ?)' (Connecticut State Library Microfilm #1981, Woodbury, Ct. Register of Deeds, Vol. 12 1851-1760. p. 118a, May 16, 1758). [Received and recorded March 27, 1759.]

There is no indication that any significant portion of the Potatuck remained at Newtown or Woodbury after this final sale. In 1761, the Potatucks were found to consist of one man and two or three broken families (DeForest 1852, 354; citing Letter of Rev. N. Birdsey to President Stiles, dated September 3d, 1761). In 1774, the Newtown Indians were reduced to two (DeForest 1852, 354; citing Mass. Hist. Coll., Vol. X, p. 118). There were nine Indians in Woodbury and seven in Litchfield (DeForest 1852, 417)

Gideon from Pachgatgoch accompanied the Moravian missionary Martin Mack on his first visit to Potatuck, after the "Captain of Potatik" had first come to Pachgatgoch (Loskiel 1794, 44).

The Anomalous Position of the Chickens Warrups Family. The relationships among individual members of this family are not fully clear. Secondary sources have apparently conflated several different individuals, thus assigning impossibly long life spans to certain persons discussed.<sup>44</sup> BIA researchers have undertaken to disentangle the references in so far as possible, but only in the context of their relevance to Schaghticoke.

Before a meeting of the governor and Council of Connecticut in New Haven on September 15, 1720, an Indian living near Danbury named Chickens received two belts of wampum from 'certain remote Indians.' These Indians, living west of the Hudson River in New York, wished to live with the Indian colony near Danbury . . . Chickens then advised the Indians at Pootatuck and Weantinock of the request of the New York Indians. The Governor and Council resolved in their meeting to send an interpreter to determine the intentions of Chickens (Hoadly 1872:203) (Lawson 1997, 20).

It would appear that the above man was the "Captain Chickens" a.k.a. "Sam Mohawk"<sup>45</sup> discussed in many sources (Wojciechowski 1992 abstracts an extensive series of deeds upon which he made his mark).<sup>46</sup> He definitely was still alive as late as 1749, when he and his son, Warrups Chickens, made separate marks on a deed exchanging land in Redding, Connecticut, for land in the vicinity of the Schaghticoke reservation in Kent (Connecticut Archives Indian Series 1, vol. 2, p. 32). Warrups Chickens, in turn, was certainly still alive in 1751, when he made the same mark as in the foregoing deed on a petition to the Connecticut General Assembly (Wojciechowski 1992, 256).<sup>47</sup>

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<sup>44</sup>DeForest must have conflated two men, since he has the same Chickens who was about 80 years old circa 1730 still alive in 1762 (DeForest 1852, 358-359).

<sup>45</sup>"Chicken Warrups/Tom Mohawk was not a Mohawk: Chiken or Chicken is the local dialect word for 'Tomahawk' and his first name was translated, thus leading to the confusion (see Rudes forthcoming)" (McMullen 10/12/1999, 10).

<sup>46</sup>This Capt. Chickens or Sam Mohawk appears to have been born by 1682; he certainly must have been of a later generation than the Chickens who appeared in mid-17th century records.

<sup>47</sup> April 1749. Capt Chickins and Worrups Chickins (marks) of the parish of Reading and of the town and county of Fairfield, to Capt. Samuel Couch; inconvenienced because of English settlers' livestock in his fields; wants to move to a grant of John Read Esqr late of Boston Deced, 200 acres of land laid out above Newmilford at a place called Scatecook (CT IP Series 1, 2:32).

Document 18. April 29, 1751. Petition to the General Assembly for grist mill on a small tract of land which belongeth partly to Mayhew and partly to Wallups, Indian Sachems, being in quantity about 200 acres. Seth Twichell. Document as found in the Connecticut Archives is somewhat mutilated. Considerable discussion (continued...)

The petitioner's researcher stated that "Chickens and his family became a part of the Schaghticoke community" (Lawson 1997, 20; citing to Connecticut Archives, Indians, Series 1, vol. 2, pp. 30-32, 215; Todd 1906) based upon his land purchases and trades. However, as will be seen below, later 18th century Schaghticoke overseers made some statements to the effect that while the Chickens family lived near the Schaghticoke reservation, it was not part of the tribe. The following analysis attempts to balance the information in all the available documentation.

"David Warup" who appears in the Moravian documents,<sup>48</sup> and whom, according to the petitioner's researcher (April 1997, 85),<sup>49</sup> they mention as having died at Redding in 1763 (Lavin 1997, 44), was apparently the Chickens Warrups who signed deeds with the "double W" mark. He was still alive, but ill, in 1762.<sup>50</sup> Connecticut records confirm that Chickens Warrups (or Warrups Chickens) died at Redding in 1763, but do not provide a connection to the Moravian David Warup:

Upon the memorial of John Read of Fairfield, representing to this Assembly that one Warrups Chickens, an Indian at Reading parish within said Fairfield, was taken sick in the beginning of December, 1762, under distressing circumstances applied himself to said Read for assistance, doctors &c., who at the request of said Warrups procured doctors and supplied him with provisions until his death &c., all to the amount of L11 11 s. 5d. L. money, the said Warrups leaving no personal estate wherewith to satisfy said sum &c.; praying that so much of the said Warrups' farm at Scatacook may be sold as is sufficient to pay said sum and the incident charges arising on such sale, as per memorial on file: Resolved by this

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<sup>47</sup>(...continued)  
(Wojciechowski 1992, 256).

<sup>48</sup>Moravian Catalogus: #304, David sonst Warup der Rebecca (280 Man, Womp., 20 Jul 1751, Pachgatg. Pezold. The Moravian catalog for Pachgatgoch dated March 1755 indicated that David and Rebecca had five children. This was listed below the "Unbaptized children," but it is not clear whether this was a count of unbaptized children of the parents only.

<sup>49</sup>"Warrups apparently returned to Reading, where he died. John Read, who paid for his medical assistance during Warrups' illness, petitioned the Assembly to sell a portion of the Warrups farm at Schaghticoke to reimburse him. The General Assembly appointed lawyer Ephraim Hubbel authority to sell as much of Warrups' land necessary to cover the debt (Connecticut, State of, General Assembly 1877-1967 [PRC 1881:215 [October 1763]])" (Lavin 1997, 44).

<sup>50</sup>May 1762. Warrups' petition to sell 30 acres to Isaac Bull stated he was aged, infirm and indigent and that the land was rough, swampy and unprofitable. The General Assembly passed a resolution approving the sale and requested overseer Jabez Swift to direct the transaction (CT Towns and Lands, Series 1, 8:216; Lavin 1997, 43 citing Connecticut, State of, Archives 1647-1789, [1:101]; see also CT IP Series 1:127).

May 11, 1762. Chickens Wallops (Warrups) one of the Indians called Scaticooks. Petition of Chickens Wallops (often Wallops Chickens) to the General Assembly for permission to sell a piece of land he owns (CT IP Series I, 126a).

Proposed Finding, Schaghticoke Tribal Nation

Assembly, that Ephraim Hubbell, Esqr, of New Fairfield, have liberty, and liberty and authority is hereby granted to him, to sell so much of said Warrups' farm at Scatacook as shall be sufficient to pay and answer said sum of L11 11 5 and incident charges arising on such sale, for the use and benefit of said Read; the same to be paid over to said Read by said Hubbell (CT Public Records 1881, 215).

The petitioner may be able to confirm the identification of David Warup as Chickens Warrups by submitting additional references from the Moravian records.<sup>51</sup>

David Warup and Rebecca Sherman had a son Johannes mentioned in the Moravian records.<sup>52</sup> He appears to be the "John alias Benjamin Marup [*sic* in the typed transcription]" mentioned in a Moravian diary in 1771 (Boehler, December 2, 1771, Letters from Sichem 8/11/1765 - 4/20/1772, 1; see further discussion below). He signed Schaghticoke documents in 1771 and 1773 (CT IP Series I, 201, October 1771, as Beniman Warobs; CT IP Series I, 2:205, October 1773, as Benjn Walloops). He was probably the Chickens Warrups alias Benjamin Warrups whose estate was probated in 1777 in Kent (the record contains only a typed abstract with no list of heirs).<sup>53</sup>

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<sup>51</sup>The death notation for David Warup was not located by BIA researchers in any version of the Moravian catalogs submitted. The Box #3191 translation by Fliegel, to which petition researcher Kathleen April cited below (Schaghticoke FTM data base), only goes to page 19 in the submission to the BIA. Such a notation would confirm that David Warup and Chickens Warrups were the same individual -- but the BIA has not received a copy of this document.

KA: Moravian Cat 3191 # 304

#304 David. al. WARUP, Wamp  
husband of Rebecca #280  
Bap. July 20, 1751, Pach, Pezold  
note in death column...Tib.1763, Redding, CT  
f- of Anna Maria #337. Johannes #386.

<sup>52</sup>1755, Wawumpekum, unbaptized adult, head of household at Pachgatgoch (Moravian communion lists), #385, "Johannes sonst Watumpekum, Davids ( ) u. Rebecc. ( ) Sohn, Mahik," bap. 20 May 1755.

<sup>53</sup>Connecticut State Library. Probate Records. Estate of Benjamin Warrups, Town of Kent, Date 1777, No. 3357, Sharon Probate District (Schaghticoke Pet. Hist. Docs. IV/279). Inventory of the Estate of Chickens Warrups Alias Benjamin Warrups Indian Late of Kent Decasd.

KA: R. Gradie research:

Benjamin Warrups Sharon Probate District Town of Kent 1777  
Doc no. 3357, 1 bond, 1 inventory.  
Bond June 25, 1778, Abraham Fuller, Peter Mills  
Witness Thomas Parer, Cotton M. Smith.

Inventory of the estate of Chickens Warrup alias Benjamin Warrups late of Kent deceased.

One farm of land in Kent containing about 58 acres 116-0-0 pounds.

Cash 2-13-0 pounds.

Due from Abraham Bull for rent 0-12-0.

Taken by the subscribers June 24, 1777 Judidiah Hubbel, Peter Prat Sworn Appraisors (Schaghticoke FTM data base).

Proposed Finding, Schaghticoke Tribal Nation

This Johannes/John/Benjamin/Chickens Warrups/Worbs/Wallops (and numerous other variant spellings) appears to have been the Benjamin Warrups Chickens who was mentioned in a later deed as father of Eliza Warrups Chickens, wife of Peter Mauwee, the couple being listed as "King" and "Queen" of the Schaghticoke on the 1789 enumeration (Stiles 10/7/1789).<sup>54</sup>

Thomas Wallops, a.k.a. Capt. Thomas Chicken Warrups,<sup>55</sup> served in both the French and Indian War and the American Revolution and was listed on Ezra Stiles's October 7, 1789, enumeration of the Schaghticoke.<sup>56</sup> His death was recorded in the Schaghticoke overseer's accounts.<sup>57</sup> He was almost certainly a brother of Eunice Warrups and Rhoda Warrups, all three of whom appear to have been children of the Chickens Warrups who signed in 1749 and 1751 – *i.e.*, these were three more children of David Warup and Rebecca Sherman. At no point do the documents

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<sup>54</sup>Connecticut General Assembly, in May, 1799, approve request of Peter & Eliza Mauwee "now residing in Cornwall in Litchfield county, and belonging to Scatacook tribe of Indians" that Sherman Boardman be appointed to oversee the selling/purchase of land in Kent of which the "memorialists are possessed in right of said Eliza as heir to her father Benjm Warrups Chickens late of Kent . . . ." (CT Gen. Assem. to Boardman 5/1799).

<sup>55</sup> In October 1778, the overseer petitioned to sell 10 acres of land to cover medical expenses:

. . . Abrahan Fuller of Kent . . . overseer or Conservator of the Indian Natives of Scaticuck in said Kent in behalf of the Indian famely Warrups in said Kent humbly showeth that said family of the Warrups have a farm of land in said Kent in fee and have always enjoyed it as a separate interest from the rest of the Indian Natives and claim no interest in the land, sequestered for the use of the Indian Natives in said Scaticuck: By the governor and Company of this State and that said famely Receive no privilidge or Emolument therefrom and that the said famely of Warrups are at presen: under Indegent Circumstances as the old Squaw the Mother of said famely is Intirely Blind and of late one of the Indian Children Belonging to said famely was taken sick and Died which occasioned considerable Expencc at the Doctors and the Men belonging to said famely being absent in the army of the united states... (Fuller to CT Gen. Ass. 10/20/1778; CT IP Series I, 2:212a-212b). [spelling, punctuation, and capitalization *sic*]

The 1778 petition was granted in the lower house and concurred in the upper house (CT IP Series I, 2:212b). Two years later, on October 25, 1780, Thomas Warrups himself petitioned to sell an additional 30 acres of land to assist his blind and indigent mother, stating he was an Indian, of Kent in the County of Litchfield, in needy circumstances occasioned by severe sickness in his family, that one of his children was ill, and that his mother had been entirely blind for many years. The petition stated that this land in fee had come to him "by Desent" [*sic*] (Warrups to CT Gen. Ass. 10/25/1780; CT Indian Papers, Series I, 1756-1789, 2:214). Upon this memorial, the request was granted by the General Assembly and Abraham Fuller was appointed to make the sale (CT IP Series 1, 2:213).

<sup>56</sup>From Ezra Stiles' Itineraries (manuscript), vol. 5, p. 157, Scaticook Tribe 1789. Aetat 50 Thos. Wallops (Stiles 10/7/1789).

<sup>57</sup>Account book of Scatacook Indians, No. 1: /last page of book:/ hand-annotated "complete copy": 1804 to an order on John Paine; 1805 [numerous orders]; jacket for Peter for his care of you; 1806 Feb. coffin; wagon & horses to carry corps to Grave; my time & trouble taking car of Tom; cash red of John Paine and Endorsed on his Note to balance this account; said Note being the property of the Wallops family (Schaghticoke Overseer's Report 1801-1807).

submitted provide a name for their mother, although the petitioner's abstracts (erroneous in other ways, such as attributing petitions to the wrong person) asserted that they provided the name Hannah. One document mentioned the death of the "old squaw" who was the mother of Eunice and Rhoda; another mentioned the deaths of Rhoda and Hannah; a third mentioned the death of a child of the family.

In spite of the lack of precision concerning relationships among the individual members of the Chickens/Warrups family from Redding, Connecticut, however, the documents do indicate that it developed close ties to Schaghticoke, intermarrying with members of the Schaghticoke tribe and participating increasingly in its activities, even though its land in the Town of Kent was held under fee simple rather than being part of the reservation in the mid-18th century. For example, the David Warup mentioned above, who supposedly died in Redding in 1763, had a son, Jonathan Warrups/Wallops, by the Martha from Potatuck who later became the wife of Gideon Mauwee. Although the Chickens lineage does not appear to have become, as a family, fully integrated into the tribe's activities until the 1770's or later, members were enumerated as Schaghticoke by Stiles in 1789. By the 1800's, after the sale of the last of the family's fee simple land, the overseers did not make further distinctions, as indicated by the status of Eunice Warrops<sup>58</sup> and the frequent

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<sup>58</sup>Connecticut Archives, Indian series 1, vol. 2, p. 217; "Eunis Warrups daughter to Warrups Chickens deced [sic] Indian in Scaticook in Kent in said Litchfield County," lawfully seized and possessed of about 30 acres of land as her own property and estate in fee simple by descent from her father Warrups Chickens deceased; now married to Brister Dion a free Negro of the State of New York who is a prudent industrious fellow and is removed far distant from said land, overseer requests permission to sell, 12 October 1784; certificate of Jedidiah Hubbell, registrar, for Unice's part of the land for which Warrups Chickens died possessed. [spelling sic]

Abraham Bul petitions the Connecticut General Assembly on 11/1/1785 for reimbursement of expenses related to the care and death of Rhoda Warrups. The sale of 30 acres of land held by Eunice Warrups is recommended to the Assembly: "your Honours Memorialist by the Direction and approbation of the Conservator and oversear of the Indians in said Scaticook Ded Disburst sundry articles for the Necesaries and Convenience of said Rhoday and famely while under her Indegent Surcomstances . . ." "and that the old Squaw the Mother of the said Rhoda Died at the same Time and your Memorialist was at Expence for the funiral Charges and that the said Rhoda is since Dead and that Eunice Warrups sister to said Rhoda . . ." (CT IP Series I, 1746-1789, 2:222). [spelling sic]

From Ezra Stiles' Itineraries (manuscript), vol. 5, pp. 157-160, Scaticook Tribe 1789 Oct. 7. Squaws. Aetat 30 Eunice Wallops m. Neg. [or in NY (Holmes transcription)] (Stiles 10/7/1789, 159).

Schaghticoke Overseer's Report 1819-1820:

1819 May 1, sundrie articles of Clothing for old Eunice Wallops.

1820 Oct, Blanket + order on M+M being balance due E Wallops

1820 Nov, /Cr Aug 1820 By note against Jeremiah Fuller in favour of the Wallops Family which he has paid 16.50/ (Account book of Scatecook Indians, No. 2).

The Committee to whom was refered the Petition of the Town of Cornwall by their agent Peter Bissell [Biwell?] praying for a Reimbursement in the support of Eunice Warrops Chickens a poor Indigent Squaw, report they find that the said Eunice together with several other Indians of the same family were many years since possessed of some real Estate in the town of Kent in the Neighborhood of the Schaghticoke tribe of Indians but were not belong to said tribe and that the sd. Land as by order of the General Assembly all been sold for the benefit of sd family . . . Thirty acres of sd Land was the Share of proportion of the same which of right and legally

(continued...)

appearances of Benjamin Chickens and his family in the overseer's accounts after 1801 (for details, see the notes under this individual in the FAIR data base). In 1801, 1803, and 1809, in petitions to the Connecticut General Assembly, Benjamin Chickens identified himself as a member of the Schaghticoke tribe of Indians (Chickens to CT Gen. Ass. 5/1801; Chickens to CT Gen. Ass. 5/6/1803; Chickens to CT Gen. Ass 11/18/1809; request granted May 1810).

The Period from the Connecticut Act Opening the Kent Lands for Settlement to the Establishment of the Moravian Mission, 1737-1742. The Connecticut General Assembly passed an "Act for the Ordering and Directing the Sale of all of the Townships in the Western Lands" in October of 1737 (CT Gen. Assem. 10/1737, 105a-105d). It reserved land for the Schaghticoke Indians: "An official map of the proprietor's distribution at Kent, dated 1738 or 1739, clearly shows a large section west of the Housatonic River marked 'Schaghticoke' excepted from the distribution scheme (see Appendix A, Map No. 1-B)" (Lawson 1997, 24). On October 2, 1739, the Connecticut General Assembly passed a resolution authorizing and approving the creation of the town of Kent, setting its land boundaries. Kent had been founded in 1738 (Slosson 1812).

Within the next two years, there were land transactions between Schaghticoke Indians and English settlers in Kent.<sup>59</sup>

In May 1742, the Potatucks and the New Milford Indians presented a petition to the Connecticut legislature for a school and a preacher. It contained the marks of Mowehu, Cheery and nine other Indians.<sup>60</sup> The petition stated the number of Potatucks as 40 and the number of New Milford Indians as 30 (DeForest 1852, 353; Cothren 1854, 1:104). The General Assembly provided funds for this purpose upon recommendation of a committee:

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<sup>58</sup>(...continued)

belonged to the sd Eunice which appears to have been sold in 1790 . . . Committee is of the opinion that sd Eunice is partly chargeable to the Town of Cornwall, was taken sick on or about the 5th day of December 1821 (Griswold to CT Gen Ass. 12/5/1821).

<sup>59</sup>Wojciechowski 1992. Appendix D: Annotated Documents Relating to the Weantinock (Schaghticoke), pp. 250. Document 13. July 17, 1741: Schaghticoke deed in the Kent area. We, Maweho, Tom Cuckson, James, Watau, Coness, Indiar s, all of Scaticook, sell to John Read 200 acres of land on Stratford River . . . marks. Source: Orcutt 1882b 17; gives as source "the Land Records at Hartford" and mentions that Read traded this land with an Indian called Chickins in 1748 (see the commentary added to Appendix B, document 37).

<sup>60</sup>1742 petition to the Connecticut General Assembly for missionaries; together with Cheery, son of Raumaug; on behalf of the Indians at New Milford and Potatuck (Cothren 1854, 1:103). Co-signers: Mowchu, Job, Sam, Peeney, Simon, John Coksure, Pukin, John Sherman, Cheery (Cothren 1854, 1:104).

Wojciechowski 1992. Appendix D: Annotated Documents Relating to the Weantinock (Schaghticoke), pp. 250-252. Document 14. May 13, 1742, Petition to the General Assembly. Memorial of New Milford and Potatuck Indians to the General Assembly. The humble memorial of Mowchu Cherry and others Hereunto subscribing [*sic*] Being Indian Natives of this Land . . . Mowchu, John Cokune, Cheery, Job, Pukin, Peenees, Sam Cherry, John Shermar, Simon, Cont, John Hatchet. Source: Law Papers (1907:42043). Comment that the reply showed them living "r ear unto the borders of New Milford."

May 1742, a committee of the General Assembly reported that there were 30 Indians near New Milford and 40 'at a place called Potatuck' on the borders of Newtown and Woodbury (see Appendix A, Map No. 2). The Committee recommended that funds be appropriated for the support of those who would attend school and worship services and that the clergymen of New Milford, Woodbury, and Newtown should provided care and instruction to these Indian families. The General Assembly responded by providing funds for that purpose (Connecticut Archives, Indians, Series 1, part 2, pp. 242-243) (Lawson 1997, 32).

The petitioner's researcher places the May 13, 1742, petition for missionaries by the Weantinock and Potatuck Indians after the Moravians had come to Pachgatgoch (Lawson 1997, 31-32), even though dating Mauwee's baptism to the correct year.<sup>61</sup> The Moravian missionaries did not come to Pachgatgoch until February 1743.

*Schaghticoke, or Pachgatgoch, in the Moravian Era: 1743-1770.*

There are numerous general descriptions of the Moravian missions in the record, many of them based upon Loskiel (Loskiel 1794; Loskiel 1838). These include Reichel (Reichel 1860), Orcutt (Orcutt 1882), and Smith (Smith 1948) as well as publications focusing upon local history (Andrews 1904 in: Gold 1904, 361-364). Since the submissions also included significant portions of the contemporary Moravian records from the mid-18th century, both originals and English translations, the BIA analysis is based primarily on those.

The petition asserts that: "with the establishment of a Moravian missionary presence at Schaghticoke in 1742, it is possible for the first time to identify Schaghticoke accurately as a distinct tribe (most of the amalgamation of other groups has taken place), knowing at least who its baptized members were, with a distinct leader, Gideon Mauwee, and occupying a distinct area (as recognized by the Kent proprietors in 1738)" (Lawson 1997, 24).

Connecticut's Position. The State of Connecticut argues:

In 1751, the Moravian Indian community at Schaghticoke totaled forty-seven adults and approximately forty children. (Moravian Archives B.115, f.14, JT Ex. 51). Ezra Stiles gave a 1745 total Indian population estimate at Schaghticoke of 600, of whom 161 were men. (Stiles, Itineraries, v. 5:160, JT Ex. 52). Thus, the Moravian converts led by Mauwee at Schaghticoke were only a small portion of the overall Indian population. This small group of converts became its own

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<sup>61</sup>The Historical Report dated the baptism of Gideon Mauwee as February 10, 1743, rather than February 13, 1743, as given in the Moravian catalogs (Lawson 1997, 31). It may have been a confusion with the February 10, 1742, baptisms of the first converts from Shecomeco, in New York.

self-contained community within a larger group of non-Christianized Indians (CT et al. 4/16/2002, 53).

The citation from Ezra Stiles, *Itineraries* v. 5:160, Connecticut Exhibit #52, is not a contemporary document from 1745, but rather a modern typescript of a Stiles notebook from 1789 (there is no photocopy of this item in the record). It provides a total for the Schaghticoke as of October 7, 1789, of 67 total individuals (see below), but no reference to the source from which it took the figure of 600 individuals and 161 men in 1745.<sup>62</sup> Stiles's following notation indicated that in 1765, there were 102 Indians counted at Schaghticoke by "Assoc. Litchfld. Co." (otherwise unidentified), which is within the range shown in the various Moravian documents. Stiles's 1789 notation is not, therefore, direct evidence for the State of Connecticut's argument about the nature of the Moravian community at Schaghticoke, nor is it compatible with the figures from the Connecticut colonial censuses of the 1760's and 1770's (see below).

Moravian Documentation. The Moravian documentation pertaining to Pachgatgoch, or Schaghticoke, is not entirely limited to those Indians who had accepted the Moravian form of Christianity. Some of the lists, particularly from the mid-1750's, include residents of the settlement who were unbaptized.<sup>63</sup> The documentation from this era is also unusually informative, as compared to much 18th century material available for the evaluation of other petitions, in that it includes detailed information concerning the women and children of the settlement.

However, the documentation is also not continuous from the baptism of Gideon Mauwee in March of 1743 onwards: the Moravian Brethren were expelled from Connecticut in the summer of 1743 on suspicion of being "Papists" and could not reestablish a resident missionary at

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<sup>62</sup>Because of the discrepancy between this number and all others given for the Kent, Connecticut, Schaghticoke settlement, it should be investigated as to whether or not there is a contemporary source that gives this number, for this date, for the Mahican mission settlement at Stockbridge, Massachusetts, which had been founded in 1736 (Grumet 1995, 172). However, the number seems unduly large even for the Massachusetts settlement, which was said to have 218 Indians by 1749 (*Many Trails* 1983, 27).

The Schaghticoke settlement in New York would not have been that large in the mid-18th century (Grumet 1995, 168; see discussion of its population losses during King William's War 1689-1697).

<sup>63</sup>The petitioner's researcher later noted that for 1752, the Moravian list included the unbaptized (Lawson 1997, 45). This was not the only instance of this practice. One list, dated from internal evidence, contained not only both Indian and baptismal names, but also translations of the meaning of the Indian names into German (Moravian List post 3/27/1743).

Pachgatgoch until 1749.<sup>64</sup> During this interval, the records contain only sporadic references and correspondence mentioning the settlement (Buettner Journal 1744; Moravian Letters n.d.).

In addition to the general Moravian catalogs of baptized Indians, which were not limited to Pachgatgoch but contained data from the other missions in Connecticut, New York, and Pennsylvania, which were available in the submissions in several versions, both German and English (*Moravian Catalogus 1742-1772*; *Moravian Catalog of Baptisms 1742-1749*; *Moravian Catalog of Baptisms 1758-1772*), the records contained several lists which were specific to the Pachgatgoch mission – some being lists of communicants, some of baptized persons, and others including all residents of the settlement. The earliest of the formal lists was December 27, 1751,<sup>65</sup>

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<sup>64</sup>Appointment of David Bruce as missionary at Pachgatgoch and Wechquadnach – "to the care of the Christian Indians in Pachgatgoch and Wechquadnach, who had again formed a regular and increasing settlement"; he died in 1749 (Loskiel 1838, 108). "Br. Abraham Bueninger was appointed his successor, and was very diligent in instructing the children" (Loskiel 1838, 109). "Br. Bueninger continued to serve with much blessing the congregation at Pachgatgoch, which was about 200 miles from Bethlehem. In his leisure hours he worked in the plantation, and gave a good example, by encouraging the Indians to industry that they might not suffer famine in winter, which too often happens through neglect. . . . During the next year the number of constant hearers of the word increased so much, that it was found necessary to erect a chapel and a school-house. The Indians assisted in the work with great willingness. The congregation here consisted of more than 100 members; . . . ." (Loskiel 1838, 115).

<sup>65</sup>The following items are all from the Moravian Archives.

B. 115, Folder 14, Item 1. 1751 Catalog of the "little Indian congregation" at Pachgatgoch (*Catalogus Des Indianer-Gemeinleins in Pachgatgoch den 27 Decembr 1751*) – 46 individuals. Ages are given for the children listed.

B. 115, Folder 14, Item 2. April 7, 1752, Catalog labeled Pachgatgoch Apr. 7. 1752. st. u. Appears to list parents with children, both those who had been baptized and those who had not been. It usually uses the Indian names for the children. Categories: 1. Sucklings, 2. Little girls, 3. Big girls and single sisters, 4. Men and wives, 5. Youths and big boys, 6. Little boys; then on the final page, 7. Widowers (1. Simeon, 2. Gottlob); 8. Widows (1. Priscilla, 2. Erdmuth, 3. Johanna, 4. Maria); 9. Half widow (1. Caritas). The author's count (Bates No. 7) was: Sucklings, 7; Girls, 13; Big Girls 6; Married Men and Wives, 28; Boys, 12; Little boys, 13; [Total] 79.

B. 115, Folder 14, Item 3. 1752 September 11, Catalog of baptized Indians at Pachgatgoch (*Catalogus derer getauften Indianer in Pachgatgoch*), including both adults and children. The list of baptized children is followed by an enumeration of the number of unbaptized children, grouped under their parents, and then a list of unbaptized adults, with commentary.

B. 115, Folder 14, Item 4. Catalog of baptized married people at Pachgatgok. *Moravian Catalogue*. Undated, but must be after December 27, 1751, (date of baptism of Philippus Sockonock) and before March 11, 1755, (date of baptism of Abraham Kehore), subject to correction. The citation dates it to August 1754. It listed 33 individuals (baptized adults). Catalog of baptized children at Pachgatgoch, 11 individuals. Catalog of unbaptized adults and children at Pachgatgoch. This last portion, to a considerable extent, is a listing of baptized person with an enumeration of the unbaptized individuals in the household, sometimes with additional notes.

B. 115, Folder 14, Item 5. March 1755, Catalog of all the Indians belonging to Pachgatgoch, begun in March 1755. Categorized by baptized married people, baptized widower, baptized widows, baptized single men, unbaptized adults, baptized children, and unbaptized children. There are several different number sequences. There's a final section with comments on the number of children per parent/couple. 80 individuals named; total count of 98.

(continued...)

the last November 27, 1758; one of the journals kept by the resident missionaries contained a list of communicants as of April 4, 1762.<sup>66</sup> For purposes of evaluating the petition, the BIA entered all of these lists into the FAIR data base, linking the persons appearing on each of them to the list, with any changes that occurred throughout. The data base also links the mentions of individual members of the Pachgatgoch settlement in the Moravian diaries to the individuals. Thus, under the entry for each individual, all appearances in the Moravian records can be identified; conversely, for each list, all persons included can be identified. The concatenation of the names was complex, partly because of variant spellings, as in the case of Solomon Tscherry, who was

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<sup>65</sup>(...continued)

B. 115, Folder 14, Item 7. May 1755, Baptized Indians at Pachgatgoch -- listing from May 1755. Auzug .... der get. In Pachgatg. of May 55...Br. Christian in.. Brr. Schwen: Divided into Brothers and Sisters. 34 individuals; 14 men divided into three unlabeled categories; 20 women divided into four unlabeled categories. All listees appear to be adults. Note in regard to Martin and Lucas.

B. 115, Folder 14, Item 8. October 31, 1756, Communicants who took part in the Lord's Supper at Pachgatgoch. Zu Pachgatgoch...AbMahl.... Total of 22 individuals.

B. 115, Folder 14, Item 9. December 12, 1756, Moravian Catalogus of adults who took communion 12/12/1756. 11 Indians and two missionaries.

B. 115, Folder 14, Item 10. November 7, 1757, Catalog of the inhabitants at Pachgatgoch and their so-called [illegible]; includes unbaptized as well as baptized persons. Divided into the following categories: Brothers who took Communion, Sisters who took Communion, Baptized Adult Brothers, Baptized Adult Sisters, Baptized Boys, Baptized girls, Unbaptized adult male people, Unbaptized adult female people; Unbaptized boys and children, enumerated by name of parent, names sometimes given; Unbaptized girls and children, enumerated by name of parent, names sometimes given.

B. 115, Folder 14, Item 11. November 27, 1758, Moravian Catalogus von den Einwohnern in Pachgatgoch den 27 Nov 1758; Divided into categories: Communicant Brothers; Communicant Sisters; Widows; Baptized adult Brothers; Baptized adult Sisters; Baptized Boys; Baptized Girls; Unbaptized Boys and Children; Unbaptized Girls and Children; Unbaptized adult men; Unbaptized adult women; totals 82 baptized persons; 28 unbaptized persons; 110 in all.

<sup>66</sup>The following items are all from the typed translations of Moravian Archives documents. They are listed as the header exists on the typescript. These are not fully consistent with one another in format.

B. 115 F. 12, 4-7-1762. After the children's hour, communion. List of participants Josua, Elisabeth, Samuel, Jeremias, Agnes, Petrus, Thamar, Gottlieb, Magdalena, 3 or 4 names illegible off the bottom of the photocopy (Moravian Journal Translations n.d., 12); Maria, Lucia, Justina, Sophia, Joachim, Christina (Moravian Journal Translations n.d. 13).

The 8th. Early they brought communion to old brother Simon up the hill, because due to a fall he couldn't go. The house was empty without h[is] daughter Beni[g]na, he was bent over . . . .

The 10th came sister Thamar who had visited the brothers and sisters on the mountain and said, that all are well and content, and that her daughter had told her in the winterhouse that although she and her family had not been able to be present to participate in the communion, she had nevertheless participated with her heart (Moravian Journal Translations n.d., 14).

not baptized until May 11, 1755,<sup>67</sup> and partly because of variant versions of an individual's name, as in the case of Martin, son of Gideon Mauwee, baptized on March 15, 1749.<sup>68</sup>

The Pachgatgoch Households. The mid-18th century Schaghticoke adult community, as derived from the Moravian records from 1751 through 1758, appears to have been as follows (omitting those deceased prior to 1751 and those who were still counted as children in 1758). Each individual had a number in the Moravian catalogs; the Moravian catalogs also provided the Indian name for most. All baptized individuals have a date of baptism; the catalogs give an age or date of birth for many, as well as a date and place of death for those who died prior to the recall of the missionaries from Pachgatgoch in 1770 (all this information has been entered into the FAIR data base—the sketch below provides only an overview). The great majority, no matter the individual settlement of origin, were assigned a tribal identification in the Moravian catalogs simply as Wampanosch (“Wamp.” or “Womp.”), signifying Indians from east of the Mahican region.

(1) Male-headed households:

1. Gideon Mauwee (#33) and his wife Martha (#64), she being from Potatuck
2. Josua “Job/Iob” Mauwee (#34), Gideon’s son, and his wife Elisabeth Sherman (#41) (daughter of Petrus Sherman and Thamar, see below)  
Martha Elisabeth a.k.a. Betauschqua (#453), their daughter, later married to Johannes Wallops/Warrups (#386)
3. Martin “Roger” Mauwee (#156), Gideon’s son, and his wife Justina (#157) (family unknown)
4. Samuel Cocksure (#35), from Potatuck,<sup>69</sup> and his wife Lucia Sherman (#155) (daughter of Petrus Sherman and Thamar)
5. Jeremiah Cocksure (#14), Samuel’s brother, from Potatuck, and his wife Agnes Sherman (#195) (daughter of Petrus Sherman and Thamar)
6. Joseph Cocksure (#450) and his wife Catharina (#437) (family unknown<sup>70</sup>)
7. Petrus Sherman (#165) (son of Maria #153) and his wife Thamar (#050) (family unknown; she had at least one unbaptized sister residing at Pachgatgoch)
8. Christian Sherman (#166) (Maria’s son, Petrus’s brother) and his wife Gottlieba Kehore (#197) (daughter of Kihor and Sarah, below)

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<sup>67</sup>Chere Weramaque, Chere Weramague, Schyri, Cheery, Chery, Schirry, Cherry, Charie, Tscheri, Tscherry, Solomon Shery, Salomo Tsherry, Salomo, Solomon.

<sup>68</sup>Wanawahek, Martin, Martin Roger, Roger Indian.

<sup>69</sup>Widower of Gideon Mauwee’s daughter Maria (#37). Samuel and Jeremiah Cocksure were the sons of Rachel (#154), who had died in 1750.

<sup>70</sup>She may have been the unmarried woman listed on one of the earlier communion lists as: Catharina, Gottlieb’s relative.

Proposed Finding, Schaghticoke Tribal Nation

9. Quinish Sherman, his son by a former wife, unbaptized (later married to Zippora Mauwee (#387), daughter of Johanna and granddaughter of Gideon; then to Augustina Sockonock (#436), daughter of Gottlieb Sockonock and Magdalena)
10. Gottlieb Sockonock (#149) from Potatik and his wife Magdalena (#150) (Mahican)<sup>71</sup>
11. Philippus (#319), their son, and his wife Benigna Cooksen (#232) (daughter of Lucas Cooksen (#39) and of Priscilla, see below)
12. Christoph Sockonock (#395), their son, and his wife Maria Elisabeth (an orphan)
13. Gottlob (#161), "a man from Pachgatgoch," a cousin of Gottlieb Sockonock, and his wife Lea Kehore (#255) (daughter of Kihor and Sarah, below).<sup>72</sup>
14. David Warup (#305) and his wife Rebecca Sherman (#280) (daughter of Christian Sherman and a deceased first wife)
15. Jonathan Warup/Wallops (#320), son of David and of Martha (#64, who was subsequently Gideon Mauwee's wife); wife Salome Cooksen (#231) (daughter of the late Lucas Cooksen (#39) and of Priscilla, see below)
16. Johannes Wallops (#386), son of David Warup and Rebecca Sherman, and his wife Zippora Mauwee (#387) (daughter of Johanna Mauwee, widow, see below)
17. Lucas Cooksen (#152) (son of the late Lucas Cooksen (#39) and of Priscilla, see below) and his wife Phoebe (#432) (family unknown)
18. Simon (#42), a widower<sup>73</sup>
19. Paulus (#162), aka Paulus Choker, Simon's son, and his unbaptized wife Quahnpehmahs
20. Gomop, Simon's son (unbaptized)
21. Tamaseet, Simon's son (unbaptized), subsequently married to Magdalena (#96), the widow of Stephan Sayakes
22. Nathanael (#452),<sup>74</sup> Simon's son, and his wife Sophia (#446) (family unknown)
23. Johannes Penni (#254), Simon's son, subsequently married to Lea Kehore, daughter of Kihor and Sarah, below, and widow of Gottlob, above
24. Hanna's son (unnamed, unbaptized) and his wife Jenny, baptized by the Presbyterians
25. Solomon Tscherry (#383), a widower
26. Sam Tscheri (#466a), Solomon Tscherry's son, and his unbaptized, unnamed, wife
27. Abraham Kehore (#382) (Kihor prior to baptism) and his wife Sarah (#252) (family unknown), from Potatuck
28. Venemo, their son, (unbaptized) and his unbaptized, unnamed, wife

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<sup>71</sup>Niece of the early Shecomeco convert Tschoop/John.

<sup>72</sup>His first wife (deceased) had been Erdmuth's (see below) daughter Juliana (#196), by whom he had a daughter.

<sup>73</sup>He was married to Hanna (#43), who had died in 1750, a sister of Gideon Mauwee. Hanna/Hannah was the mother of the children identified for him at Pachgatgoch.

<sup>74</sup>Not baptized until 1758, so he is probably the same as one of the unbaptized sons on the prior catalogs – most likely Gomop, since Tamaseet was married to Magdalena by 1762.

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29. Petrus Kehore (#451), their son, and his wife Juliana Mauwee (#448) (daughter of Josua Mauwee and Elisabeth Sherman)
30. Pasqua, their son, (unbaptized) and his wife Anna Sherman (#233) (daughter of Petrus and Thamar)
31. Wittli/Withly, unbaptized, and his wife Benigna (#163) (Simon's daughter)
32. Stephan Sayakes (#513) (Siekes or Seiakus junr. prior to baptism) and his wife Magdalena (#96); after his death, she remarried to Simon's son Tamaseet

(2) Female-headed households:

33. Priscilla (#56), a widow (widow of Lucas Cooksen (#39); daughter of Theodora (#104), a Wompanosch who had removed to Bethlehem, Pennsylvania).
34. Gertraud (#392), a widow (Solomon Tscherry's mother)
35. Erdmuth (#151), a widow from Potatik (mother of Gideon Mauwee's wife Martha and of Gottlob's late wife Juliana)  
Anna Elisabeth (#449) (Erdmuth's granddaughter)
36. Maria (#153), a widow (mother of Petrus Sherman and Christian Sherman)  
Theodora (#341), a widow, Maria's sister
37. Johanna Mauwee (#158), a widow (daughter of Gideon Mauwee)
38. Caritas Sherman (#159) (daughter of Petrus Sherman and Thamar), wife of Abel (#63) (Hoogland), a "half widow" since he did not reside at Pachgatgoch and had fallen away from practicing Moravian Christianity
39. Esther (#407), a widow

Overall, the "Verwandtschaft" or kin relationships indicated in the Moravian records, as well as the recorded locations where the baptisms of the various individuals took place, indicate that the mid-18th century Schaghticoke settlement was not a random collection of previously unconnected individuals, but rather consisted of persons who had ties of marriage and kinship which predated 1742 and which crossed the various pre-existing Indian settlements at Redding, New Milford, Potatuck, Wechquaenach, Shecomeco, and other localities of northwestern Connecticut and eastern New York.<sup>75</sup> The focus, however, was strongly on origins from the Weantinock (New Milford) and Potatuck Indians, which corresponds with the description of the settlement's development given by Slosson (Slosson 1812).

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<sup>75</sup> "There is evidence in the 18th and 19th century records that the population of the Lantern Hill reservation did not constitute a totally endogamous group, but intermarried with neighboring Indian tribes. However, this did not constitute an innovation. Rather, all data concerning Indian genealogy of New England . . . indicated that at least the ruling families . . . sustained a regular practice of patterned out-marriage, while their were early occurrences of marriage into other tribes on the geographical margins of the southern New England region . . . The 25 CFR Part 83 regulations specifically allow for the movement of individuals and families between tribes, while patterned outmarriage with other tribes is interpreted as evidence in favor of community." (Paucatuck Eastern Pequot PF 2000, 71-72).

Political and Community Activities Shown in Moravian Records. The journals maintained by the missionaries reflected both political<sup>76</sup> and community activities on the part of the residents at Pachgatgoch. These have been selected and included in the FAIR data base, but are not included in this report in their entirety. They include information on the locations where the members of the Schaghticoke settlement visited and worked, indicating that there were still regular visits made from Schaghticoke to the seaside, to Ridgefield, to Danbury, to Woodbury, to Newtown, and to New Milford, among other locations in western Connecticut. They also discuss the internal and external political adjustments after the 1760 death of Gideon Mauwee.<sup>77</sup> Several of the selections

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<sup>76</sup>B. 114 F. 4 9-20-1751. We also had conference. The topic was the winter houses, and where the most convenient place to build them could be found. Brother Gideon said: it would be best to hold a conference with all brothers and sisters. For the evening, he wanted to invite them all to his house and then everybody could speak his or her mind. In the evening most all came to Gideon's house, the Lamb arranged that all of them were of one mind. They decided, that they would want to build winterhouses and find the most suitable place for them tomorrow. This conference passed right brotherly, none chose to act more important than the other . . . .

Monday, 20. The brothers Josua, Gideon, Gottlieb and Samuel went to look for a location for their winter habitation. I went along with them.

On the way they changed their minds and resolved to build a sledging-way in order to bring the timber down from the mountain in winter . . . .

B. 114, F. 6 4-16-1752. A big conference took place right after 7 o'clock; list of those present. Gideon, Martha, Josua, Elisabeth, Josua & Bethseba of Gnadenhuetten and br. Samuel. Discussion of an upcoming synodical meeting in Bethlehem. Discussion of school and the upbringing of children.

"Further, Sensemann talks about their agriculture/. Wouldn't it be better if in the future they would and could plant more corn?" Those who did could stay home more and make more use of the divine services in this place; "wouldn't have to apply for things they need at such white people's who are damaging to them. They stated that already last year they had considered growing more corn for this reason, . . . ." "Further Br. Joseph said he reflected yesterday while contemplating their land, if it wouldn't be better if, instead of keeping many bad horses, they would buy a few good and strong horses, with which they could plow and cultivate their land better." Reply that they liked the suggestion, but did not have money to do it.

"Then Br. Gideon mentioned that he had suggested to the brothers if it wouldn't be better if a few brothers would go into the forest without taking their whole families along and there to build canoes which they could sell to white people. Their women should get wood from the forest and make brooms at home. His brothers were not all of his opinion. They feel it would be much easier to go with the whole family and to manufacture things right there where the wood stands."

Discussion of whether "the current German school should be changed into an English one, seeing that the brothers and sisters would prefer that since almost all spoke English and always have business with people who speak English" . . . Read a letter that Gideon's daughter had written in German . . . Discussion of Cristina's marriage.

Those who got land without paying for it; Indians don't have enough . . . "Br. Joseph finally suggested he would get a lawyer for them in New York who could write a flawless legal petition for them."

<sup>77</sup>B. 115 F. 9. May 18, 1760, "Today Josua had on his own called the whole town together and preached to them for two hours and damned himself as a wicked person and repeated his father's Gideon last will" (p. 9, Bates No. 10 of 21).

B. 115 F.9. March 3, 1760, "Josua reported that he was on his way to Stockbridge, the Pen King has sent for him" (Moravian Journal Translations n.d, 7).

March 9, 1760, "early Josua came back from Stockbridge, visited us at once and said his trip had been in

(continued...)

showed the difficulties that ensued between the Schaghticoke and the local Connecticut authorities as a result of the French and Indian War.<sup>78</sup>

The "captain of Potatik" who came to meet the missionaries at Pachgatgoch and invite them to visit Potatuck was not named in the Moravian records ((Mack to Antony 1/25/1743). Consequently, it cannot be determined if he was among the later residents of Schaghticoke.<sup>79</sup>

The material pertinent to relationships between the settlement and local authorities included discussion of efforts by the English colonists and Stockbridge Indians to enlist men from Schaghticoke.<sup>80</sup>

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<sup>77</sup>(...continued)

vain because his uncle Penn King [here spelled with two n] (who sends his greetings together with those of his father) had not sent word to him" (Moravian Journal Translations n.d, 8).

<sup>78</sup>B. 115, F. 9. January 8, 1760, Esq. Ransom, Esq. Hatchet, and other authority figures of Kent came and read the laws to the Indians. They asked about the behavior of the Indians; the missionary replied with a complaint about how much rum and cider they received; they promised that if it happened again, both sides would be punished. "Three of our Indians were elected to Tythingmen and Overseers over the fences, namely Samuel, Jeremias, and Salomor.."

February 26, 1760, the two Tiding [tithing] men went to Kent and reported what happened last night [the death of the newborn child of Peter and Juliana Kehore through the midwives' neglect to tie off the umbilical cord]. "Soon the constable came, and other people, inspected the child, took the Indians with them who had done such a bad job of it last night. They received an appropriate punishment By Justus Ransom according to the law and they had to promise not to do it again" (Moravian Journal Translations n.d, 6-7).

B. 115 F. 12. 1762-04-09. The 9th we had a short visit of Esqur. Ransom who said I should please let him know, that when the Indians would not want to obey to the gospel, so he would bring them to obeysance [obedience] with [by means of] the law (Moravian Journal Translations n.d., 13).

<sup>79</sup>B.111, F. 3, item 3. January 26, 1743, Brother Martin Mack and his wife set out from Shecomeko; came to Pachgatgoch. 29th. "We were lodg'd by Captain Mawessman. He, she, & 2 children are no longer to be recon'd Dead people . . . ."

Feb. 4, the Capt. of Potatick (an Indian place 70 miles farther) was here, He was a Particular wicked man who wod. Aforetime shoot or bear dead every one who spoke of the Savr . . . Consented to a visit (Mack to Antony 1/25/1743).

<sup>80</sup>B. 115, F. 5. 1755-07-16. 16th. Of br. Gideon (who returned yesterday; Salomon had to lie down on the road and arrived only today) we learned that the Indians of Stockbridge did not approach him with something special or any decisions. They had only demanded that our Indian men-folk should come up to join them in order to be used as soldiers in the present circumstances, which he [Gideon] could not agree to. There they live in uncertainty and Indians as well as white men are on guard day and night. They say that the French Indians have already committed terrorist acts there and even killed people (Moravian Journal Translations n.d., 3).

B. 115 F. 6. May 5, 1756, discussion that the white people have tried several times in vain to recruit at Schaghticoke; Phillipus has recruited five of the local Indians.

May 6, 1756. "The recruited men are Gottlob, Lucas, Paulus, Jonathan and Christian's son. These are all people who have no right attachment to the Saviour. Philipus and Caske [*sic* in the translation; Paske in the original German] had gone out when they were enlisted, and Philipus had the rest of them called to himself away

(continued...)

Deeds and Petitions. Documentation for the Moravian period is not limited to the ecclesiastical records. There also exist some deeds<sup>81</sup> and also petitions submitted by the Schaghticoke tribe to the Colony of Connecticut. Signatures on the deeds and petitions are further evidence under criteria 83.7(b) and 83.7(c).<sup>82</sup>

December 19, 1746, Kent, Connecticut, Lease (Kent CT Land 12/8/1746; see also Kent CT Lease 12/19/1746)

Capten Mayhew  
Left Samuel Cocksure  
Jobe Mayhew  
John Antenay  
Thos Cukson  
John Sokenogs

The first three signers can be reliably identified with Gideon Mauwee, Samuel Cocksure, and Josua "Job" Mauwee. John Antenay (baptized as Andreas #53) was noted in the Moravian records as being from Potatuck,<sup>83</sup> his brother Philippus (#20) was described as a Wampanous

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<sup>80</sup>(...continued)

from here and in this manner, has recruited them."

May 9. Discussion of whether the recruitment would cause the community to disperse.

May 10. "Today the recruits went to their captain who lives in N. York Government. He will muster his compagnie tomorrow. Several of their parents, children and sisters and brothers went along."

B. 115 F. 9, 5-18-1760. May 19, "The people who had enlisted from here went to Sharon for recruitment," May 21, "The warriors returned from Sharon" (Moravian Journal Translations n.d., 19).

<sup>81</sup>The following deed did not have enough signatures to make it of use for determining the nature of the community, although all three of the signatures (Gideon Mauwee, his son Joshua, who was Job/Job prior to baptism by the Moravians, and Johannes a.k.a. Penni, appear in the Moravian records. Deed, Maywehew to Alger, 2/16/1749-50. I Maywehew, Sachum Indian of Scaticook, Kent in the County of Hartford, and Colony of Connecticut. Handwritten original (Maywehew to Alger 2/16/1749-1750; apparently CT IP, 44a-44b). Signed: Maywehew Seachum, Job Indian, Penis indian.

<sup>82</sup>The signatures on deed and petitions of the 18<sup>th</sup> century have been placed alternately on the left-hand and right-hand sides of the paper, so that those interested may conveniently copy the relevant pages, place them in a long row, and draw lines from where a given individual appears on one to where he appears on subsequent documents.

<sup>83</sup>Wojciechowski 1992, Appendix A, Doc. 45, pp. 146-147: March 2, 1731: Derby deed. We . . . in consideration of 30 lbs. part money and part goods . . . have sold . . . all that tract of land known by the name of the Indian Hill in Derby, situate on the east side of Naugatuck river, near the place called the Falls, all the land at or near that place we sell, except the plane that lieth near the Falls up to the foot of the hill unto a heap of stones on the south, and a . . . 2 March 1731. Indian Witnesses John Anthony his mark, Melook Took his mark. John Cuckson his mark, John Howd his mark, Watiens his mark, Oranquato his mark, Sausonnaman her mark, Towsowwam her mark.

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when he was baptized December 12, 1742, at Shecomeco.<sup>84</sup> The exact relationship of the Cukson (Cooksen) and Sockenok (Sokenogs) signers of the 1746 deed to the families of that name in the Moravian records has not been confirmed.

May 1, 1751, Supporting Petition for Seth Twitchell's Grist Mill (Twitchell to CT Gen. Assem. 4/29/1751)<sup>85</sup>

Capt. Maywhehu  
Roger Indian  
Jonshua Indian  
John Sharman  
Jeremiah Cocksure  
Wolops

The land upon which Twitchell wished to site this mill belonged partly to the Schaghticoke and partly to Chickens Warrups. The petition was also signed by numerous non-Indian supporters.

May 12, 1752, Petition (Mauwee et al. to CT Gen. Assem. 5/12/1752)

Gideon  
Josua  
Samuel  
Martin  
Simon  
Jeremias  
Petrus  
Gottlob  
Christian

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<sup>84</sup>Andreas was married to Lea Mauwee (#67), daughter of Gideon Mauwee; his family removed to the Moravian settlements in Pennsylvania, as did Philippus's wife.

KA: Moravian Cat 3191 #53

Andreas brother of Philipus #20, formerly John Antoni, Potatik, Wampanous  
Bap Aug 7, 1743 in Shekomeko by Dav. Nitchmann, Ep.  
w- Lea #67  
w- Anna Justina #242, Dec 5, 1750 in Gnaddenhutten

KA: Moravian Cat 3191 #27

Lydia Sopus from Shekomeko  
Bap Dec 12, 1744 in Shekomeko by Mack  
h-Philippus #20  
d. June 13, 1764 in Philadelphia, PA

The removal of some members of a tribe to join an intertribal mission elsewhere does not negate the tribe's existence: "Between 1775 and 1800, a significant body of Narragansetts broke with the tribe and joined the intertribal Brotherton movement . . . Additional Narragansetts emigrated to the community at intervals as late as the 1840's" (Narragansett PF 1982, 2).

<sup>85</sup>Indian subscribers only.

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Lucas  
Gottlieb  
Isaac<sup>86</sup>  
Tsherry  
Amos<sup>87</sup>  
Moses<sup>88</sup>

The handwritten copy from the Connecticut Indian Papers contains two more marks, those of Amos and Moses, than in the Indian Papers (IP) typescript, so there were 15, rather than 13, signers (Mauwee et al. to CT. Gen. Ass. 5/12/1752; CT IP Series 1, 1647-1789, 2:76-76a). This May 12, 1752, "humble petition of sundry Indians inhabitants of Pachgatgoth or Scatticook near Kent" stated that for 18 families, the settlement had "but a small piece fit for planting" (with a description) and requested land on the plain. In apparent response to this petition, the General Assembly granted land at the May 1752 session (CT IP Series 1, vol. 2 1647-1789, 76).

Connecticut's comments presented extensive argumentation in regard to the 1752 Schaghticoke petition signers, stating: "Any questions remaining about the absence of a tribe at the point of first sustained contact are dismissed by the 1752 petition by the Schaghticoke Indians to the Connecticut General Assembly (CT et al. 4/16/2002, 56) and, "All thirteen Indian petitioners cited on the document were Moravian converts and family leaders belonging to the Schaghticoke mission community. None were drawn from the general non-Christian Indian population" (CT et al. 4/16/2002, 56-57).

As noted elsewhere in this report (see the reconstruction of Pachgatgoch households in the mid-1750's, above), Connecticut has overestimated the total population of the settlement at Schaghticoke.<sup>89</sup> As indicated by the non-Biblical name, one of the signers, Tscherry, had not

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<sup>86</sup>Unidentified.

<sup>87</sup>Possible identification: "KA: Moravian Cat 3191 #36: Amos KIOR; relative of Philippus #20, single in 1743, Wompan. from Pachgatgoch. Bap Feb 13, 1743 in Pachgatgoch by Buttner" from petitioner's FTM data base.

<sup>88</sup>Unidentified.

<sup>89</sup>The following list arranges the male household heads at Pachgatgoch, as identified from the Moravian records, by date of baptism:

0000.00.00	Vencmo, unbaptized
0000.00.00	Hanna's son (unnamed), unbaptized
0000.00.00	Witt i/Withly, unbaptized
0000.00.00	Quinish Sherman, unbaptized
0000.00.00	Pasqua , their son, unbaptized
0000.00.00	Gomop, unbaptized (possibly later baptized as Nathanael #452, below, but the evidence is uncertain)

(continued...)

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converted to Christianity as of 1752. Other signers, such as Simon and Petrus, had non-convert adult sons in the settlement. Conversely, a few of the converts did not sign the petition. It does not appear that conversion was the sole determinant of whether or not a man signed the 1752 petition, but that the signers represented both the non-Christian and Moravian convert populations at Schaghticoke.

Footnote 14 of Connecticut's comments purports to identify the petition signers on the basis of Loskiel's history of the Moravian Missions (Loskiel 1794; also Loskiel 1838), stating, "the personal background of the above signatories is representative of the disintegration and fragmentation of the area's historic tribes" (CT et al. 4/16/2002, 67n14). However, the majority of the identifications suggested by Connecticut were erroneous.<sup>90</sup> For further details, see the

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<sup>89</sup>(...continued)

0000.00.00 Tamaseet, unbaptized (possibly baptized as "Thomas" in the 1760's, but the evidence is uncertain)  
1743.02.13 Josua "Job/Iob" Mauwee (#34)  
1743.02.13 Gideon Mauwee (#33)  
1743.02.13 Samuel Cocksure (#35)  
1743.03.27 Jeremiah Cocksure (#14)  
1743.06.26 Simon (#42)  
1749.03.14 Gottlieb Sockonock (#149)  
1749.03.14 Lucas Cooksen (#152)  
1749.03.15 Martin "Roger" Mauwee (#156)  
1749.03.15 Paulus (#162), aka Paulus Choker  
1749.03.15 Gottlob (#161)  
1749.03.16 Christian Sherman (#166)  
1749.03.16 Petrus Sherman (#165)  
1750.02.20 Johannes Penni (#254)  
1751.07.20 David Warup (#305)  
1751.12.27 Philippus [Sockonock] (#319)  
1751.12.27 Jonathan Warup/Wallops (#320)  
1755.05.11 Solomon Tscherry (#383)  
1755.05.11 Abraham Kehore (#382)  
1755.05.20 Johannes Wallops (#386)  
1755.12.15 Christoph Sockonock (#395) – under 21 in 1752  
1758.02.22 Nathanael (#452) – possibly under 21 in 1752  
1758.10.22 Petrus Kehore (#451) – under 21 in 1752  
1758.10.23 Joseph Cocksure (#450) – under 21 in 1752  
1759.01.02 Sam Tscheri (#421, #466a) – date also given as 1759.06.02 – under 21 in 1752  
1762.08.07 Stephan Sayakes (#513) (Sickes or Seiakus junr. prior to baptism)

<sup>90</sup>Gideon Mauwee #33 was not the son of the Mahican Abraham #1, nor do any original documents make this assertion; Josua #34 was indeed Gideon Mauwee's son, but the parentage given for his wife is in error; Samuel #35 was not Kiop, but rather Samuel Cocksure; Martin #156 is accurately identified as Gideon Mauwee's son, but he did not "come from" Wechquadnach in 1749 – that was the date and place of his baptism as recorded in the Moravian catalogs.

Simon #42 was not Guttagos, nor was he "formerly Zacharias #19" – he was the father of Zacheus #19,

(continued...)

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notes under each of these individuals in the FAIR data base, for which the BIA used the original Moravian records rather than Loskiel's later history. The brief summary in the footnote, however, is sufficient to indicate that Connecticut's conclusions in regard to the significance of the 1752 petition in its comments were drawn on the basis of misidentification of the signers.

The next petition contained two more names from among the unconverted Indians at Pachgatgoch.

October 10, 1756, Petition (Mavehu et al. to CT Gen. Assem. 10/10/1756)<sup>91</sup>

Absent Brethren  
Gideon Mavehu  
Martin Roger  
Petrus Charman  
Christian Charman  
Salomon Shery  
Lucas Cooksen

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<sup>90</sup>(...continued)

who later moved to the Moravian settlements in Pennsylvania. Jeremias #40 was indeed the son of Rachel #154 from Potatik, but he was also Jeremias Cocksure, the brother of Samuel #35; Petrus the signer of this petition was not Petrus #31, a Mahican, married to Christianna #82, but rather was Petrus Sherman #165 married to Thamar #50.

The signer Gottlob was not Gottlob #89, a Mahican. Rather, the signer was Gottlob #161, described by the Moravians as a man from Pachgatgoch [Schaghticoke]; Christian #166 is accurately identified as the brother of Petrus Sherman, but Vechquadrach 1749 was his place and date of baptism rather than his place of origin; Lucas #152 the signer was not the husband of Priscilla #56, but rather her son – the older Lucas Cooksen #39 having died on October 3, 1747.

Gottlieb is accurately identified as Gottlieb Sockonok # 149; the signer Isaaous is unidentified from other documents, but was certainly not the Mahican Isaac #2, whose death was recorded by the Moravians on August 2, 1746; Tscherry #382 a.k.a. Solomon is not indicated by the Moravian records to have been a brother of Petrus Sherman. Solomon was later baptized on May 11, 1755.

<sup>91</sup>Prayer and representation of the Chief Sachem and others of the Tribe of Indians called the Scatacook Tribe. Josua Mavehu et al. petition General Assembly to look into sales since 1754 of reserved land by General Assembly, October 10, 1756 (Mavehu et al. to CT Gen. Assem. 10/10/1756; Connecticut Archives Indian series 1, vol. 2 1647-1789, p. 77).

Upon the Memorial of Joshua and others, Scatacook Indians, who complain of mistakes made in the land sales, the General Assembly resolves to appoint Samuel Adams and Roger Sherman to examine into these matters, October, 1756 (Public Records of Connecticut 1877, 579). Samuel Adams & Roger Sherman report to CT General Assembly on 5/4/1757 on the matter of the Schaghticoke feeling they have been wronged in the sale of their lands. A half lot owned by a Mr. Pratt is suggested to be returned to the tribe in order to remedy the situation (Adams and Sherman to CT Gen. Assem. 5/4/1757; Connecticut Archives Indian series 1, vol. 2, 1647-1789, p.81).

The following was probably associated with the October 10, 1756, petition: Moravian Archives, B. 115, F. 15, Item 6. Scatticok petition to possess all of Lot Number 24 or Lot 23; for Jeby Swift be appointed as a Father; that Capt. Mavehu be declared Captain for the Indians; that no Indian who leaves Scatticok have any right to claim any Thing for any Improvement; and that they may not be wronged for lack of a Bonds Man. Hand-annotated as probably 1757. Typed transcript; no signatures.

Philippus Sockonok  
Paulus Choker  
Johannes Peny  
Jonathan Worbs  
Johannes Worbs  
Gomop  
Tomaseet

Signers

Josua Mavehu  
Jeremias Coksur  
Gottlieb Sockonok  
Simon James

All of the signers of and “absent brethren” named in this petition can be reliably identified with persons listed as Pachgatgoch (Schaghticoke) residents in the Moravian records.

First Appointment of an Overseer by Connecticut. In May 1757, in response to the 1756 petition, Jabez Swift was appointed the first overseer of the Schaghticoke tribe by the Colony of Connecticut.<sup>92</sup> The petitioner states, however, that the Colony’s action was in response to the General Assembly’s own committee report: “The General Assembly responded to the report of the special committee by appointing Jabez Swift, the Schaghticoke nominee, as the first government overseer of the reservation (Connecticut Archives, Indians, series 1, vol. 2, p. 81)” (Lawson 1997, 50).<sup>93</sup> There is no indication in the record that Swift took any actions on behalf of

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<sup>92</sup>Samuel Adams & Roger Sherman report to CT General Assembly on 5/4/1757 on the matter of the Schaghticoke feeling they have been wronged in the sale of their lands. A half lot owned by a Mr. Pratt is suggested to be returned to the tribe in order to remedy the situation (Adams and Sherman to CT Gen. Assem. 5/4/1757).

“To the Honourable Thomas Fitch Esqr—

In the Lower House upon the above representation Mr. J. Swift is appointed an overseer of the Scaticook Indians and that a bill inform proper for that purpose be brought in accordingly /concurrent in Upper House/ (Adams and Sherman to CT Gen. Assem. 5/4/1757; Connecticut Archives Indian series 1, vol. 2, 1647-1789, p.81).

See also: *Listing of Schaghticoke Overseers, Agents, and Committees, 1756-1786* (Ouellette 1983, 31). Appointment of an Overseer, 1757 (Lawson 1997, 48); Report of the committee concerning Schaghticoke lands, May 1757 (Lawson 1997, 49-50).

This was a frequent occurrence in colonial New England, not limited either to the colony of Connecticut or to this specific tribe: “The State of Massachusetts imposed a guardian system over the Gay Head Indians between 1781 and 1814, . . . In 1862 the State imposed greater jurisdictional control over Gay Head . . .” (Gay Head PF 1987, 4).

<sup>93</sup>Connecticut General Assembly in October of 1757, appoints Roger Sherman and Jabez Swift to Committee to give and execute deeds of exchange for surveyed lands west of the Ousatunuck in relation to the Town of Kent for the use of highways (CT Gen. Assem. To Sherman and Swift 10/1757; Connecticut Archives

(continued...)

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the Schaghticoke tribe from the date of his appointment until his death approximately a decade later, although he did on one occasion act on behalf of the Chickens Warrups family (Chickens to CT Gen. Ass. 5/11/1762; CT Public Records 1881b).

The petitioner notes: "A census of the Town of Kent was ordered by the General Assembly in October 1760. It found that there were 1,298 whites, 6 blacks, and 127 Indians (Connecticut Historical Society 1762" (Lawson 1997, 52). According to a 1762 entry in Ezra Stiles's notebooks, the population of the settlement was then estimated as somewhat larger than that shown in the official census or by the Moravian records: "Scatticook, 3 miles on River, about 30 wigwams, about 150 Souls Indians, the remains of the New Milford Tribe" (Stiles 1916,172).

At or near the time of Jabez Swift's death, on May 11, 1767, Job Mawehu, "Indian living at a Place Called Scatticook," on behalf of himself and the rest of the "Indians in sd. Scatticook," petitioned the Connecticut General Assembly for permission to sell 150-200 acres of land that had been reserved for them in 1752, in order that they may remove to Stockbridge. The General Assembly denied this request (the document contains no notation as to the reason) (Mawehu to CT Gen. Ass. 5/11/1767).

*Schaghticoke from the End of the Moravian Era to the Beginning of the Overseer's Reports, 1771-1801*

Recall of the Moravian Missionaries. The last Moravian missionary resident at Pachgatgoch was recalled in September 1770; the missionary and his wife left Schaghticoke on October 15, 1770 (Boehler 1749 - 10/5/1772, 11). On April 24, 1771, Francis Boehler, the Moravian minister at Sichern in New York, set out for home by way of Scatticoke. He arrived there about 9 o'clock and they had just prepared to bury an Indian girl or woman, baptized by the Brethren, about 27 years old. They came together in the Chapel, where the funeral sermon was preached from the text, "Come unto me" &c, and he told them also that he had orders from the brethren to come to them from time to time, at which they were pleased. Among them was Jeremiah and old Martha. Old sister Erdmuth near a hundred years old had deceased about five weeks ago. He visited their huts and spent about three hours and left for home (Boehler 1749 - 10/5/1772, 12-13).

A letter written by Boehler on December 2, 1771, reported: "Yesterday a week ago there was two of our Scatticoke Indians in our meeting. John, alias Benjamin Marrup [*sic*] and his wife Deborah, old Gideon's granddaughter, who are in this neighborhood now. They told me her

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<sup>93</sup>(...continued)

Towns and Lands, series 1, vol. 8, part 2, 1629-1762, p. 216).

Worrups petitions CT General Assembly in May of 1759, requesting to sell 10 acres of his land to Isaac Bull of Kent. Memorialist is owners of 200 acres of land which he purchased of John Read Esqr. Of Fairfield, west side of Ousatonick River, Kent. Request is approved in both Houses of the Assembly. Jabez Swift appointed to see that Justice be done to the Memorialist (Worrups to CT Gen. Assem. 5/1759; CT Gen. Assem. To Worrups 5/1759).

grandmother, Christina, mother [of] Gideon's wife Martha, and her daughter Deborah mother both widows intend going thither next spring to Wyalusing, and they both (John and Deborah) want to go with them and look at the place first" (Letters from Sichem 8/11/1765 - 4/20/1772, 1).<sup>94</sup>

On June 10, 1772, Boehler had been to Pawling Precinct to see Henry Davis and at this date on his return stopped at Scaticoke. He reported that he had found the meeting house and dwelling house "like the desolation of Jerusalem, all the doors taken out, the windows all broken and no Indian at home but Jeremiah and he drunk and full of rum. I think he was ashamed when he saw me but all that he said was confusion" (Boehler 1749 - 10/5/1772, 14).

Petitions to Connecticut and Overseer Appointments, 1771 to 1773. In spite of Boehler's implication that the settlement at Schaghticoke had disintegrated by the summer of 1772, the continuity of the Schaghticoke settlement of the Moravian era with the Schaghticoke settlement of the period from 1770 to the Revolution is clear, although to some extent imprecise. Although no single individual is designated as a "leader" in the following sequence of petitions, no such designation is required under the regulations.<sup>95</sup> In October 1771, the Schaghticoke petitioned the General Assembly to appoint Elisha Swift as overseer in place of Jabez Swift, who had died some four years previously (Sherman et al. to CT Gen. Assem. 10/1771, 10/1771a). A year later, Elisha Swift resigned the position because he was moving away, and the Schaghticoke petitioned that Reuben Swift be appointed in his stead (Mawehew et al. to CT Gen. Ass 10/1772; Mowehus et al. to CT Gen. Ass 10/1772). This appointee died less than a year later, for on May 20, 1773, the Schaghticoke petitioned that Peter Pratt be appointed overseer in his place (Mawehew et al. to CT Gen. Assem. 5/20/1773, 5/20/1773a). This time, the General Assembly did not assent to the Schaghticoke's preference, instead appointing Abraham Fuller, who retained the position for 30 years (CT Public Records 1887a, 196; CT Gen. Assem. to Mawehew & Rodgers 10/1773). The sequence of signatures on these petitions from the early 1770's is as follows:

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<sup>94</sup>The punctuation in this translation from the German renders the passage a jumble of confusion. The family relationships are: Deborah, the wife of John alias Benjamin Marrup [*sic*, "Warrup"], was the daughter of Johanna Mauwee, a w.dow. Johanna and Christina Mauwee were the daughters of Martha, the widow of "Old Gideon" or Gideon Mauwee.

<sup>95</sup>"Although . . . certain individuals were consistently the first signers of tribal petitions, [a 1903 description] was the first identification of a formal group leader since . . . 1769" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6).

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October 1771 Petition (Sherman et al. to CT Gen. Assem. 10/1771, 10/1771a)<sup>96</sup>

David Sharman  
John Sharman  
Beniman Warobs  
Cornels Tobe  
Jonas Cockshure  
Solomon Norton  
Jacob Mahew  
Honis Sucknuck<sup>97</sup>  
Job Sucknuck  
John Sucknuck

October 1772 Petition (Mawehew et al. to CT Gen. Ass 10/1772; Mowehus et al. to CT Gen. Ass 10/1772)

Daniel Mauwehu  
Jeremiah Cocksures  
Job Succanox  
David Sharmans  
John Sharmans  
[illegible] Sucknok<sup>98</sup>  
Joseph Penus  
Jacob Mawehus  
Samuel Cocksure

May 20, 1773, Petition (Mawhew et al. to CT Gen. Assem. 5/20/1773, 5/20/1773a)

Daniel Mawhew  
Jacob Rodgers<sup>99</sup>  
Benjn Walloops  
Samuel Cocksure

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<sup>96</sup>Cornels Tobe is unidentified; the exact relationship of the three Sucknuck men to the earlier Gottlieb Sockonok is not known.

<sup>97</sup>This name is nearly illegible: the handwriting looks more like "Honis" than "Harris," as it was transcribed in the CT IP typescripts. It may have been intended as "Hannes" for Johannes.

<sup>98</sup>Transcribed by the CT Indian Papers typescript as Harris Sharmans – the "Sharman" surname belongs to the line above (the names on either side of the signers' marks slant on the page). This and all other names are very difficult to decipher: Daniel x [illegible], Jeremiah x Cocksure, Job x [illegible], David x Sharman, John x Sharman, [illegible] x Sucknok, Joseph x Pena, Jacob x Mawehus, Samuel x Cocksure (Mawehew et al. to CT Gen. Assem. 10/1772). (Mawehew et al. to CT Gen. Assem. 10/1772).

<sup>99</sup>Jacob Rodgers appears to be an alternative name for Jacob Mauwee (see notes under the individual in the FAIR data base).

Jeremiah Cocksure  
Peter Keeho  
Jonas Cocksure  
Job Sucknuck  
Robert Moses<sup>100</sup>

Population in the Revolutionary Era. The 1774 census of the Colony of Connecticut listed 62 Indians in Kent, Connecticut; 90 Indians altogether in Litchfield County. In Kent, there were 18 males under 20, 20 females under 20, 11 males over 20, and 13 females over 20 (Century of Population Growth 1989, 166-167; see also April 1997, 53).

In 1836, under his description of the "Scatacook tribe," local historian Daniel Barber stated: "During the Revolutionary war this tribe furnished 100 warriors. It is said that they were able to communicate intelligence from the sea coast to Stockbridge, Mass. The distance of 100 miles, in two hours. This was effected by Indian yells, or whoops, from their men, who were stationed at proper places along the borders of the Housatonic, from its mouth up to Stockbridge" (Barber 1849b, 471). The petition researchers present from Barber 1836 the figure that 100 Schaghticoke warriors served in the Revolution (STN 83.7(a) 1994, 11-12; April 1997, 6; April 1997, 53; Lawson 1997, 49), arguing that this figure indicates that the real size of the Schaghticoke tribe in the second half of the 18th century was much larger than the number reflected in all other records. This is not the case: it is clear from looking at the actual passage that Barber was referring to the Stockbridge Indians rather than to the antecedents of the modern Schaghticoke.<sup>101</sup>

Post-Revolutionary War Continuity. The continuity among the various documents pertaining to the Schaghticoke from the late colonial period through the post-Revolutionary era to the beginning of the sequence of overseer's reports in 1801 is clear, but the information they provide about the nature and extent of the settlement is to some extent imprecise.

#### 1786 Petition.

After a meeting held on April 13, 1786, by the Indians in Scatecock in Kent, the group submitted a petition to the General Assembly requesting the right to choose their own overseer once a year and asking for a school. The petition indicated that the number consisted of 36 males and 35 females, 20 of which were school children. The petition indicated the group's preference for Sherman Boardman of New Milford as overseer (Mawwee et al. to CT Gen. Assem. 4/13/1786).

April 13, 1786, Petition (Mawwee et al. to CT Gen. Assem. 4/13/1786, 4/13/1786a)  
Joseph Mawwee  
Elihu Mawwee

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<sup>100</sup>Robert Moses is unidentified.

<sup>101</sup>Petitioner's researchers were aware that one of the Stockbridge settlements was called Scatecock (Lawson 1997, 16-17).

Peter Mawwee  
Daniel Sucknuck  
John Peters  
Peter Shirman  
Jonas Cocksure

**Joseph Chuse Mauwee Moves to Schaghticoke.**

The Joseph Mawwee, first signer (and apparently, from the terminology, the writer) of the 1786 petition, was Joseph Chuse/Chuce Mauwee, who is documented as having removed from Derby to Schaghticoke in the late 1780's or early 1790's (the dates in the sources do not provide greater precision). Barber stated:

Chuse lived at this place forty-eight years, and then removed with most of the Derby Indians to Scatacook in Kent, where he died, at the age of about eighty years. He was a large, athletic man, and a very spry and active hunter. He had ten children. Chuse and his family were in the habit of going down once a year to Milford "to [illegible]" as it was termed. They usually went down in a boat from Derby Narrows: when they arrived at Milford beach, they set up a tent made of the sail of their boat, and stayed about a fortnight, living upon [illegible] and clams (Barber 1849b, 200; see also *Tomlinsons in America* n.d., 32-33).

Mauwee's move from Derby to Kent apparently took place between 1785 (Mawwee to CT Gen. Assem. 10/20/1785) and 1792 (CT Gen. Assem. to Mawwee 10/1792). On December 6, 1787, Ezra Stiles collected Indian vocabulary from Chuse's wife Sarah, who was then still residing at Derby (Stiles 12/6/1787); on October 7, 1789, Sarah and her son Elihu were enumerated in Kent (Stiles 10/7/1789), but Joseph Chuse Mauwee himself was not.

Joseph Chuse Mauwee's move to Schaghticoke is significant, in that he is identified as a son of Gideon Mauwee, the former sachem. He was also the father of Eunice Mauwee, who provided much of the mid-19th century information on the history of Schaghticoke to interviewers. She was already an adult, married, woman at the time of her family's move. Elihu Mauwee, the second signer of the 1786 petition, was Joseph Chuse Mauwee's son; Daniel Sucknuck, also (with Jemima Sucknuck, who was too old to have been his wife as asserted by the petitioner), was one of the former owners of land at Derby.<sup>102</sup>

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<sup>102</sup>Dani. Sucknuck, age 28; Mymy Wo [widow] Sucknux, age 50 (Stiles 10/7/1789, 5:157-158).

Petition, Mauwee et.al. to Connecticut General Assembly, 10/1792. Joseph Mauwee, Jemima Suckanux, and Daniel Suckanux "/Indian Natives inserted/ all of Kent in Litchfield County" shewing to this Assembly that they with the heirs of John Wattakus own a certain tract of Land, lying in Derby . . . (CT Gen. Assem. to Mawwee 10/1792a). This was not Schaghticoke land.

Connecticut General Assembly appoints Joseph Pratt in October, 1792, as overseer of Joseph Mawwee, Jemima Suckanux & Daniel Suckanux for the purpose of advising and directing them in the sale of their lands (CT (continued...))

Proposed Finding, Schaghticoke Tribal Nation

Ezra Stiles's 1789 Enumeration.

On October 7, 1789, in the course of his "Itineraries," Ezra Stiles compiled an enumeration of the "Scatticoke Tribe" (Manuscript Volume 5, 157-160).<sup>103</sup>

October 7, 1789, Stiles Enumeration (Adult Men)

Levi Suckkonok, age 26  
Saml. Cockshure, age 63  
Peter Maw-we-hu, King, age 30  
David Sherman, single [age transcribed as 6 or 16]  
Peter Sherman, age 50  
Danl Sukkenok, age 28  
Thos. Wallops, age 50  
Jonas Tomuck, age 25  
Jonas Cockshure, age 50  
Elihu Chuse fr. Chush, age 35  
Jno Pect/Peet, age 70  
Jo Pene, age 40

Because of its inclusion of the names of the children, and indication of ages, the Stiles enumeration, which was not analyzed in the petitioner's submissions to any extent, provides the best bridge currently available between the pre-1771 Moravian records and the post-1801 overseers' reports.

Timothy Dwight's 1798 Description.

Timothy Dwight's travels, through Amenia and Kent to Washington, Connecticut, in 1798, Letter XVIII, Journey to Vergennes, stated:

From this spot the road passes through the Scaticook settlement formed by the remains of an Indian tribe of that name. The tract which they occupy is a handsome interval about three miles in length on the western border of the

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<sup>102</sup>(...continued)

Gen. Assem. to Mawwee 10/1792; CT Public Records 1948).

Pratt states that in 1792 he was appointed overseer to Joseph Mawwee, Jemima Suckanux and Danl. Suckanux, Indians, residing in Scatecook; said Joseph Mawwee is dead, leaving Elihu Mawwee his son & heir; Pratt is ill and can no longer manage the estate (CT Gen. Assem. to Pratt 5/9/1803).

None of the other Suckenock families at Schaghticoke asserted any claim to this land at Derby.

<sup>103</sup>This enumeration indicates that the Schaghticoke had 12 men, 22 boys (the oldest age 18), 22 women, and 11 girls (the oldest age 19). Like the Moravian records, it included the names of the boys, women, and girls as well as the adult men. The petition submissions contain only two typescripts with variations (From Ezra Stiles' Itineraries n.d.; Holmes 1965, 10-11), but no photocopy of the Stiles' actual manuscript. All names have been entered into the FAIF data base, with the variations, and linked to prior and subsequent appearances in the documentation when the identification was sufficiently clear to permit this.

Housatonic. On the west it is bounded by the base of a lofty mountain. The land, naturally excellent, is miserably cultivated, both by the Indians and their tenants. Few spots are more romantic. The river, a fine stream; the interval, an elegant piece of ground; the mountain, high, ragged and precipitous, and in wet seasons ornamented with several cascades stealing down its rough sides, form an interesting group in this wild solitude. To these objects very affecting and melancholy additions were made by the wigwams, sixteen in number, by the degraded appearance of their women and children, and by the recollection of those particulars in their whole state of society which these objects forced upon the mind. They were Indians, but I could not forget that they were human beings; neither could I fail to look forward with a painful conviction that they and their descendants will probably continue just such as they now are until their race and their name shall be extinguished (Dwight 1969; reprint of 1821 edition).<sup>104</sup>

1799 Petition.

On May 6, 1799, the "Native Indians at Scatticuk" petitioned the Connecticut General Assembly, 05/06/1799. Schaghticoke request that their soil not be sold, but rather let out to pay debts; they also requested the right to choose their "Conservator" annually and asked for a committee to inspect the debts that they owed to doctors (Mawwee et al. to CT Gen. Assem. 5/6/1799). Of the 11 signers of the petition, only one, Abraham Konkpot, did not appear on earlier Schaghticoke documents.

May 6, 1799, Petition (Mawwee et al. to CT Gen. Assem. 5/6/1799)

Joseph Mawwee  
John Peters  
Peter Shurman  
Daniel Sucknucks  
Elihu Mawwee  
Isaac Sucknucks  
Danielson Mawwee  
Abraham Konkpot  
Levi Succonucks  
Peter Mawwee  
Jonas Cocksure

Land Sales and Connecticut Oversight, 1784-1801. Throughout the period from 1773 to 1803, Abraham Fuller, as overseer, regularly petitioned the Connecticut General Assembly for permission to sell portions of the land reserved for the Schaghticoke in order to meet the expenses of the settlement. These petitions provide some information concerning the nature of the

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<sup>104</sup>Typescript only. The footnote 11/p.41/ erroneously ties the description of Schaghticoke in Connecticut to the Scaticoke settlement in New York.

group.<sup>105</sup> Some of Fuller's petitions pertained to the fee simple land held by the Chickens/Warrups family rather than to the reservation itself (Fuller to CT Gen. Assem. 10/20/1778). Eleven years after his appointment, Fuller submitted a request that the General Assembly appoint persons to settle and adjust the accounts of the Schaghticoke (Fuller to CT Gen. Assem. 1/5/1784), with which the General Assembly complied by appointing Joseph Pratt and John Ransom to a committee to receive and settle all accounts of Schaghticoke tribe under the Overseer, Abraham Fuller (CT Public Records 1943b, 298; CT Gen. Assem. To Fuller 1/1784). The committee rendered its report in May (Pratt and Ransom to CT Gen. Assem. 5/7/1784).

After the 1786 Schaghticoke petition, the General Assembly appointed another committee to investigate Fuller's conduct as overseer (CT Public Records 1945c, 207; CT Gen. Assem. to Mawwehue and Suckanux 5/1786, 5/1786a). The committee, Heman Swift and Simeon Smith, reported on October 28, 1786. They favored a reallocation of the 50 acres of the reservation land to the individual families and the leasing out of the remainder (Swift and Smith to CT Gen. Assem. 10/28/1786a).

And as to an English school, however desirable the object, to civilize & inform the Youth of sd Tribe, were they in a situation to render such a step practicable; yet in this instance it is our Opinions, there are so very few Children amongst sd

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<sup>105</sup>Abraham Fuller petitioned the General Assembly on October 6, 1775, for the direction in regard to his handling of the Indians' land and reimbursement of expenses incurred in caring for John Sherman's injury. He referred to an allotment of the land to individuals "Some Years Since when Job Marwehue the Last Indian Sachem was Living among them He Divided to Each of the Indians his allotment of Land in said Lands and Each one Has Held his allotment accordingly Ever since." Fuller questioned whether he should consider the land as a whole or as individual holdings: "These are therefore to pray your Honours to give directions How and in what manner said Expence Shall be paid wheather I shall Consider them as Having a Separate Interest according to the allotment of their Late Sachem or whether I shall Consider them as one Intire famely . . . ." (Fuller to CT Gen. Assem. 10/6/1775).

The General Assembly appointed Samuel Canfield and Sherman Boardman a committee to investigate the situation. Their May 1776 report stated that they had made a: "new allotment of the lands in Schattekook to and amongst the Indians proprietors of the same, . . . + have had the same duly Measured + Bounded, an Exact Plan of the whole said allotments with the names of each Proprietor therein written, we have procured to be made by the Surveyor and put on the Records of the Town of Kent . . . ." The assignment to David Sherman was incomplete as he had "gone away." (Canfield to CT Gen. Assem. 5/1776). No copy of the records of this allotment from the Town of Kent was included in the petition submissions by any party.

Abraham Fuller petitioned on May 5, 1783, seeking permission to sell 30 or 40 acres of the reservation, which he describes as a piece of land "Belonging to Said Scaticook Lying adjoining to the Warrups Farm on the Southwardly Corner of said Scaticook Lying Contiguous to New York Line and Remote from the Improvements in said Scaticook . . . And Lying sofar out of the way of your Memorialist that great Incroachments are almost Continually made upon it and the Timber almost all Cut off by people Living in the State of New York whereby your Memorialist is under Great Inconvenience to Prosecute said Trespass . . . And your Memorialist finding that there is almost continual occasion for Expences by Reason of Sickness among those Natives to the Doctors and other Necessary Expence and some old and helpless. . . ." (Fuller to CT Gen. Assem. 5/6/1783; Fuller to CT Gen. Assem. 5/6/1783a). This request was approved (CT Public Records 1943a, 178; CT Gen. Assem. 5/17/1783).

tribe, & those kept in such a wild & savage manner, that an attempt to keep an English school among them would be totally useless (Swift and Smith to CT Gen. Assem. 10/28/1786a).

The report was not accepted by either house (CT Archives, Indian Papers v. 2, 1746-1789, 221a-221c; see also Lawson 1997, 61). On May 5, 1787, Abraham Fuller, Peter Sherman, and Daniel Suckanuck petitioned the General Assembly requesting permission to sell a piece of the Schaghticoke's land. The request was denied (Fuller to CT Gen. Assem. 5/5/1787). Fuller petitioned again on October 6, 1790, requesting to sell some Schaghticoke land in order to defray some of his expenses in caring for them. This petition was also denied (Fuller to CT Gen. Assem. 10/6/1790), as was that submitted by Fuller on May 4, 1792 (Fuller to CT Gen. Assem. 5/2/1792).<sup>106</sup>

In May 1799, in response to the May 5, 1799, Schaghticoke petition (CT Gen. Assem. to Boardman 5/1799) and again in October 1799, after a September report,<sup>107</sup> the Connecticut General Assembly appointed Sherman Boardman and Josiah Starr to examine and adjust the Schaghticoke accounts and make a report to the General Assembly (CT Public Records 1953e, 410). On May 3, 1800, Abraham Fuller once again petitioned requesting that Schaghticoke lands be sold in order to pay the immense debt incurred for "necessaries" and "sickness & infirmity which have for several years prevailed among said Indians" (Fuller to CT Gen. Assem. 5/3/1800). In May 1800, the General Assembly appointed Heman Swift and David Comstock to look into the sale of land in order to pay the debt of 112 pounds as reported by Fuller (STN Pet. Narr 83.7(a) 1997, 11; citing CT Public Records 1965, 86).

On April 22, 1801, Abraham Fuller again petitioned the Connecticut General Assembly for the sale of Schaghticoke land in the northern part of the reservation, stating:

At this time this tract of land was reserved for the use of the Indians their number were about one hundred + fifty, many of whom were industrious, active men. But even then they actually cultivated and improved but a small proportion of the land fit for cultivation. The number of Indians has been gradually decreasing, and at

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<sup>106</sup>"The Memorial of Abraham Fuller of Kent in the County of Litchfield Conservator of the Indians Natives of Scatticook in said Kent Humbly Sheweth that said Indians are a People almost given up /to inserted/ Drunkenness and Idleness Spending their Time in Stroaling about from place to place in Pursuit of Spirituous Licquor and often intcecksicated with licquor Lying out Exposed to Dues and Rains and by Means of their Imprudence Subject to often Infermities and Deseases and Sickness and Deaths have been frequent among them for about these five years Passed and Phisitians have Been often Employed for their Releaf whereby Large Bills of Costs have arrisen against your Memorialist as Conservator to the amount of L 101-9- 1 ½ over and above what your Memorialist has been able to anser out of the avails of their Intrest on Lands . . . ." (Fuller to CT Gen. Assem. 5/2/1792).

<sup>107</sup>Sherman Boardman and Josiah Starr submit their report of Schaghticoke accounts to the CT General Assembly on 9/10/1799 (Boardman & Starr to CT Gen. Assem. 9/10/1799).

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this time, including persons of every description belonging to the tribe, amounts to no more than thirty five. These are without exception, addicted to intoxication & idleness in an extreme degree and are averse to every kind of labour. They do not in general attempt to cultivate more than about six acres of land in a year, & this they manage in a very negligent manner. From their habits of living they have been for several years past much more afflicted with sickness than formerly, and the expences [*sic*] of making necessary provision for them have been consequently increased [*sic*] (Fuller to CT Gen. Assem. 4/22/1801).

This petition was endorsed by fifteen non-Indians. The land was sold by Heman Swift and John Tallmadge, agents appointed by the General Assembly, during the summer (Swift and Tallmadge 9/22/1801). This sale reduced the size of the Schaghticoke reservation to the approximately 400 acres noted in the overseers' reports throughout the 19th century (there was one additional sale of 20 acres in 1811; see below). Abraham Fuller submitted his request to resign as Schaghticoke overseer to the October session of the General Assembly (Fuller to CT Gen. Assem. 9/29/1801).

### *Schaghticoke from 1801-1860*

Overseers' Reports: The year 1801 provides a reasonable breaking point for analysis of developments at Schaghticoke because, as of that date, overseer's reports which name individuals (although frequently using only the given name) are available, although submitted to the BIA only in the form of typed abstracts or extracts.<sup>108</sup> The overseers' reports begin with the appointment of Abel Beach as Schaghticoke overseer in October 1801 (CT Pub. Rec. 1965, 315).<sup>109</sup> The auditors' reports to the General Assembly in regard to his accounts continued until a Connecticut statute transferred the oversight responsibility for the Schaghticoke to the Litchfield County Court in 1819.<sup>110</sup> The General Assembly, additionally, specifically appointed Beach as guardian of the

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<sup>108</sup>Overseer's accounts, Schaghticoke "Scatecook Indians," "Scatacook Indians." Typescript. No. 1, No. 2, No. 3. Typescript has call number 947.62 K42sc. Hand-annotation /excerpts:/. No indication of who prepared it, when, or why.

<sup>109</sup>Beach's accounts were regularly examined by a committee of the General Assembly (Swift and Ruggles to CT Gen. Assem. 4/15/1803; Swift to CT Gen. Assem. 4/1805; Swift & Slosson to CT Gen. Assem. 5/4/1808; Swift & Slosson to CT Gen. Assem. 5/2/1809; Slosson to CT Gen. Assem. 5/1/1810; Slosson to CT Gen. Assem. 5/2/1811; Slosson to CT Gen. Assem. 5/1812; Caswell and Berry to CT Gen. Assem. 5/1813; Caswell to CT Gen. Assem. 5/6/1816).

<sup>110</sup>The petitioner's Historical Report (Lawson 1997, 60n5) has a footnote listing various statutes that pertained to the Schaghticoke from 1824 through 1973, but does not cite to act and location.

In 1796, the Connecticut Assembly passed "An Act for well-ordering and governing the Indians in this State; and securing their Interest," which provided again that it was the responsibility of the civil authorities and selectmen of such towns in which there was any tribe of Indians to enforce the state criminal laws pertaining to them and reenacted provisions concerning the binding out of Indian children and for the protection of Indian lands (#113 Pet. 1996, HIST DOCS II, Doc. 47; *Acts and Laws of Conn.* 237-239).

(continued...)

Schaghticoke tribe's orphaned children and appointed bondsmen for him in this capacity (CT Gen. Assem. 5/1814). Beach remained in the position until replaced by Rufus Fuller in 1852 (Overseer Expense List 10/15/1853).<sup>111</sup> Beach's private ledger, also submitted to the BIA in the form of typed extracts, which mentioned Schaghticoke names, continued through 1856 (Beach 1842-1856). Rufus Fuller, in turn, remained as overseer through September 1860 (Overseer Report 9/1860), so the records of these two men span the period now under consideration.

The BIA researchers correlated each appearance of the Schaghticoke names in the overseers' accounts to the individuals, in so far as it could be determined that different entries pertained to the same person over the course of time. These may be accessed through the FAIR data base, either through the name of the individual or by the data entry for the annual account.<sup>112</sup>

The petitioner submitted a listing of places from which various individuals were "brought back" to Schaghticoke between 1802 and 1850, based on the overseer's reports (Places Schaghticoke Brought Back From n.d.). These included Dover, Pine Plains, and Amenia, New York; Sherman, Warren, New Milford, Bridgeport, Bridgewater, Newtown, Woodbridge, Litchfield, Warren,

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<sup>110</sup>(...continued)

In 1808, the Connecticut General Assembly reenacted an "Act for well-ordering and governing the Indians in this State, and securing their interest" with essentially no changes (*The Public Statute Laws of the State of Connecticut. Book I. Title XC "Indians"* Hartford, CT: Hudson and Goodwin; CT FOIA #69 EP PF Com Notebook H, Ex. 15). In May 1819, it was enacted that the overseers of the respective tribes of Indians in this State shall annually settle their accounts of the concerns of said tribes with the respective County Courts in the counties in which said tribes are situated (IP, 2<sup>nd</sup>, II:167, 167b). The 1821 act required that in the future, overseers were to be appointed to each tribe by the County Court (#113 Pet. 1996, HIST DOCS II, Doc. 48; citing *Stat. Laws Conn.*, Title 50, 278-279, "An Act for the Protection of Indians, and the Preservation of their Property").

During the period between 1822 and the Civil War, Connecticut enacted several pieces of legislation that affected the administration of Indian tribes within the state, without specifying the names of the individual tribes. In 1824, Title 51. "Indians. An Act for the Protection of Indians, and the Preservation of their Property" provided that overseers must be bonded, and continued the provision for annual settlements with the county court. The remainder of the provisions dealt primarily with property (#113 Pet. 1996, HIST DOCS II, Doc. 49; citing *Stat. Conn.*, Title 51, 233-234). The 1849 act of the same title made no significant changes (#113 Pet. 1996, HIST DOCS II, Doc. 50; citing *Rev. Stat. Conn.*, Title 26, 441-442), but in 1850 "An Act in Addition to and in Alteration of 'An Act for the Protection of Indians, and the Preservation of their Property'" provided that an overseer should be appointed for each "tribe of Indians living within the limits of the state," by the "county court in the county in which such tribe resides." The county court of each county should have jurisdiction of applications for the sale of lands belonging to members of such tribe, who, at the time of such applications, were about to remove from Connecticut or actually resided outside the boundaries of Connecticut (#113 Pet. 1996, HIST DOCS II, Doc. 51; citing *Public Acts* (1850), Ch. 51, 37-38).

<sup>111</sup>"Abel Beach presented to the County Court an account of his receipts of interest from the fund of the Schaghticoke Indians and his expenditures and services up to this time, showing a balance for expenditures and charges over the account of receipts of fourty [sic] dollars" (Beach to Litchfield Co. Court 12/29/1847).

<sup>112</sup>The number of individuals mentioned each year varies widely. The 1834-1836 account named ten individuals. In 1840, the only names listed were "Old Eunice" and a coffin and shroud for Alma's child (Schaghticoke Account Book 1833 - 1852).

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Milford, and Weathersford, Connecticut. The longest distance mentioned from the reservation was “34 miles southeast,” which would be the approximate distance to Derby. Of the 44 total instances, 16 mentioned a non-Indian household. The pattern was consistent with the locations where Schaghticoke’s visited and worked as recorded by the Moravians in the 18th century. The BIA has interpreted the “brought back” phenomenon to signify that the individuals who were working or residing away from the reservation were, nonetheless, members of the tribe entitled to residence on the reservation and benefits from the tribal funds, and that the continued tribal membership of these off-reservation individuals was known to the state-appointed overseer.

1811 Land Sale. On May 2, 1811, Schaghticoke overseer Abel Beach petitioned the Connecticut legislature for permission to sell about 20 acres of Schaghticoke land (Beach to CT Gen. Ass. 2/5/1811). This was granted (CT Gen. Ass. to Beach 8/1811).

Connecticut’s Assertions. The State of Connecticut submitted the following assertions in regard to the Schaghticoke in the 19th century:

However, when the petitioner turns to the 1800s, there is little offered. The evidence of community is nearly nonexistent. Indeed, despite overseer records for the century, the petitioner is only able to offer elliptical references to purported community activities, such as basket making. What is notably missing from this evidence is any demonstration that even this limited evidence involved cooperative or communal enterprise, shared responsibilities, or the transmission of culture across family lines. Similarly, the petitioner identifies persons denominated as leaders, but in no instance is the petitioner able to offer evidence that real political influence, in the form of bilateral relations, was ever maintained over any significant period of time in the nineteenth century. Instead, the evidence reflects that there was a serious lack of political authority and influence. In sum, throughout the 1800s the Schaghticoke group continued to disperse, and tribal relations and community virtually disappeared (CT et al. 4/16/2002, 76).

The following description and analysis of the evidence has been undertaken in light of both the petitioner’s assertions and the interested parties’ contentions.

Federal Census. Prior to 1850, the Federal census records do not provide an adequate body of data for estimating the percentage of Schaghticoke resident on the reservation as compared to those off the reservation. The Federal census from 1790 through 1840 named only household heads, with other residents categorized by age and gender. The decennial census records for the Town of Kent during this period, however, did not include the households on the Schaghticoke reservation.

### 1850 Census.

Beginning in 1850, the census data is more extensive. However comparison of the overseer’s reports to the Federal census is complicated by the fact that the overseer did not prepare full lists

of tribal members. The 1850 overseer's report named only Rachel [Mauwee], which provided no meaningful basis for a comparison with the Federal census of the same year, which once more did not contain any listing of the reservation residents (U.S. Census 1850f).<sup>113</sup> Consequently, the BIA researcher compiled a list from overseer's documents pertaining to the years surrounding 1850. The 1847 overseer's account named only four women: Rachel, Eunice, Sophronia, and Parmelia (1847 Overseer's Account, Schaghticoke Account Book 1833 - 1852). However, Beach's private ledger named five men: Jacob Mawwee; Elihu Mawwee; Truman /Mawwee erased, Bradley written over/; Alexander V. Kelson [*sic*]; and John Mawwee (1847 Private Ledger, Abel Beach, Beach 1842-1856). The 1849 overseer's account named: old Eunice, Elihu, Laura [Carter], and Julia [(Kilson) Bradley] (Schaghticoke Account Book 1833 - 1852). Beach's private ledger at a near date to the 1850 census named four men: Truman Bradley, Alexander Value Kilson, Joseph D. Kilson, and John Mauwee (Private Ledger, Abel Beach, Schaghticoke Overseer. May 15, 1850 to July 28, 1851; Beach 1842-1856). This group, generally, with their families, may be considered to represent the Schaghticoke reservation residents circa 1850 who were not included on the Federal census of the Town of Kent.

Otherwise, the 1850 census showed members of the Cogswell family in Cornwall (U.S. Census 1850g)<sup>114</sup> and of the Cogswell and Kilson families in New Milford (U.S. Census 1850; U.S. Census 1850d). One Cogswell woman was in Goshen (U.S. Census 1850c). Other persons who appear in 19th century Schaghticoke overseers' accounts have not thus far been located on the 1850 census. The petitioner may wish to undertake research to determine whether or not the reservation residents constituted more than 50 percent of the tribal members, by which the petitioner could meet criterion 83.7(b)(2) at a sufficient level.

#### Analysis of the Schaghticoke Indians in the 1860 Census Era.

The overseer's account covering the period from September 1859 through August 1860 named the following Schaghticoke individuals: Pamela, Vina, Jim, Eunice, Value, John, Elizabeth Chickens, Abigail, Rachel, Delia Rogers, Caroline, Alma; Luman Bunker; Rice family (Overseer

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<sup>113</sup>1850 Census. Kent, Litchfield County, Connecticut. Enumerated 24 September 1850. No listing of the reservation; only Joseph Kilson in a white family and the Abram Rice family (U.S. Census 1850f).

<sup>114</sup>The presence of this family is confirmed by local historians:

I remember two families of Indians in Cornwall. They were of the Scatacook tribe. Jerry Coxell, or Cogswell, was a cooper. Had several children, among them Nathan, who has left a more permanent mark of his skill upon the farms of Cornwall than any other man. His stone walls attest his exact eye and honest work. Wm. H. Cogswell was a son of Nathan: a noble soldier; a true hero. He listed as private, Co. I, 5th Reg., June 22, '61; 2d Lieut Co. B, Heavy Artillery. Died of Wounds Oct. 7, '64 . . . Rufus Bunker was another, and Bunker hill on the Goshen turnpike was named after him, for there he had a comfortable house and farm of fifty acres in good cultivation. As laboring men, they were always in demand. The children of these families had the same advantages of education in the common schools as other children. They were highly respected, temperate, and honest, and some were church members (Gold 1904, 361).

Report 9/1860). The report covering the year from September 1860 through August 1861 named: Luman [*sic*] Bunker; Alma; Vina; Abigail; Bunker; Harris boy; John; Truman; Value; Rice family; Caroline; Coxure; Rachel's Boy, Rachel; Parmelia; Delia Rogers (Overseer Report 9/14/1861).

The 1860 census of Kent enumerated a household containing Eliza Ann Kelly and Mary Jane Kilson near the reservation (U.S. Census 1860f). It continued to show the Nathan Cogswell family in Cornwall (U.S. Census 1860c), and the Jabez Cogswell family in New Milford (U.S. Census 1860e), but Jeremiah Cogswell's widow had moved to New Mason City in New Haven County, where she was living with a daughter and son-in-law (U.S. Census 1860b). Eli Bunker had moved from Cornwall to nearby Goshen (U.S. Census 1860a), while Laura Carter and her marital family, the Skicketts, were living in Milford, New Haven County (U.S. Census 1860g).

The 1860 census did not reveal the character of the Schaghticoke reservation as did the succeeding censuses. The census enumerator did not set aside a separate entry or page for the residents of the reservation. Neither were the individuals known to be on the reservation in subsequent census years or provided with goods and services by the overseer in the years 1859 to 1861 listed on the Federal census. However, some individuals and families known from other records to be Schaghticoke Indians who were not living on the reservation in 1860, were identified as either Indians or mulattoes on the census. They were working as day laborers, basket makers, servants, and washer woman in Kent, New Milford, Milford, Goshen, or Cornwall (U.S. Census 1860c, 1860e, 1860f, and 1860g).

Several Schaghticoke individuals lived in New Milford, Litchfield County, including Patsey Mauwee, daughter of Dennis Mauwee and sister of Alma Mauwee/Jonas, who was a 48 year-old Indian servant in Charles Northrop's house; Mary A. (Phillips) Cogswell,<sup>115</sup> daughter of Nancy Chickens and James Phillips, and her two young children, lived with her father in 1860; and Jabez Cogswell, his wife and six children, including 19-year old George who was on the reservation in 1870 and later. These Phillips and Cogswell families were identified as "m" or mulatto on the census, but are clearly Schaghticoke Indian descendants (U.S. Census 1860e, see notes in petitioner's FTM). For example, Nathan Cogswell (brother of Jabez and son of Jeremiah), and his wife and children were identified as Indians and working as day laborers in Goshen, Litchfield County (the Post Office was West Cornwall) (U.S. Census 1860c).<sup>116</sup>

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<sup>115</sup>Mary Ann and Riley Cogswell lived with James Phillips in 1850. The petitioner speculates that Riley was William Riley Cogswell, son of Nathan, but that the Civil War records need to be searched to clarify the Cogswell line in this family (See petitioner's notes in FTM for William Cogswell). However, this issue is not critical to the petitioner since none of Mary Ann (Phillips) Cogswell's descendants are in the petitioner's membership.

<sup>116</sup>His widowed mother, Wealthy (Gauson) Cogswell lived with her daughter Emily and son-in-law Abner Rogers in New Mason City, New Haven County (U.S. 1860b).

Rufus Bunker was enumerated as an Indian basketmaker in Cornwall (U.S. 1860c). Rufus was the father of Eli Bunker who was also enumerated as an Indian basketmaker in neighboring West Goshen Post Office jurisdiction (U.S. Census 1860a). John Skickett, his wife, Laura Carter, daughter of Lavinia (Mauwee) Carter who was on the reservation in 1870 and 1880, and their five children were enumerated as Indians living in Milford, New Haven County (U.S. Census 1860g).

Eliza (Kelly) Kilson, age 43, and Mary J. (Kelly) Kilson age 26 [21? the photocopy is blurred], were both listed as mulattoes in Kent in 1860 (1860f). Eliza was the wife of Value Kilson and her daughter, Mary Jane Kelly was the first wife of Joseph Danielson Kilson, but appears to have been divorced or separated from him by 1857 when he married her sister, Nancy Kelly.<sup>117</sup> At first glance, their household appears among the general population, although a closer study implies that they may have been actually living on the reservation. The order of households enumerated on the first page of the census for Kent was: #1/1-Jeremiah Fuller (value of real estate: \$1,500), #2/2-Henry Murphy, #3/3-Alfred Murphy, #4/4-Horace Crosby, #5/5-Joseph Crosby, #6/6-Eliza Kilson, #7/7-Francis Barney [Barnum?], #8/8-Ezra Barnum (value of real estate: \$2,500), #9/9-Spencer Cummings [?], and #10/10-Sylvia Beardsley (value of real estate: \$1,500). Except where noted above, the other residents enumerated did not own land, but worked as colliers and farm laborers, with little in the way of personal property, and were likely to be renters.<sup>118</sup>

By comparing the list of names in 1860 with the names of the residents on a map that appears on page *iii* of the “Genealogical Report Supplementing the Petition” prepared by Kate April in 1997, we can see that the census taker may have enumerated the two women who either lived on or quite near the Schaghticoke Reservation. Although the map is not dated and its origins or place of publication are not stated, the style and font of the print indicate that the map may have been published sometime in the 1870’s. Likewise, the names of the residents on the reservation provide some clues to dating the map. “Mrs. P. Killson” was Parmelia (Mauwee) Kilson who died in 1877, and “N. Killson” was Nancy (Kelly) Kilson, widow of Joseph Danielson Kilson who died in 1871. Therefore, it is likely that the map represents the population of Kent Township, both land owners and renters, sometime between 1871 and 1877. Small squares appear to mark houses and schools on this map. The Housatonic River divides Kent P.O., District No. 2, and the adjacent Bulls Bridge, District No. 5 to the south.

Beginning at the north end of District No. 2 and following down the west side of the Housatonic to the southern border of Bulls Ridge District, the following list of names appear on the map: J. Fuller [probably Jeremiah Fuller], R. Fuller [probably Rufus Fuller, Schaghticoke overseer], [“Grape Vine Br” on the map appears to mark the northern boundary of “Indian

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<sup>117</sup>The birthplaces of some of Joseph Danielson Kilson’s children shows that he lived in Michigan at the time of the 1860 census (see remarks in FAIR, with abstracts for the 1870 and 1880 censuses and the death record of Sarah Kilson), which accounts for that family not being referenced in the overseer’s accounts.

<sup>118</sup>This list does not include all of the residents in each of the households, some of whom were boarders with the various families, but is a list of the heads of house only.

Reserve”] Mrs Carter, C. Cogswell, J. Harris, N. Killson *[sic]*, V. Killson, [not clear, but C Yd? perhaps a “church yard” or cemetery?], Mrs. P. Killson [a dashed line on the map appears to mark the southern boundary of the “Indian Reserve”], followed by E. Barnnum [probably Ezra Barnum], [B-illegible, possibly a creek name], C.S. Bushnell, A [?] Farell, and C.S. Bushnell. Crossing the river to the east and then going north along the east side of the river, the names read: Sh\_ [?], W. Conn [?], J. Chamberlin [the name of the assistant marshal who recorded the 1860 census], a school, \_ “N.” or “M.” Judd, Mrs. Hood, Mrs. Narmy [? not legible], J. Benson, E.D. Fuller, [not legible, but perhaps C. & W. New Mill?], Rice [possibly L. Rice, the photocopy is faint], and “Res.” These last five residences were directly opposite of the reservation. The next landmark north was the border with District No. 2, followed by J. Spooner, R. Lee, a school, and the town of Kent.

In all probability, the census enumerator followed the road down the west side of the Housatonic when he recorded the 1860 population, visiting the houses in order. Therefore, the list of residents in 1860 with the major land holders and Schaghticoke family names marked by the bold typeface above, are in the same order as the list of householders on the 1870’s map, thus implying that Eliza and Mary J. Kilson were living on or near the reservation in 1860.

Overseer Rufus Fuller reported in September 1859 that there were 54 members of the tribe and six dwellings on the reservation (Overseer Report 9/1859). In 1860 and 1861 there were six dwellings and five “stores” [barns/sheds] belonging to the members of the tribe, but Fuller did not state how many Indians were on the reservation, reporting only “So far as can be ascertained there are fifty two persons belonging to the Tribe” (Overseer Report 9/14/1861). His report listed the supplies (food, shoes, boots, blankets, seed, medicines, etc.) and services (doctoring, schooling, ploughing, and making coffins) that were provided to the Indians in his care. By comparing the list of the names who received services or goods in this three year period with the names of the Schaghticoke Indians who were on the reservation in 1870, or enumerated in the other towns in Connecticut in 1860, the BIA has made some tentative assumptions regarding possible residents on the reservation in 1860.

Proposed Finding, Schaghticoke Tribal Nation

In most instances, Fuller did not attach a surname to the Indians named in his accounts. For example, although he specifically cited Luman Bunker,<sup>119</sup> Delia Rogers,<sup>120</sup> Patty Mauwee,<sup>121</sup> the Rice family, Cogswell/Cogshall family and “Coxsure,”<sup>122</sup> “Harris’ Boy,” “Skicket child,” and Elizabeth Chickens,<sup>123</sup> he simply listed the others as Alma, Vina, Abigail, John, Value, Elihu, Truman, Caroline, Loraine, Eunice, Rachel, Laura, and Parmelia (Overseer Report 9/1859; Overseer Report 9/1860). However, the uniqueness of many of these names, the fact that later overseer reports referred to these by both their first and last names, and that they appear to be the same people who were identified by their full names on the 1870 and 1880 censuses of the reservation, make it possible to determine with reasonable surety who the residents on the reservation in were 1860.

The full names for the individuals cited in the above overseer reports appear to be: Alma/Almy Mauwee/Jonas, Lavina/Vina (Mauwee) Carter, Abigail (Mauwee) Harris, wife of Henry Harris [and her son James Henry Harris, “Abigail’s boy” or “Harris’ Boy” in the overseer’s reports, who was born in 1850], John Mauwee,<sup>124</sup> Alexander Value Kilson, Elihu Mauwee, Truman Mauwee/Bradley and his wife Julia Kilson, Caroline Kilson (daughter of Alexander and Parmelia

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<sup>119</sup>Some of the notes in the petitioner’s FTM speculate that this man was “Suman” Bunker; however, this appears to be based on a misinterpretation of the overseer’s hand writing. The name is Luman Bunker, as confirmed by the death record and the bill to pay the doctor for amputating Luman Bunker’s limbs. Luman Bunker, who was cared for by Abigail in March 1860 was a son of Rufus Bunker and brother of Eli Bunker who were identified as Indians living in Cornwall, Litchfield County (U.S. Census 1860c).

<sup>120</sup>Delia (Kilson) Rogers was the daughter of Alexander and Parmelia Kilson. In 1860 she and her husband and family lived in New Milford, just a few households away from the Jabez Cogswell and James Phillips/Mary A. (Phillips) Cogswell households (see remarks in FAIR, notes on Delia Kilson and U.S. Census 1860e).

<sup>121</sup>“Patty” and “Patsy” were common nicknames for Martha. The overseer’s reports in the mid-1800’s used them interchangeably when identifying this woman, who appears to be Martha Mawwee [Mauwee], the daughter of Dennis Mauwee and Polly. See remarks in FAIR for additional citations.

<sup>122</sup> The Rice family and the Cogswell/Cogshall/Coxsure names had long been identified as Schaghticoke Indians in the overseer reports. See remarks sections in FAIR for details.

<sup>123</sup>We do not know at this time who this woman was, although Chickens was a surname associated with Schaghticoke since the mid-1700’s.

<sup>124</sup>This record appears to be John Mauwee who was identified by his full name in the reports for 1864 to 1868 (see remarks on John Mauwee in FAIR). John Mauwee’s death record in Kent dated March 21, 1869, identified him as the son of Dennis and Polly Mowery [Mauwee] (see Remarks on John Mauwee in FAIR, citing “KA: Kent BMD, 1852-1879, Vol. 4, p. 457”). Another possible identification of this ‘John’ is John Harris, brother of Henry [Pann] Harris who was on the reservation in 1870. However, John Harris was living in Brookfield, Litchfield County in 1870 and was not identified by his full name in the overseer’s reports at any time between 1860 and 1870.

(Mauwee) Kilson and a sister of Value), Loraine (Vandore) Parrot [daughter of Charlotte Mauwee and granddaughter of Elihu Mauwee], Eunice Mauwee, Rachel Mauwee, Laura (Carter) Skicket, and Parmelia (Mauwee) Kilson. (See the remarks section for each of these individuals in FAIR for lists of sources and additional information.)

Of the individuals named in the 1859 and 1860 overseers' reports, Loraine Parrot, Laura Skicket, Delia Rogers, and Patty Mauwee, can be verified from the census records or birthplaces of children as living off-reservation in 1860 (see full citations in the remarks sections in FAIR). The Cogswell/Coxsure references may have applied to either Jabez Cogswell or Mary A. (Phillips) Cogswell families in New Milford, or Nathan Cogswell family in Goshen (U.S. Census 1860c, 1860e). Elihu Mauwee died at Schaghticoke in 1859, Eunice Mauwee died on the reservation in February 1860, and Luman Bunker, who was cared for by Abigail in March 1860, died in April 1860 (see remarks in FAIR, citing obituaries and the overseer paying for coffins). Therefore, by this process of elimination, we see that the remaining individuals, Almy Jonas/Alma Mauwee, Vina Carter, Abigail Harris, James Henry Harris, Value Kilson, John Mauwee, Truman and Julia Bradley, Parmelia Kilson, and Caroline Kilson (probably in her mother Parmelia's household), were likely to have been living on the reservation in 1860. Except for John Mauwee, who died in 1869, they were also on the reservation in 1870, and in the cases of Lavinia Carter and Abigail Harris they were also on the reservation in 1880 (U.S. Census 1880b). Therefore, although the census enumerator did not distinguish the reservation residents, we see that the Schaghticoke Indians who were living on the reservation in 1860 were also the same individuals, or had parents and close kin who were there in the succeeding decades.

Tentative Reconstruction of Residency, 1860. The BIA's tentative reconstructions of on-reservation and off-reservation residency represent two ways to estimate those included in the overseer's count, omitting non-Schaghticoke spouses. It is impossible to determine this with precision because there is no full or comprehensive listing from this period [ca. 1860] of all those individuals who were considered to be members of the Schaghticoke tribe, either by the State of Connecticut (comparable to the Mohegan or Narragansett detribalization lists) or by the Schaghticoke themselves.<sup>125</sup> The element which introduces indeterminacy is that the overseer did

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<sup>125</sup>The first proposed reconstruction hypothesizes that the overseer included children in his estimate. The number of individuals whose names are known (both residents and non-residents) approximates the number of tribal members estimated by the overseers in their reports. In September 1860 and again on September 14, 1861, the overseer estimated that there were 52 persons belonging to the tribe (Overseer Report 9/1860; Overseer Report 9/14/1861), but he did not list their names. The following represents one possible reconstruction that the BIA compiled on the basis of the data in the 1860 and 1861 overseer's reports that were available for the proposed finding on the hypothesis that the overseer was including children in his estimated number.

- Pamelia (Mauwee) Kilson (1)
- Lavinia Carter (2)
- Jim (3) [unidentified]
- Eunice Mauwee (4)
- Alexander Value Kilson and five children (5-10)

(continued...)



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- <sup>126</sup>(...continued)
- Sarah (Bunker) Van Renssaeler (spouse not Schaghticoke) (in Amenia, NY, in 1880) (15)  
Sarah Van Renssaeler (about 20 years old; could have been adult?) (16)
- Luman Bunker – died 1860 (spouse not Schaghticoke and probably deceased before 1860) (1840 in Salisbury; on the reservation in 1860) (17)
- Truman Bradley aka Truman Mauwee and wife Julia Kilson (Pamelia's daughter) (on the reservation in 1860) (18-19)
- Pamelia (Mauwee) Kilson (widow, on the reservation) (20)  
Alexander Value Kilson (Pamelia's son; spouse Eliza Ann Kelly, daughter of Marianne, not documented as Schaghticoke, but Indian) (on the reservation) (21)  
Delia (Kilson) Rogers (Pamelia's daughter; spouse not Schaghticoke) (in New Milford in 1860) (22)  
Caroline (Kilson) Potter Rilas (Pamelia's daughter; on the reservation) (23)  
Joseph D. Kilson (Pamelia's son; spouse Nancy Kelly, daughter of Eliza and granddaughter of Marianne, not documented as Schaghticoke, but Indian; family mentioned as on reservation in later overseer's reports) (24)  
Mary Ann (Polly) (Kilson) Frank (Pamelia's daughter; spouse not Schaghticoke) (in New Milford in 1860; mentioned on later overseer's reports) (25)
- Elizabeth Chickens (on the reservation) (26)
- Mary Ann (Chickens/Phillips) Cogswell (daughter of Nancy Chickens; husband Riley Cogswell not yet identified as part of the Schaghticoke Cogswell family) (in New Milford in 1860) (27)
- Cogswell siblings:  
Jabez Cogswell (spouse not Schaghticoke) (in New Milford in 1860) (28)  
Nathan Cogswell (spouse not Schaghticoke) (in Cornwall in 1860) (29)  
Adult sons, Newton Cogswell and William H. Cogswell (in Cornwall in 1860) (30-31)  
Ann (Cogswell) Jenkins (spouse not Schaghticoke) (in Cornwall in 1860) (32)  
Eliza Cogswell (residence not identified in 1860; died in New Haven before 1882) (33)  
[Joseph Cogswell (son of Eliza; born 1832 at the earliest, but not known if over 21 in 1860)]  
Emily Cogswell (spouse not Schaghticoke) ("of Cornwall" when she married in New Milford in 1849; in New Mason City on 1860 census) (34)  
Rosetta Cogswell (spouse not Schaghticoke) (married in Cornwall in 1859) (35)
- Rice (family of Abram/Ned, mentioned in numerous overseer's reports, who died in 1856; in the Town of Kent on the 1850 census)  
Martha/Patty; his widow, identified as Indian by local historians; not mentioned by name in the overseer's reports (36)  
Sophia Rice ("on the mountain" - moved to the reservation with her mother in 1867) (37)  
Levi Rice (not known to have been married; not located in 1860; in the neighborhood of the reservation in 1871) (38)
- Siblings Jerry and Anna Pann (in Trumbull in 1864) (39-40)  
Jim (unidentified; mentioned in overseer's report) (41)
- Siblings Hannah and Steve Jonah (Coshire/Cocksure) (in LaGrange, NY, a few miles west of the reservation) (42-43)
- Harvey S. Roberts (died May 19th, age 30, per 1870 Schaghticoke Overseer's report by Lewis Spooner; Harvey Roberts' expenses paid from New Milford (Lavin 1997, 70-71; citing Connecticut, State of, County of Litchfield, Superior Court 1855-1924 [SC 1870]) (44)
- Marianne (nee Mauwee?, widow of Thomas Kelly) (buried 1862 on Schaghticoke reservation) (45?)  
Flora Kelly (died 1884 in Kent; buried on the Schaghticoke reservation) (in New Milford in 1850 and 1870) (46?)  
Eliza Jane (Kelly) Kilson (wife of Alexander Value Kilson; identified in later Connecticut genealogical (continued...)

these persons who were adults in 1860 appeared on subsequent overseer's reports and some later resided on the reservation.

If it were the overseer's intention to calculate them among the tribal membership, then the portion of the members resident on the reservation would be less than 50 percent. The current state of the evidence is not sufficiently firm to conclude that more than 50 percent of the Schaghticoke tribal members constituted a geographical residential settlement that, under 83.7(b)(2)(i), would be sufficient in itself to demonstrate community and would provide carryover evidence in regard to criterion 83.7(c).

Endogamous Marriage. For the proposed finding, neither the petitioner nor the interested parties presented analysis designed to determine whether the Schaghticoke from 1801 through 1860 had a rate of endogamous marriages of more than 50 percent, which would provide evidence of community sufficient in itself under 83.7(b)(2)(ii) and would provide carryover evidence in regard

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<sup>126</sup>(...continued)

files on the Schaghticoke as Narragansett) (47?)

Nancy M. (Kelly) Kilson aka Nancy Mora, Nancy Morey (wife of Joseph D. Kilson) (48?)

Mary Jane (Kelly) Kilson (ex-wife of Joseph D. Kilson) (49?)

On the basis of the overseer's reports from 1801-1861 and the 1860 census, combined with data from local historians, this is all the Schaghticoke adults who are known to be alive in 1860. If three of the undocumented Indian spouses, Henry Harris aka Henry Pann, John Harris, and Riley Cogswell, were also of Schaghticoke descent, this version of the tentative reconstruction would also reach the overseer's estimate of 52 Schaghticoke members.

Of the adults known to have been alive in 1860, at least 14, and possibly 17 (counting Eliza and Nancy Kelly and Henry Harris), were on the reservation within a year of that date (between 27 percent and 33 percent).

Of the adults known to have been alive in 1860, at least 22 and possibly 28 (counting Marianne, Flora Kelly, Eliza Kelly, Nancy Kelly, Mary Jane Kelly, and Henry Harris) are known to have resided on the reservation at some time in their adult lives (between 42 percent and 54 percent).

Of the adults known to have been alive in 1860, at least 31 were mentioned by name at some time in the overseers' reports (58 percent). Only Harvey S. Roberts and "Jim" on the 1860 overseer's reports do not have documented kinship connections to other Schaghticoke. Any one of the reconstructions of the residential settlement on the reservation and the kinship connections of the residents to those Schaghticoke living off the reservation provides strong evidence for the existence of community in the 19<sup>th</sup> century. However, the level of residency in the year under analysis, 1860 (between 27 percent and 33 percent) is not high enough to provide "sufficient in itself" evidence under 83.7(b)(2)(i) and thus not high enough to provide carryover to criterion 83.7(c).

There may have been other Schaghticoke descendants who were unknown to the overseer and no longer interacting with the group. For example, there was an Indian listed in the Town of Bozrah census for 1870 as "Abraham Sherry," age 65 (Brown and Rose 1980, 372). It has been suggested that he was possibly descended from the Tscherry family among the Schaghticoke, but no research has been done on this topic. The issue of descendants who had abandoned tribal relations and who have no descendants among the petitioner's membership is not of relevance for the evaluation under the criteria.

to criterion 83.7(c). They may wish to address this issue in their comments on the proposed finding.

External Observations. In addition to the overseer's reports and the Federal census records, there are several external observers who reported on the Schaghticoke during the first half of the 19th century. The majority of these observations were focused upon the person of Eunice Mauwee.

One of the endorsers of Abraham Fuller's 1801 petition had been Barzillai Slosson, who also served as the General Assembly's examiner of the Schaghticoke overseer's accounts between 1808 and 1812. In his *History of Kent*, written in 1812, he described the Schaghticoke in terms taken almost word-for-word from Fuller's last petition:

At the time the General Assembly sold the public lands on the west side of the Ousatonic they reserved for the use of the Indians the tract on which they were settled comprising about 1000 acres. Of that tract about one hundred acres was intervalle (?) of a very productive soil. While any portion of industry remaned [*sic*] among the Indians they were enabled to raise a sufficiency of corn for their own consumption and lived in a state removed from want. But a habit of extreme idleness and intoxication has long prevailed amongst them and almost without exception their lands have remained uncultivated. In the year 1804 the legislature directed about 600 acres of the tract sold and the interest of the vaill (?) to be annually appropriated to the charges of such of the tribe as from sickness of age were in necessitious [*sic*] circumstances. This forms a fund which produces between two and three hundred dollars which has hitherto been a sum sufficient to provide for those for whose benefit it was designed. The constant and universal habit of drunkenness among them has degraded them to a stateion [*sic*] but little superior to the beasts (Slosson 1812a, 5).

In 1836, a local historian reported that:

A granddaughter of the sachem, Eunice Mauwehu, and two or three families, are all that now (1836) remain of the tribe at Scatacook. The place where Mauwehu resided was sold by the state for about 3,000 dollars, the interest of which is annually appropriated for their benefit. This farm has been recently sold by Mr. Raymond for 18,000 dollars. The tribe still possesses about 300 acres of land, lying south of this farm; the greater part of which, however, lies on the mountain west of the valley, and is valued from 1,500 to 2,000 dollars (Barber 1849b, 471).

Lawrence's handwritten "Biographical Sketch of Eunice Mauwee, the Indian Woman of Kent, CT. taken from herself during a visit to her home, August 8, 1852." "She is near one hundred years, though her exact age no one knows" (Lawrence 1852a, 1). He reported her memories of her birthplace, Derby, and the family's move to Kent. She stated that there had been only five Indians

at Derby, but that there were many in Kent. Her grandfather (unnamed) had been chief (Lawrence 1852a, 1).

In connection with the 1859-1860 project to dedicate memorials to the early Moravian missionaries in New York and Connection, the committee included a description of a shortly pre-1860 visit to the Schaghticoke Reservation, where they had interviewed Eunice "Mahwee", described as age 15 when the Revolution broke out; grandchild of "Gideon Mahweesman, the first convert to the Gospel at Pachgatgoch." Her granddaughter Lavina, was about 40; the book included a description of the cottage; Laura, Lavina's daughter, about 20, and Laura's daughter, who was baptized "Helen Lossing" upon this occasion in honor of the wife of one of the historians who was accompanying the expedition (Reichel 1860, 74). The interview contained further description, because of the purpose of the expedition, the marking of Moravian memorials, the interviewer concentrated on Eunice's information about the missionaries (Reichel 1860, 75-77). J. Benson Lossing's article on Eunice Mauwee (Lossing 1871/1877) was based on the same interview as recorded by Reichel.

At her death, Eunice Mauwee received a published obituary, as follows (there is also a contemporary death certificate, Mauwee 2/9/1860). However, her grave in the Schaghticoke cemetery was not marked until 1905 (Stone for Princess' Grave 7/5/1905), so the frequently referenced tombstone does not constitute contemporary evidence of either her birth or death.

On the 15th ult., Eunice Manwee, the last full-blooded Indian of the Pishgachligoh tribe, and a resident of the Indian Reserve, in Kent, New York, died at the age of 103 years. She was the grand-daughter of Gideon Manweesemum, the last sachem of the tribe, and the first convert made by the Moravian missionaries in that region. He was baptized by them in 1743, when he received the name of Gideon. The tribe was driven from Rhode Island during the King Philip War. During the Revolution the tribe was quite numerous, and furnished one hundred warriors, but now it is reduced to about fifty half-breeds. Eunice had been twice married, and had nine children, none of whom are now living. Her first husband was John Sattany, and her second Peter Sherman. She was baptized, and received into the Congregational Church, in Kent, in 1844 (1860 "Obituary: Eunice Manwee," THE HISTORICAL MAGAZINE, AND NOTES AND QUERIES CONCERNING THE ANTIQUITIES, HISTORY AND BIOGRAPHY OF AMERICA. VOL IV. New York: Charles B. Richardson & Co. p.125).<sup>127</sup>

Aside from the above, there is no data in the record submitted for the proposed finding that pertains to political authority or influence on the part of the residents on the Schaghticoke reservation or among the wider body of off-reservation Schaghticoke descendants from 1801

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<sup>127</sup>No photocopy or typed copy identified in the submissions; found only in Kathleen April's notes on Eunice Mauwee.

through 1860. The occasional additional documents that exist, such as those concerning the distribution of the estate of Eliza (Warrups Chickens) Mauwee,<sup>128</sup> pertain to individual families.

*Schaghticoke from 1861 - 1899*

Overseers' Reports to 1871. The break in analysis at 1861 was chosen because of the death of Eunice Mauwee in 1860, which coincided closely with the change of overseer from Rufus Fuller to Oliver W. Root in 1860-1861 (Overseer Report 9/14/1861).

Root remained in office until his death in 1865 (Overseer Report 1/23/1866; Overseer Report 9/15/1866), after which he was succeeded by Austen St. John. St. John served only to 1870, by which time he was replaced by Lewis Spooner (Lavin 1997, 71; citing Connecticut, State of, County of Litchfield, Superior Court 1855-1924 [SC 1870]). Root's final report, dated September 15, 1865, after listing the notes held upon the tribal fund, continued:

There is also belonging to said Tribe by Estimation about three hundred acres of land, with six dwelling houses and five stores [e.g. barns or sheds] of the Estimated value of four thousand and three hundred dollars. The lands are for the most part wood lands, and members of the Tribe occupy the dwelling houses, with six or eight acres of cleared tillable land. So far as can be ascertained there are fifty four persons belonging to said Tribe. There has been during the year more sickness than usual, otherwise no material change in their condition has occurred since the last Report (Overseer's report 9/15/1865).

The overseer reported for the period from September 1870 through 1871: "So far as known the tribe numbers about 50. There has been two deaths the past year - Joseph Kelson killed in a fight July 4th and Sophia Rice died Nov 7th 1870" (Overseer Report 9/18/1871). It mentioned 14 individuals by name. By comparison, the 1870 Federal census of what appears to be the reservation settlement (U.S. Census 1870) listed six households with 24 residents. If all of the residents had been tribal members, this would provide a percentage of nearly, but not quite, 50 percent of the tribal members living in a "geographical area exclusively or almost exclusively composed of members of the group" under 25 CFR 83.7(b)(2)(i).<sup>129</sup> However, two of the

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<sup>128</sup>In May 1812, Oliver Burnham of Cornwall was empowered to sell certain lands belonging to Jeremiah Coxil, Rufus Bunker and Peter Mawee, Indians, children & heirs at Law of Eliza Warrups Chickens, alias Mawee, then late of said Cornwall deceased . . . Avails that should be expended for said Coxels maintenance are in Burnham's hands. Resolved that James Wadsworth be appointed an agent to receive them (Wadsworth to CT Gen Ass. 9/26/1835).

Petition of James Wadsworth of Cornwall in the County of Litchfield for authority to sell land belonging to an Indian, Jeremiah Cogswell, for whom he has served as trustee for many years; benefit to go to Cogswell's widow (Wadsworth to CT Gen Ass. 4/24/1850).

<sup>129</sup>"More than 50 percent of the members reside in a geographical area exclusively or almost exclusively (continued...)"

residents (Henry Harris and Eliza (Kelly) Kilson) appear, upon the basis of the information currently available to the BIA, to have been non-Schaghticoke spouses. Nonetheless, the following analysis of the census shows a substantial portion of the tribal members residing in such a community, with close kinship ties to many of the members elsewhere. As an example, Laura (Carter) Skickett was not a resident, but her mother was there and one of her daughters was living with her mother.

Genealogical Analysis of the Schaghticoke Reservation in 1870. There was no separate Indian schedule for 1870; however, on June 16, 1870, Assistant Marshall Albert Roberts wrote the word "Indians" at the top of page 148 (stamped number on upper right of the sheet) and recorded six households with 24 Indians living in close proximity of one another among the inhabitants of "Town of Kent." The instructions to the census enumerators regarding Indians stated:

"Indians not taxed" are not to be enumerated on schedule 1. Indians out of their tribal relations, and exercising the rights of citizens under State or Territorial laws, will be included. In all cases write "Ind." in the column for "Color." Although no provision is made for the enumeration of "Indians not taxed," it is highly desirable, for statistical purposes, that the number of such persons not living upon reservations should be known. Assistant marshals are therefore requested, where such persons are found within their subdivisions, to make a separate memorandum of names with sex and age, and embody the same in a special report to the census office. (U.S. Dept. of Commerce, Twenty Censuses, p. 19)

The Indians in "Town of Kent" were not recorded in a special report to the census as described above, but were listed on a separate page of "Indians" with the houses numbered and listed in sequential order as if they were a separate township or subdivision. The four adult males among Indian population were listed as "Male citizens of the U.S. of 21 years of age and upwards" in the field for information on "Constitutional Relations" (U.S. Census 1870, 148). The fact that they were listed on the census and the adult males were U.S. citizens implies that they were considered by the definition in the instructions, "out of tribal relations" and were exercising their rights as citizens. However, the fact that the census taker segregated them from the rest of the township and clearly identified the six households as Indian (both in the race/color column and by the heading on the page) indicates that the Indians living on the reservation were somehow considered different from the rest of the citizens in the Kent enumeration district.

The birthplace for each Indian was listed as Connecticut, and the adults were occupied as "colliers," (2 men), "basketmakers," (1 man and 3 women), and "keeping house" (2 women) (U.S. Census 1870, 148). Three of the children attended school within the last year and 13 of the

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<sup>129</sup>(...continued)

composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83.7(b)(2)(i)).

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adults and older children not in school (teenagers and early 20-year olds) could read and write. Three of the oldest women, ages 51, 77, and 50, could not read and write, and one woman who was 55 and her 11-year old granddaughter could read but not write. None of the Indians had any real estate or personal property values recorded.

This census did not call for a statement of each individual's relationship to the head of the house, but family relationships included in this section are gleaned from other sources in the record and added here to clarify the relationships between families on the reservation. Lavinia Carter, a 55 year-old basketmaker and her granddaughter Helen "Skater" were in household #1. Lavinia Carter does not have descendants in the petitioner's membership. Next door in house #2 was Truman Bradley, who was either her brother, half-brother, or cousin, his wife Julia Kilson, and their children: Frances, George, Joseph, Alice, and Julia. Frances Bradley has four descendants in the petitioner's membership and two of her other descendants were on previous membership lists, but resigned before August 2001.

Truman and Julia's daughter Sarah Bradley was married to George H. Cogswell and lived with him and their two young children in house #3 on the 1870 census schedule. Three-year old William in 1870 has 37 descendants in the petitioner's membership. Two of the petitioner's other members descend from a child of Sarah Bradley and George H. Cogswell who was born after 1870. Thus the George H. Cogswell-Sarah Bradley line has a total of 39 descendants in the current petitioner's membership. [Two other descendants of George H. and Sarah resigned from the STN before August 2001.]

Truman and Julia (Kilson) Bradley's daughter Helen was not living on the reservation in 1870 and it appears that as early as 1860 she was living off-reservation (U.S. Census 1860, Kent, Litchfield Co., p. 18, as cited in petitioner's FTM). Helen Bradley has 2 descendants in the petitioner's membership and 8 other descendants who were on earlier membership lists, but who resigned before August 2001.

Helen's granddaughter married her second cousin, the grandson of Frances Bradley, in 1921. Thus, one of the petitioner's members is descended from two branches of the Kilson-Bradley family tree, but is only counted once in the total number of members. Therefore, the petitioner has a total of 44 members who descend from Truman and Julia (Kilson) Bradley who were on the reservation in 1870.

Henry Harris, a 49-year old basketmaker, his wife Abigail Mauwee, and son James were living in house # 4 in 1870. About 47 percent of the petitioner's membership (148 of 317) descend from Henry Harris through his only known son, James Henry Harris. Abigail Mauwee was supposed to be one of the granddaughters of Eunice Mauwee and therefore was either a sister, half-sister, or first cousin to Lavinia Carter in house #1, and a sister or first cousin to Parmelia Mauwee Kilson who was in house #6.

The seventy-three year old Parmelia Kilson was the mother of Value Kilson in house #5 and Julia Bradley in house #2, and grandmother of Sarah (Bradley) Cogswell in house #4; therefore, Parmelia was the direct ancestress (mother, grandmother or great-grandmother) to 13 of the 24 people living on the reservation in 1870. She was mother-in-law or grandmother-in-law to three others: Truman Bradley, George H. Cogswell, and Eliza Ann Kelly Kilson. She appears to be either the sister, half-sister, or first cousin to Lavinia Carter and most likely the aunt of Truman Bradley and great-aunt to Helen "Skater." Perhaps the only person on the reservation to whom she was not closely related was Almy Jonas, the fifty-year old female basketmaker who shared her house on the reservation. However, there appears to have been a more distant family connection with her as well.

There is some question regarding Almy's identity, including a comment by the petitioner's researcher that Alma/Almy was "likely grandchild" of Eunice Mauwee, making her perhaps either a cousin or sister to Parmelia, who was also "most likely a grandchild" of Eunice Mauwee. Although Alma was about the age of some of Eunice's grandchildren, she was actually her first cousin, twice removed. Eunice Mauwee's father, Joseph Chuse Mauwee and Almy's great-grandfather, Josua/Job Mauwee, were brothers (see the corrected genealogies and remarks in FAIR for these two women).

The Overseer Accounts of Lewis Spooner in 1870 stated that "An old squaw (Almy) was made entirely helpless early last winter by a paralytic [*sic*] Fit. . . adding largely to the expenses for supplies furnished charged to Parmelia who takes care of her" (Overseer Report 9/30/1870 [SN-V0001-D151]). There seems to be only one Alma/Almy in the overseers reports. One of the earliest references to her was the account in April 1840 when the overseer purchased a "coffin & shroud for Alma Child" (Schaghticoke Account Books 1833-1852). No surname was given for Alma or her child. There was no one named Jonas receiving goods or services at this time. The petitioner's notes for Almy Jonas state: "Unconfirmed, Almy Jonas may be the widow of Elihu Mauwee." According to the overseer's report, Elihu Mauwee had been brought back from Weathersfield "sick and lame" in June of 1841 (Schaghticoke Account Books 1833-1852). This is supported by a reference in the Kent Town records cited in the petitioner's FTM notes for Elihu Mauwee: "KA: Kent BLK Binders 1855 #8; b. & d. June 30, 1855 Stillborn to f- Elihu Mauwee, 56, Ind, res Kent, laborer; m- Alma Mauwee, 38, Ind, res Kent" (See remarks in FAIR for Elihu Mauwee). In 1864, 1866, and 1868 "Alma Mauwee" is listed in the overseer's reports, but in most of the overseer's reports she was simply "Alma" or "Almy." It is reasonably clear from the evidence available that Almy's maiden name was Mauwee and that she was at one time the spouse of Elihu Mauwee. The 1870 census is the only citation for "Almy Jonas."

The "Alma Mauwee" who died of paralysis in 1876 was identified as born about 1812 and the daughter of Dennis Mauwee and Polly (see remarks on Alma Mauwee in FAIR that cite to "KA: LMM Kent BMD Vol. 4, p. 462"). The 1870 census shows Almy Jonas living with Parmelia Kilson (Federal Census 1870, "Indians" Kent, p. 148, house/family #6). It does not appear that Jonas was her maiden name, but may be the name used part of the time after the death of Elihu Mauwee. Therefore, it appears that Alma Mauwee and Almy Jonas were the same woman. The

notes and links in the FAIR have been corrected to show Almy Jonas as an alias for Alma Mauwee.

1876 Petition. During the last 40 years of the 19th century, the petitioner’s antecedents submitted two petitions that provide data on the existence of political influence or authority. On September 1, 1876, the Schaghticoke petitioned to have Henry Roberts appointed to the position of overseer (Harris *et al.* to Litchfield Co. Court 9/1876; To the Honorable District Court for Litchfield County holden at New Milford in of County on the 1st Monday of September 1876. “We the undersigned Indians residing in the Judicial District”).<sup>130</sup> Three of the 17 signers, Henry Harris, Eliza Ann (Kelly) Kilson and Nancy (Kelly) Kilson were spouses who have not been documented as Schaghticoke. Roberts was appointed and served until 1884. His reports contain not only the names of individuals and the financial accounts, but also some more general statements, such as: "As far as I can learn there are now 42 members, but they are become so scattered, it is almost impossible to get the exact numbers" (Overseer Report 9/4/1882).

The State of Connecticut’s position is that the 1876 petition, as well as the subsequent 1884 petition, do not demonstrate the existence of political influence or authority in the Schaghticoke tribe in the 19th century:

The petitioner relies heavily on two petitions in the latter part of the nineteenth century to demonstrate political influence and authority. The appropriate inference to be drawn from these petitions is that the Schaghticoke group was not a real political community within the meaning of the acknowledgment regulations.

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<sup>130</sup>September 1, 1876. Petition to the District Court for Litchfield County held at New Milford. We the undersigned Indians //inserted, residing// in the Judicial District in sd County and others in said district would respectfully petition the court for the appointment of Henry Roberts of New Milford in sd District to be Overseer of the Indians; residing in sd District and belonging to the tribe known as the Schaticokes //crossed out, Tribe// believing him to be well fitted for the position and that his appointment will be for the best interest of the Indians and all persons interested.

- |                      |   |
|----------------------|---|
|                      | Nathan G. Cogswell //inserted, Cornwall// |
| Abigail Harris       | Jabez Cogswell                            |
| Henry Harris         | Emma Kilson                               |
| Caroline Rilas       | Mary E. Kilson                            |
|                      | Charles Kilson                            |
|                      | Fredrick Kilson                           |
| (notified to {wire}) | Value Kilson                              |
|                      | Eliza Kilson                              |
|                      | George Cogswell                           |
|                      | Sarah Cogswell                            |
|                      | Nancy Kilson                              |

//note inserted: Truman Bradley lives Bridgeport + wife and wives mother George Bull of Kent said funde}//

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Instead, these were individuals, dependent on the aid and oversight of State agents, who on two separate and essentially isolated occasions jointly signed a petition for an appointment of a new overseer. Without more, these sporadic events cannot support a finding that the petitioner exercised political influence and authority in the nineteenth century (CT et al. 4/16/2002, 88).

Henry Harris. The 1876 petition was the first which contained the name of Henry Harris (Henry Pan Harris, Tin Pan), husband of Abigail Mauwee, although his connection to the Schaghticoke was of much longer standing (their son James Henry Harris a.k.a. Jim Pan Harris had been born about 1849/1850). Harris was Indian, although his exact tribal background has not been determined.<sup>131</sup> Orcutt's statement, "Henry Pann, of the Pann family, married his wife in

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<sup>131</sup>The following documents, listed by the petitioner's researcher Kathleen April, provide indications that should be pursued, including the possibility that Abigail Mauwee was a.k.a. Harris and that the surname derived from her. It is not clear if the record abstracted by Ms. April was itself an abstract of an original document, an annotated record, or the original record in the Town Hall. A photocopy of the original marriage record may help to resolve the conflicting information.

Stratford Twn Hall, Marriages Vol B p76

February 5th, 1864 Abigail Harris, 34, Indian, BP Kent, Res Stratford  
Henry Stephen Tuncas, 49, Indian, BP Kent, Res Stratford  
(Toncas)  
Occupation: "Longshoreman"  
1st Marriage for both.

If the above represented the formalization of the pre-existing marriage between Abigail Mauwee and Henry Harris, the middle name of the groom (listed nowhere else) suggests that the search for earlier data pertaining to Henry Harris should be pursued back through the Roxbury Congregational Church (Litchfield County, Connecticut):

Roxbury, Ct Congregational Church Rec. Vol III Deaths 1797-1886  
February 5, 1802 Stephen Tocket, Indian, Consumption--age 26.  
March 7, 1802 Indian squaw and child of Stephen Tocket--no cause of death--no age."

The Roxbury connection is particularly worth pursuing in that the Harris family were also called "Pan" Indians or the "Pann" tribe, while the church record shows both Kehore and Pene surnames, both familiar from the Moravian records at Schaghticoke, where Johannis Penni had married Lea Kehore in 1748. The Pene name appeared on the Schaghticoke overseer's records as late as 1820 – Jo Pene (in Newtown) Funeral d June 1820. Schaghticoke overseer s lists 1818-22 (Rabkin transcription; April 1997):

Roxbury, Ct Congregational Church Rec. Vol III Deaths 1797-1886  
June 8, 1783 John Kehor, Indian  
January 25, 1305 Joseph Pene Indian Perished in a tedious storm--no age.

These clues, in turn, should be followed back to the Jo Pene and the 15-year-old Stephen Syakus on Stiles's October 7, 1789, enumeration, and from there to the Moravian Sayakes and Penni family entries.

Connecticut records have other "Pann" references, e.g. a newspaper article hand-annotated Stratfield,

(continued...)

Scaticook, where he resides," (Orcutt 1882, 201) is ambivalent, in that it does not specifically identify the husband as Schaghticoke. Much later, in 1903, anthropologist Frank G. Speck's notes indicated that he was not Schaghticoke:

[James Herry] Harris is full blood his mother being Abigail (Mawee) Harris (died 1899), granddaughter of Eunice Mawee granddaughter of Gideon Mawee (Mawehu). His father Harris was a Pan - Pequot, Pequot on his father's side & Pan on his mother's side. The Pans now extinct (cf. Harris) lived at Golden Hill above Bridgeport Conn. (Speck 1903.08.15).<sup>132</sup>

Although the records are not fully consistent with one another, there is no serious reason to doubt that Henry Harris was from Connecticut.<sup>133</sup> Contemporary documentation does not confirm a

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<sup>131</sup>(...continued)

September 1908, discussed a basket made by Jerry Pann, "a full-blooded Stratfield" Indian; the article mentioned his sister, Ann Pann, and stated that he was a "well known figure and the last of his tribe." Jerry Pann had lived on a side road just below the Brothwell house on the Brooklawn road, or that which leads to Easton, near where the Stratfield Baptist Church "now stands." The basket had been given in 1848 to Mrs. Julia Athington, a sister of Miss Fanny Crosby (Ir. dian Basket 9/1908).

An abstract of the "1864" [1863-1864?] Schaghticoke Overseer's is asserted to have included funeral expenses for Anna Pann (Lavin 1997, 67; citing Connecticut, State of, County of Litchfield, Superior Court 1855-1924 [1864]). No photocopy of this report was submitted to the BIA, but only the jacket.

<sup>132</sup>DeForest wrote concerning the Pan group, in its entirety: "There is another family, called the Pan tribe, who wander about in this part of the country, and seem to have no land. They number three adults and one boy, and resemble the Sherinans in their character and habits" (DeForest 1852, 357).

Nearly 30 years later, Orcutt and Beardsley appeared to identify the settled Indian family in Huntington with the group that DeForest had described: "There was another family called the Pann tribe, who were described by Mr. DeForest thirty years ago, as wandering about in that part of the country and owning no land. In a letter from a correspondent in Derby (W.L. Durand, Esq.) their settlement is described as located on the west side of the Ousatonic, above the Old Bridge place. He says: "They were called the Pann tribe and the old chief was named Pannee. I remember seeing some of the Panns when I was a boy . . . ." (Orcutt and Beardsley 1880, lv).

In discussing the Coram Hill reservation assigned to the Paugussetts in the first half of the 18th century, near Shelton, Connecticut, a 20th century local historian wrote: "The Indians did not like the place, made frequent complaints, and finally, about 1732, the remnants joined their brethren further up "the great river," although even in the last century, a small group called the Panns, led by a chief named Pannee, had their head quarters near Indian Well. DeForest in 1850, describes them as 'wandering about the country, and owning no land.'" (*History of Derby, Ansonia, Shelton, and Seymour. A Chronicle of the Progress and Achievement of the Several Cities and Towns.* Ansonia, CT: Press of the Emerson Bros., Inc., 1935, 269-260).

<sup>133</sup>Both the 1870 and 1880 Federal censuses of Kent, Connecticut, recorded Henry Harris's birthplace as Connecticut; the 1880 census indicated that his parents were also born in Connecticut. His death certificate, October 27, 1895, indicted that he had been born in New Milford (Kent Vital Records 5, 224). Shortly after his death, a local historian wrote concerning the persons then living on the Schaghticoke reservation:

A little further north is the dwelling of the only other Indian family, that of James Harris, son of  
(continued...)

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newspaper article (Preacher Jim Harris 7/17/1903) which asserted that James Henry Harris was the son of Henry Harris by Rachel Mauwee rather than by Abigail Mauwee.<sup>134</sup>

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<sup>133</sup>(...continued)

the "tinner," The widow of Henry Harris, wife and son of James, are the only full-blooded Indians remaining. Henry Harris died recently, was seventy-six years old, but his form at that age was sturdy and erect and his vigor remarkable" (Atwater 1897, 79).

The one statement that he was born in Wassaic, NY (as well as the confusing claim that his wife was Sarah Snider), seems to have been based on the following death record of a grandson, which listed his son, James Henry Harris, as Henry Harris:

Kent, CT: Blk Binders Deaths 1890-1903 p3  
d. July 29, 1890 Francis Harris, 15y F, Red, (90) Indian  
f- Henry Harris Wassaic, NY  
m-Sarah Snider, Wassaic, NY (Schaghticoke FTM data base).

The first statement that Harris was supposedly a "Pequot from Canada" was found in the 1927 affidavit by former overseer Fred B. Lane: "The next house was the home of Henry Harris, nicknamed 'Tinner Pan' he was an expert on fixing old tin pans, in fact he was a great tin smith and gun smith, and a skillful basket maker. Henry had two wives, the first was Rachel, they had one child, Charles Henry by their union. Henry's second wife was named Abigail, one boy, James by their union. Henry was a full blood Indian, but not of this Tribe, he was a Pequot from Canada" (Lane 5/20/1927).

<sup>134</sup>The 1903 article stated: "His mother was Rachel Mauwee, a granddaughter of Chief Mauwee, who founded the settlement. On January 6th last she died, at the age of 94. Her husband and Preacher Harris's father was Henry Harris. He was a very ingenious Indian. His basket work was the wonder of the whites for miles about" (Preacher Jim Harris 7/17/1903). Its assertion is not confirmed by earlier records. The evidence all points to Abigail as the wife of Henry Harris and the mother of Preacher Jim. Rachel Mauwee was most likely married at one time to John Harris, as indicated by the 1870 census and the birth record of her son, Charles Harris (see notes in FAIR). The censuses showed:

1870 Federal Census: Brookfield, Litchfield Co., CT, 24th day of June, 1870  
#276/287 Somers, Alfred 38y, m, wh, General Store...  
Harris, John 57y, m, Ind, Basketmaker  
" " Rachel 49y, f, Ind, " "

1870 Federal Census, Town of Kent, Litchfield Co., CT, p. 148:  
June 18, 1870, Enumerator: Albert Roberts  
#4/4 Harris, Henry 49y Indian, CT, Basket maker  
Abigail 38y Indian, CT, Housekeeping  
James 18y Indian, CT

1880 Federal Census, Town of Kent, Litchfield Co., CT, p. 12:  
June 10th, 1880, Enumerator: F. A. Mallory, SD #1, ED #17  
#125/132 Harris, Henry H 62y, Indian, BP CT/CT/CT Works on Farm  
Abigail wife 52y, Indian, BP CT/CT/CT Keeping House  
James son 30y, Indian, BP CT/CT/CT

(continued...)

The only other new Indian surname that appeared on the Schaghticoke records during the second half of the 19th century was that of John Skickett, who was from New York and had married Laura Carter by 1859. The other new surnames appear to have been introduced through marriages of Schaghticoke women to non-Indian husbands.

Overseer's Report; 1879-1880. For the year covering September 1879 through August 1880, the overseer reported, "There are 42 members, none having died the past year" (Overseer Report 9/28/1880). The following year he reported "about 44 members, none having died during the year" (Overseer Report 9/6/1881). This may be compared to the 1880 Federal census of Kent, which showed five households, containing 27 individuals (U.S. Census 1880b; U.S. Census Abstracts 1880). Of the residents, three were non-Schaghticoke spouses (the wives of Alexander Value Kilson and James Henry Harris and the husband of Abigail (Mauwee) Harris). This indicates that in 1880, more than 50 percent of the tribal members were located in a geographical community as defined by 25 CFR 83.7(b)(2)(i). The following detailed genealogical analysis of the 1880 census contributes to this understanding of the reservation community.

Genealogical Analysis of the Schaghticoke Reservation Residents in 1880. Mr. F. A.(?) Mallory, the census enumerator for Kent in Litchfield County in 1880 recorded five households (#124-128) and noted: "Here ends the Indians." Thus it looks like this cluster of homes represented the Schaghticoke Reservation. In these five households resided 25 individuals who were clearly identified as Indians. In two other cases, the penmanship was less distinct: "Nacy, M" [Nancy M. (Kelly) Kilson], a 42 year old widow in house # 125, appears to have been identified as "white" [although it could be a very poorly written "I"] and 40 year-old George "Cogswal" was identified as "mulatto," but his wife and all of their children were identified as Indian. All 27 individuals were born in Connecticut, as were the parents of each person enumerated.

Two of the households contained Kilson families: house #124 held Value Kilson and his wife Eliza Ann Kelly, their two daughters, two sons, and one grandchild; and house #125 held Nancy M. (Kelly) Kilson, the widow of Joseph Danielson Kilson and sister-in-law of Value Kilson (as well as being his step-daughter), and her six children. It appears that the two daughters of Eliza

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<sup>134</sup>(...continued)

Sarah	wife	27y, w,	BP CT/CT/CT	Keeping House
Willie	son	2y, Indian,	BP CT/CT/CT	
Elsie	dtr	1y, Indian,	BP CT/CT/CT	

In 1897, a local historian clearly distinguished between Abigail and Rachel: "There are now living . . . the widow of Henry Harris; the well known 'tinner,' and Rachel Mauwehu. . . . A little further north is the dwelling of the only other Indian family, that of James Harris, son of the 'tinner'" (Atwater 1897, 79). Abigail (Mauwee) Harris died January 11, 1900, prior to the taking of the 1900 census. No death record or obituary has been submitted for her.

"The death of Rachel Mauwee occurred at her home in Schaghticoke, January 6, at the age of ninety-four years. She was the last of her generation of the Schaghticoke Indians, and had spent most of her life on the reservation about two miles south of this village" (Kent 1/16/1903).

Ann Kelly, Mary Jane Kelly and Nancy M. Kelly (father not known at this time), married Joseph Danielson Kilson. Joseph Danielson Kilson and Mary Jane Kelly married in 1852 but did not have children and apparently divorced.<sup>135</sup> Joseph Danielson Kilson then married Nancy M. in 1857 and had a large family.

The petitioner's membership includes 110 descendants of Joseph D. Kilson and Nancy M. Kelly; however, none of the children living on the reservation in 1880 have descendants in the petitioner's membership. Rather, these 110 members descend through two daughters who by 1870 had left the reservation. Twenty members descend through Sarah Ella (Kilson) Schmidl White Sullivan, and 90 members descend through Ida Elizabeth (Kilson) Thomas Kelsey. Twenty-one year old Ella was living with her non-Indian husband William Schmidl in Colchester, New London County, Connecticut in 1880. Thirteen year old Ida Kilson was a domestic servant in the house of Catherine Doyle in Sharon, Litchfield County in 1880. Both young women were listed as "white" in the column for race or color and both were living in white neighborhoods. Neither Ida nor Ella or any of their children were mentioned in the late 19th century overseer's or in the early 20th century overseer's reports that are in the record at this time (Overseer Reports 9/28/1880, 8/1883, 8/1886, 10/1887, 1/23/1913, 12/12/1916, 12/11/1915, 4/1/1924), although their names appear in a hand-drawn "Joe Kilson-Nancy Morey" family tree in J.R. Williams' Notebook (Williams Notebook ca 1941). The family tree (and one or two others on the Value Kilson family and the Tantaquidgeon families, apparently drawn by Williams), has no explanations or sources.

Next door in house #126 was 62 year-old Henry Harris, his wife Abigail Mauwee (age 52), and their grown son James and his wife Sarah F. Snyder and their two young children. Abigail Mauwee Harris appears to be the aunt of Sarah (Bradley) Cogswell who lived in house #127 with her husband George Cogswell and their four children. Sarah's father was Truman Bradley, who known as Truman Mauwee in the overseers' reports prior to 1845, but who was known as Truman Bradley after that date, was the right age to have been the brother or half-brother of Abigail and Rachel Mauwee, a claim that appears in some of the notes in the petitioner's FTM files. Sarah's mother was Julia M. Kilson, daughter of Alexander and Parmelia (Mauwee) Kilson, and her brother was Value Kilson in the first household enumerated on the reservation.

Seventy-two year old Lavinia Mauwee Carter lived alone in the last house (#128) enumerated as a part of the reservation. Lavinia was identified as a granddaughter of Old Eunice Mauwee in an 1860 interview (Reichel 1860, 74-74 [SN-V024-D0086]). She was most likely an aunt or older cousin of Abigail Mauwee Harris and Value Kilson, and aunt or cousin by marriage to Sarah Bradley Cogswell. Lavinia's daughter Laura Carter married a man named Skicket and their son,

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<sup>135</sup>Mary Jane Kelly subsequently married non-Schaghticoke Theodore Abels in 1862, Schaghticoke Indian Truman Bradley in 1893, and non-Schaghticoke Wallace D. Brennon in 1919. See the notes in the petitioner's FTM for Mary Jane Kelly for details. It does not appear that she had any children; at least none are listed in the petitioner's genealogical records.

Julius Skicket was identified as an Indian working on the farm of [Mr.] Cook Darling in Kent, Litchfield County.

The adult men on the reservation were all working on farms, with the exception of Charles Kilson who 'worked on coal \_\_\_ illegible \_\_\_' and the women were all keeping house. Sixty-four year old Eliza Kilson and 42 year-old Nancy M. Kilson were the only two adults who could not write, and Nancy appears to have been the only adult who could not read (U.S. Census 1880f).

Todd's and Orcutt's Descriptions, 1881 to 1882. The discussion of the Schaghticoke published by Todd (Todd 1906) was, clearly, by internal evidence, based upon interviews done while Roberts was overseer, about the year 1881.<sup>136</sup>

Wishing to judge for myself of the present condition of the tribe, I one day sought an interview with the overseer, Mr. Henry Roberts, who lives at Gaylordville, a little village in the town of New Milford, and was invited to accompany him on a visit to the Indian village . . . Road past "five little brown cottages, one of them deserted, . . . ." (Todd 1906, 212).

. . . Home of Vinie, the Queen of the Schaghticoques--Queen by inheritance, she being a great-grand-daughter of Mawwehu, the Pequot chief. Vinie received us very affably. She is a tall, angular woman showing few traces of Indian blood, and was clad in a clean calico gown and apron of the same material. According to her own account, she is seventy-five years of age, although her neighbors say that she is several years older. There is no carpet on the floor of her cottage. Its furniture consists of a cooking stove, three or four chairs, a clock, a basket, two dogs -- a big and a little one -- and a shaving-horse where she prepares the splints for her baskets. A pair of rude stairs leads to a loft above. Questioned concerning the origin of her people, the Queen gave a very interesting and correct account of the founding of the tribe. She remembered hearing her grandmother tell many Indian tales and traditions--love stories, "booger" stories, exploits of heroes in war and the chase--but could not remember them sufficiently well to narrate them for her visitors' benefit. Asked why her people did not retain the habits and language of the Indians, she said that they had lived so long among the white folk that they loved white folk's ways. Asked how many in number her people were, she said she "could not tell: they were scattered like grasshoppers." Pressed for an answer, she replied, "About forty, I suppose." Vinie is a member of the Congregational Church in Kent, and her pastor reports her as living up to the average standard.

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<sup>136</sup>Lavinia Carter's death would place this interview pre-1888. The overseer's report quoted would place it post September 1881. The appointment of Lane as overseer on Sept. 1, 1884, places it prior to that date.

Todd cited no sources for his more distant historical statements, such as: "In 1736 the tribe numbered one hundred warriors" (Todd 1906, 209), although the same figure and date had been printed by DeForest (DeForest 1851, 409) -- also without a source citation other than Barber.

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She has been busy and industrious all her life, weaving baskets, cultivating the acre or two of land about her dwelling, and has relied very little on the fund for support. Her mother was a white woman. She has a half-sister, Rachel, who sometimes shares her abode and who is full blood (Todd 1906, 213-214).

The next cottage south of the Queen's is occupied by George Cogswell, his wife and four children. The husband is partly negro, the wife full Indian. The next dwelling, a few yards south, is the home of an eccentric individual known locally as Hen pan [Henry Pan Harris]. He prides himself on his unmixed blood, and in scorn of his neighbor's race-mixing propensities has marked on his chimney in large letters "I. AM. O.K." His brother [*sic*], Jim Pan, who has a white wife and two children, shares his cottage. Of the two other dwellings on the reservation one is occupied by Mrs. Kilson, a widow, an industrious and capable woman, the mother of nine children, of whom only one remains with her, and the other by Value Kilson, who has a wife and four children. The ancient burying-ground of the Schaghticoke--a triangular piece of ground inclosed by a dilapidated board fence--adjoins value's cottage. The graves are mostly marked by wooden head-boards, and many have not even this memorial. The ground is situated directly under a cliff, over which a mountain brook tumbles" (Todd 1906, 214-215).

Todd discussed the Schaghticoke as a "remnant of the once powerful Pequot race" that "still maintains a tribal organization in Connecticut" (Todd 1906, 208). His description of the contemporary settlement was that: "Schaghticoke consists of six little, brown, clap-boarded one-story houses tenanted by some seventeen persons. The reservation of three hundred acres comprises Schaghticoke Mountain, valuable only for its timber, and extends west some two miles to the State of New York" (Todd 1906, 208).

For a hundred years they have been surrounded by an industrious and law-abiding community; yet their course has been so steadily downward that they are now on the verge of extinction. Indolence, drunkenness, and intermarriage with negroes and the lower class of whites are largely responsible for this. Their improvidence was such that as early as 1752 they had sold all the planting lands in the valley. In 1757 they had become so incapable of maintaining themselves that the colony appointed an overseer, to whom their property was committed, and who was charged with their oversight and maintenance. From that time forward the affairs of the tribe have been administered by an agent of the State" (Todd 1906, 210-211).

The present overseer has been five years in office, and, being a firm, as well as a humane, man, has somewhat improved the financial condition of the tribe. He has aimed to make them as far as possible self-supporting, and the fund in his hands has shown a steady yearly increase. He has the sole charge of the tribe, invests

their money to the best advantage, gives them orders on the country merchants for necessary articles which they are unable to procure for themselves, and furnishes them with medicine and medical attendance when sick. Each year he returns three reports of his stewardship--one to the Secretary of State, one to the District Court of Litchfield county, and a third to the town Clerk of Kent. From his last report (September 1881) I learn that the present reservation comprises three hundred acres of land, six dwelling houses (one unoccupied) and three stores [storage sheds or barns], the whole valued at \$3,500. The fund now amounts to \$5,427.45, an increase in five years of some \$628 (Todd 1906, 215-216).<sup>137</sup>

Mr. Roberts can make no exact return of the present number of the tribe, as its members are widely scattered, but places their probable number at fifty. Of these, however, but three or four are of unmixed Indian blood (Todd 1906, 216).

Orcutt's discussion of "Scaticook Families" (Orcutt 1882, 200-201) is to be dated at about the same time as Todd's discussion. It is quite extensive, including information on residence locations, with a primary focus upon the Jabez Cogswell lineage, but also including other families.<sup>138</sup>

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<sup>137</sup>The writer indicates that the contemporary overseer was Henry Roberts, which would place the time of writing about the 1880s, not in 1906, which is the date of publication of the book. It has to be between the September 1881 overseer's report mentioned by the author and the appointment of Martin B. Lane as overseer on September 1, 1884.

<sup>138</sup>Mr. J. W. Barber (p. 471) says that in 1836 Eunice Mauwehu and two or three families were all that then remained of the tribe at Scaticook. One of the daughters, Patty Mauwehu, lived among the white people, as a work-girl, at Northville in New Milford, and died there within the memory of a number of persons now living. A few families still remain in Scaticook who are cared for by the State, and a few are residing elsewhere. Joseph Kelson, of the Mauwee family, died recently, leaving a widow who resides there, his children being scattered to different places at work.

Value Kelson, who married one of the Mauwee family, removed to Stratford in the spring of 1882, with his family. (Orcutt 1882, 200)

Henry Pann, of the Pann family, married his wife in Scaticook, where he resides.

One daughter of the Chicken family is in Scaticook and one is in New Haven, who has children--Nancy and Mint. George Cogswell (Cotsure), son of Jabez of New Milford, married Sarah Bradley, whose mother was a Mauwee, and resides at Scaticook.

Jabez Cogswell, son of Jeremiah (of the Cotsure family), and brother to Nathan Cogswell who resided in Cornwall, resides in New Milford. (See page 53). His father spelled the name "Cocksell" for many years.

Jabez an intelligent, upright citizen, much respected, has a comfortable home in New Milford village. By his first wife he had children -- George, married and resides in Scaticook, Ellen, and Mary; by his second wife Lewis, Charles, Fred, Frances, Eliza, and Chauncey.

Jabez, besides his brother Nathan, whose family are all dead, had three sisters; Eliza, died recently, leaving a son Joseph, who resides at Lakeville, Conn; his sisters Emily, Ann, and Rosetta reside in New Haven.

The family name spelled usually in this work, Mauwehu, has been known and is still, mostly, as Mauwee (Orcutt 1882, 201).

1884 Petition. Jurisdiction over Indian Tribes in Litchfield Co. was transferred from Litchfield Superior Court to Litchfield Court of Common Pleas in 1883 (Public Acts, Ch. 110 (Principal Public Laws 1941)). This transfer was followed by the next extant Schaghticoke petition, dated June 2, 1884, and endorsed by numerous non-Indians, requesting the appointment of Martin B. Lane<sup>139</sup> as the tribe's overseer (Kilson et al. to Litchfield County Court 6/2/1884).<sup>140</sup> There were 24 signers of the petition, among whom were three spouses (Henry Harris, Eliza (Kelly) Kilson, and Nancy (Kelly) Kilson) who have not been documented as Schaghticoke. A more detailed explanation of the relationships between the signers and the current membership follows.

On June 2, 1884, twenty-four Schaghticoke Indians petitioned to have Martin Lane as their new overseer (A. Kilson to Litchfield County Court 6/2/1884). The handwriting for the text of the petition does not appear to match any of the signatories' writing, and the handwriting for most of the signatures varies, indicating that the clerk of the court wrote the petition and that apparently most of the Schaghticoke signed in their own hand. The handwriting for a few of the signatures looks very similar, if not the same, and it may be that one family member wrote the names of his/her kin. None of the individuals signed with an "x." [See Table I for additional details.]

The petition was strictly a list of names, it did not include addresses or note if the individuals were living on the reservation. However, thirteen names on the 1884 petition were the names of individuals living on the Schaghticoke reservation in 1880: Value Kilson, his wife Eliza A., and their three children Mary E., Charles W., and Fred Kilson; Nancy (Kelly) Kilson, (widow of and

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<sup>139</sup>Biographical sketch of Schaghticoke overseer Martin B. Lane. Appointed overseer by Judge Warner of the Court of Common Pleas, September 1, 1884 (Atwater 1897, 147).

<sup>140</sup>"The undersigned members of the Schaticoke tribe of Indians represent to said court that the present overseer Henry Roberts does not desire to retain the office of overseer, that Martin Lane of Kent lives in the immediate vicinity of their lands and is qualified for overseer and we desire him to be appointed and ask said court at its August term 1884 to appoint said Martin Lane overseer of said Indians."

Schaghticoke Tribe to Court, June 2, 1884. Court of Common Pleas, Litchfield County. Papers. Connecticut State Library, History and Genealogy Section. Hartford, CT.

Schaghticoke Tribe Petition re overseer: Henry Roberts to be replaced by Martin Lane for said Indians.

Signatures as they appear in the original petition document:

A. Value Kilson	Rachael Mauey
Eliza A. Kilson	Vina Carter
Mary E. Kilson	Helen Lossing
Charles W. Kilson	Julian Skicket
George W. Bradley	Charles Harris
Lilie Bradley	Eli Bunker
Joseph H. Bradley	James Henry Harris ["full blood" alongside Abigail, Henry & James]
Julia M. Bradley	Henry Harris
Truman Bradley	Abigail Harris
Jabez Cogswell	Nancy Kilson
George Cogswell	Fred Kilson
Sarah Cogswell	C. L. Kilson

sister-in-law of Value) and “C.L.” Kilson, who appears to be her son Charles Lyman (Lyman C. on the 1880 census);<sup>141</sup> George Cogswell and his wife Sarah Bradley; Henry Harris, his wife Abigail Mauwee, and their son James Henry Harris; and Vina/Lavina Carter. See the analysis of the 1880 census in this report for additional information on family connections between these individuals.

The eleven Schaghticoke whose names are on this petition, but who were not living on the reservation in 1880 were: Truman and Julia M. (Kilson) Bradley, and their two sons, Joseph H. and George W., and George’s wife, Lillie;<sup>142</sup> Jabez Cogswell, father of George H. Cogswell; Rachel Mauwee and her son, Charles Harris; Julian Skicket, Helen Lossing (Skicket/Skater), and Eli Bunker. The two Bradley families<sup>143</sup> and Rachel Mauwee, (70 years old, Indian, basketmaker, born in New York), were living in three different households in Trumbull, Fairfield County in 1880; Jabez Cogswell was 71 years old and living with his second wife and young child in New Milford, Litchfield County; Eli Bunker was 76 years old, widowed, and farming in Goshen, Litchfield County; and Julian(or Julius) Skicket lived with a farming family elsewhere in Kent, Litchfield County.<sup>144</sup> Helen Lossing Skicket and Charles Harris have not yet been found on the

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<sup>141</sup>The petitioner’s notes on this petition suggests that “C.L.” may be Caroline Kilson; however, Carolyn Kilson was born in 1821 and appeared in the overseer’s report between 1852 and 1876. She has not been found on the 1880 census, but was listed on the 1881 overseer’s report as receiving cash to pay the rent (Overseer Report 9/6/1881). On the other hand, Charles Lyman Kilson was living on the reservation with his mother and siblings in 1870 and 1880 (see remarks, for census citations).

<sup>142</sup>The petitioner’s genealogical record shows Lillian J. Penfield, wife of George W. Bradley was born in Florida, but the 1880 census identified her as an Indian born in Connecticut whose parents were also born in Connecticut (Trumbull, Fairfield Co., CT, p. 327).

<sup>143</sup>The census enumerator recorded the Truman Bradley household as follows: 2/2 [the order of the dwellings and families visited] **Bradley, Truman**, 56; wife **Julia A.**, 56; [2]/3 **Smith, John**, 30; his wife **Frances J.** [Bradley, the daughter of Truman and Julia], 27; his [John Smith’s] children; **Florence C.**, 4, **Edith A.** 3, and **John W. I.** [2]/4 **Smith, Joseph H.**, 20, “stepson” and **Smith, William L.** 13, “stepson” (Federal Census 1880, Connecticut, Fairfield Co., Trumbull, p. 324). All the residents were identified as mulattos, born in Connecticut, and with parents born in Connecticut. It is not clear whether the enumerator was identifying Joseph H. and William L. Smith as the “stepsons” of Truman Bradley or John Smith. Since John’s wife was only 27, she could not be the mother of the 20 year old Joseph H. Smith. The petitioner speculated “Did Julia or Truman have another mate with Joseph and William as stepsons or are these “adopted” or just given the wrong surname by the census taker?” (STN FTM notes on Truman Bradley). It is also possible that they were the brothers-in-law of John Smith, and misidentified as “stepsons,” by the enumerator. “Joseph H. Smith” is the right age to be Joseph H. Bradley and no other Joseph H. Bradley has been found living elsewhere. There was no William Bradley in Truman and Julia Bradley’s immediate family; however, they had a grandson, child of Sarah Bradley and George H. Cogswell, **William L. Cogswell** born in 1867, whose age matches that of the boy listed in the 1880 census as **William L. Smith** (see remarks in FAIR for William L. Cogswell that cite town of Kent birth records). George W. Bradley and his Indian wife also lived in Trumbull.

<sup>144</sup>Kent, Litchfield County, Connecticut, NARA T9-0101, p. 324C: **Cook Darling**, m,m,31,NY/NY/NY; **Helen Darling**, wife,f,w,30,CT/CT/CT; **Gertrude**, dau,f,s,w,5,CT/NY/CT; **Alfred**,[son],m,s,w,5,CT/NY/CT; **Paul**

(continued...)

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1880 census; however, 11-year old Helen was living with her grandmother on the reservation in 1870, and the petitioner's notes on Charles Harris indicate he was in and out of trouble with the law in various communities near Kent in the early 1880's (STN FTM file, notes on Charles Harris). One possible identification of this Schaghticoke man is the single man named Charles H. Harris, no race/color identified, age 29, who was born in Connecticut and whose parents were also born in Connecticut, living with the Prussian born George Goessinger family in Huntington, Fairfield County (Federal Census 1880, Fairfield County, Huntington, 362B). However, without additional evidence, it is not reasonable to assume that this is the Schaghticoke man.

The off-reservation Schaghticoke named in this petition were closely related to the on-reservation families. Truman and Julia M. (Kilson) Bradley had a daughter (Sarah Bradley Cogswell), niece, nephews, and son-in-law on reservation, as well as Julia's brother and sister-in-law (Value and Eliza (Kelly) Kilson). Julian Skicket and Helen Lossing were the grandchildren of Lavina (Mauwee) Carter. Lavina was identified as the granddaughter of Eunice, and likely Rachel Mauwee's first cousin or half-sister (Lossing, n.d. [pub. 1871]). Eli Bunker was either the son or step-son of Rufus Bunker, one of the "children and heirs" of Eliza Warrups Chickens, wife of Peter Mauwee (Coxel to Conn. Gen. Assem. 5/1812; Starr 1926, 402). Jeremiah Coxel/Cogswell, the father of Jabez Cogswell was also named as one of the children and heirs of Eliza Warrups Chickens, making it likely that Jeremiah and Rufus were brothers or half-brothers. Therefore, it is likely that Jabez Cogswell was Eli's first cousin and George Cogswell was Eli's first cousin once removed. Jabez Cogswell had a son and daughter-in-law (George and Sarah Bradley Cogswell) and grandchildren on the reservation in 1880. Rachel Mauwee had a sister (Abigail Mauwee Harris), and nieces and nephews on the reservation in 1880. Rachel was also likely to have been the aunt by marriage to Nancy (Kelly) Kilson, widow of Joseph Danielson Kilson, who was also on the reservation in 1880. This relationship also hinges on answering the question, was Parmelia Mauwee Kilson (mother of Joseph D.) her sister or cousin? In either case, it appears that every one of the off-reservation signatories had at least one parent, sibling, child, grandchild, niece, nephew, or cousin who was on the reservation in 1880.

The following table shows the petitioner's membership based on descent from the Schaghticoke who signed the 1884 petition to have Martin Lane of Kent appointed as their overseer (Kilson et.al. to Litchfield County Court, 6/2/1884). The names are arranged in family groups such as husband and wife followed by children, including married children, siblings of either the husband or wife and their immediate family members, etc. In order to help the reader associate the number of descendants with each family line (including spouse, parent, or grandparent also on the list) but prevent "double counting," the number of descendants for each individual is in [brackets], with the total number per family line listed once in **bold type** by the name of the head of house.

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<sup>144</sup>(...continued)

J., son,m,s,w,l,CT/NY/CT; Julius SKICKET, farm laborer, 24,s,ind,ct/CT/CT, [and other hired help]. Could Helen Darling be Helen Lossing Skicket and the age was mis-read or off?

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**TABLE I: SIGNERS of the 1884 PETITION**

Name (age: 1880 census)	Relationship to Others	Residence: 1880 census	Descendants in STN
A. Value Kilson (55)	Eliza's husb. (& fa. of 4 here)	Kent Reservation	15
Eliza A. (Kelly) Kilson (64)	Nancy's mo. (& mo. of 5 here)	Kent Reservation	[125: includes A.V.'s 15 & Nancy's 110]
Mary E. Kilson (29)	A.V. & Eliza's dau	Kent Reservation	[15]
Charles W. Kilson (26)	A.V. & Eliza's son	Kent Reservation	0
Fred Kilson (24)	A.V. & Eliza's son	Kent Reservation	0
Nancy (Kelly) Kilson (42)	Joseph D. Kilson's widow	Kent Reservation	110
C.L. Kilson [Charles Lyman] (20)	Nancy's son	Kent Reservation	0
Julia M. (Kilson) Bradley (56)	AV's sis. & Sarah's mo.	Trumbull, Fairfield Co.	[44]
Truman Bradley (56)	Julia's husb. & Rachel & Abigail's ½ bro. or cous.	Trumbull, Fairfield Co.	44 [includes 39 Cogswell-Kilsons]
Joseph H. Bradley (20)	Truman/Julia's son	Trumbull, Fairfield Co.	0
George W. Bradley (24)	Truman/Julia's son	Trumbull, Fairfield Co.	0
Lillie (Penfield) Bradley (23)	George W.'s wife	Trumbull, Fairfield Co.	0
Sarah (Bradley) Cogswell (33) [Kilson descendant]	Truman/Julia's dau. & George H. Cogswell's wife	Kent Reservation	[39]
George H. Cogswell (40)	Jabez Cogswell's son	Kent Reservation	[39]
Jabez Cogswell (71)	George H.'s father	New Milford, Litchfield Co.	[39]
Eli Bunker (76)	Jabez Cogswell's cousin	Goshen, Litchfield Co.	0
Rachael Mauvey [Mauwee] (70)	Abigail's sis. or ½ sis	Trumbull, Fairfield Co.	0
Charles Harris [unknown]	Rachel's	Unknown	0
Vina (Mauwee) Carter (72)	Rachel & Abigail's ½ sis. or cousin	Kent Reservation	0
Helen Lossing [Skickett] (age 11, 1870)	Vina's grddau. & Julian's sis.	Unknown (but, Kent Reservation in 1870)	0
Julian Skickett (24)	Vina's grdson	a farm, Kent, Litchfield Co.	0
Abigail (Mauwee) Harris (52)	Rachel's sis. & Henry's w.	Kent Reservation	148
Henry Harris (62)	Abigail's husb. & James H.'s father	Kent Reservation	[148]
James Henry Harris (30)	Henry & Abigail's son	Kent Reservation	[148]
			<b>317 TOTAL</b>

All of the current membership (317 persons) descends from someone who signed this petition. Ten names on the list were Kilson descendants and four names were spouses of Kilsos. Three of the oldest women on the list were Mauwee descendants: Lavinia, the granddaughter of Eunice Mauwee, and Abigail Mauwee Harris and Rachel Mauwee who were either her half-sisters or cousins. Therefore, seven individuals on the list are Mauwee descendants and one name is the spouse of a Mauwee descendant. However, all of the Kilsos on this list are the descendants of Parmelia Mauwee, who was likely to have been another cousin [of unknown degree], sister, or half-sister of Lavinia, Abigail, and Rachel. Thus everyone except the four spouses: Eliza A. Kelly Kilson, Nancy M. Kelly Kilson, Lillie Penfield Bradley, and Henry Harris, are Mauwee descendants. However, only Lavinia and her descendants can be clearly connected to Eunice Mauwee, who in turn can be reasonably determined to be a granddaughter of Gideon Mauwee.

Overseer's Report, 1885-1890.<sup>145</sup> Martin B. Lane, who had been appointed as Schaghticoke overseer in October 1884, continued in this office until 1905, when he was succeeded by his son, Fred R. Lane (Fred Lane is appointed as overseer for the Schaghticoke Tribe in 1905 (STN 83.7(b) 1994, 48). His term in office thus spanned across the end of the 19th century into the beginning of the 20th century. His reports for the second half of the 1880's were regular. In 1888, he stated: "As far as I can learn there are 40 members. Since they became so scattered it is almost impossible to learn their exact number" This report mentioned the estate of Eli Bunker and monies paid to and for support of the "Members of the Tribe Aug 1887 to Aug. 1888." The names mentioned were: Jabez Cogsdwell [*sic*], Eli Bunker, Jas Harris children, Vina Carter, Geo Cogsdwell children, Rachel Mawee, Abigail, Truman Bradley, Mary Cogsdwell at N Haven, Jonas Kilson, Caroline Kilson, Het Skicket, Vinia, Nancy Kilson, Jas Harris, Mary Frank, Value Kilson, Fred Kilson, Geo Kilson, E Rogers New Haven, Eli Bunker support E Richards (Overseer Report 8/1888). In 1890, Lane reported that: "As far as I can learn there are about 60 belonging to tribe some half bloods and quarter bloods only a small portion full bloods" (Overseer Report 8/25/1890). For the period from 1892 through 1904, the submissions contained a private ledger kept by overseer Martin B. Lane that contained far more entries pertaining to non-Schaghticoke than to Schaghticoke (Lane 1892-1904), but no copies of the overseer's reports filed with the court.

Atwater's Description, 1897. In 1897, a local historian devoted a whole chapter (Chapter V. The Scatacooks) to the tribe, stating that the number of descendants was "confined to a handful of half-breeds who still occupy the old reservation" (Atwater 1897, 73). This description gave historical background from Gideon Mauwee "Mauwehu" onwards. Atwater derived the family name from the Massachusetts Mayhew missionaries (Atwater 1897, 76), for which there is no documentation whatsoever.

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<sup>145</sup>The following two overseer's reports were not submitted, but were located by BIA researchers in a folder labeled "Documents obtained from the office of the Secretary of State" (CT FOIA 69th Installment, July 6, 1998): "To the Honorable District Court of Litchfield County to be holden at New Milford on the first of August 1886" (Overseer Report 8/1/1886); "Schaghticoke overseer's report to Honorable Court of Common Pleas, Litchfield County, 1836-1887," (Overseer Report 8/23/1887).

The Scatacooks have yet a considerable tract of land on the mountain; too rough and woody indeed to be cultivated, but well adapted for supplying them with firewood. At the foot of the mountain, also, and between that and the Housatonic, they possess a narrow strip of plain, sufficient in size for gardens, watered by springs from the upper ground, and containing a few comfortable houses. The number of Indian descendants remaining are few and mostly half-breeds. A few are sober and industrious, live comfortably and have good gardens; but the majority are lazy, immoral and intemperate. Many of them lead a vagabond life, wandering around the state in summer, and returning to Scatacook to spend the winter. A few are in the habit of attending preaching and a few of the children go to school. They live in little houses. In dress, language and manners, they are like white people. There are now living Value Killson, wife and daughter; the Widow Killson, whose daughter married a Bridgeport man; the widow of Henry Harris, the well known "tinner," and Rachel Mauwehu. Near them is the home of George Cogswell, the noted snake hunter, and his son, Archibald. A little further north is the dwelling of the only other Indian family, that of James Harris, son of the "tinner" (Atwater 1897, 79).

The widow of Henry Harris, wife and son James, are the only full-blooded Indians remaining. Henry Harris, who died recently, was seventy-six years old, but his form at that age was sturdy and erect and his vigor remarkable. He possessed unusual mechanical ingenuity. With his queer tools and contrivances he made earrings, repaired guns and pistols, even being able to make a gun tube, and tinkered in many other ways, being a useful man in the neighborhood (Atwater 1897, 79).

On one of several strips of bark forming the back of a shanty near the Widow Harris; house is noticed traced in large black letters the word, "EMBOLIC." It occurs to one at first that it must be an Indian word, but after careful study it is found to mean "Am all O.K." Her husband once had [next page of photocopy too pale to read] (Atwater 1897, 79).

Throughout the period from 1861-1899, the membership of the Schaghticoke tribe remained highly consistent within the Mauwee, Mauwee/Harris, Mauwee/Kilson, and Cogswell families, as confirmed by a variety of different types of records, Federal, State, and local. Some lines, such as Rice, became extinct without heirs. No unrelated lines were added: the BIA has been able to trace the "new" surnames that appeared in the overseers' reports from this time period to earlier identified Schaghticoke. Additionally, there remained a consistent pattern by which the proportion resident upon the reservation appears to have fluctuated from just under to just over 50 percent. The members shown by census records as residing off the reservation had close kinship ties to its residents.

## Schaghticoke in the 20th Century

### *The Schaghticoke in 1900*

The following analysis of the 1900 census provides some background for the descent of the current petitioner from the Schaghticoke Indians at the turn of the century.

The Schaghticoke Reservation was enumerated on the separate Indian population of the 1900 Federal Census. There were seven families (23 individuals) in six households, including three non-Indians who were the spouses of "Pequot" Indians. As in the succeeding census, all of the Indians on the 1900 census were identified as "Pequot." The six households represented the three family lines: Kilson, Harris, and Cogswell, as well as one other family name that had long been associated with the Schaghticoke Reservation: that of Mauwee. James Henry Harris, his non-Indian wife Sarah F., and five minor children were in house #5. Also residing with them was James' daughter Esie V. (Harris) Dwy and her two young sons, William Dwy and Irwin Dwy. All of the Harrises were identified as Pequot Indians born in Connecticut, thus there were three generations of Harrises on the reservation. Another grown daughter, Grace E. Harris was living next door with her husband Alfred Storm in the household of Rachel Mauwee (house #4 on the census). Alfred Storm was identified as a white man born in New York. His relationship to the head of the house, the 87 year old widow Rachel Mauwee,<sup>146</sup> was listed as 'boarder' and Grace was identified as 'wife of above.' Seven of these same Harris individuals were also on the reservation in 1910. (See the 1910 Table).

The Kilsons also occupied three households in 1900: Value (Alexander Value or A.V.) Kilson, his son Charles W., and his two grandchildren, Robert L. (son of Charles) and Bertha (daughter of Mary Ett Kilson) and great-grandson, Earl S. (Bertha's son) were in house #1. Therefore, there were four generations of Kilsons in the one house. Mary Ett (Kilson) Jessen lived next door in house #2 with her non-Indian husband, Peter Jessen. Value's adult son, Frederick Kilson was the head of house #6 and lived with his "sister," Nancy M. Kilson. Nancy M. (Kelly) Kilson was identified in the petitioner's FTM as Value's step-daughter, the child of his wife, Eliza Ann Kelly<sup>147</sup> and therefore a half-sister of Frederick Kilson (same mother, different fathers). Nancy M. was also the widow of Value's brother, Joseph Danielson Kilson, thus she was Value's sister-in-law as well as his step-daughter. As the widow of Joseph D. Kilson, she also represents the Kilson-Kelly family to the reservation. Value was also related by marriage to George H.

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<sup>146</sup>According to the notes in the petitioner's FTM program, Rachel Mauwee was a sister of Abigail Mauwee Harris, James Henry's mother, and possibly the wife of Henry Harris, James Henry's uncle. There are some questions about these claims that need to be resolved before the BIA can be reasonably sure the connections are correct. If correct, Rachel Mauwee was Grace E. Harris Storm's great-aunt.

<sup>147</sup>Eliza Ann Kelly was about 10 years older than Value Kilson and had two daughters before she married Value. Some of the petitioner's notes on this family state that Nancy M. and Eliza Ann were sisters, not daughter and mother. This needs further research.

Cogswell, the husband of Value's niece, Sarah Bradley. See discussion under 1910 census analysis.

The third family represented on the reservation was that of George H. Cogswell, a 60 year old "widower" who lived alone. Although he was listed as a widower, his wife Sarah (Bradley) Cogswell did not die until 1909. However, neither she nor their children or grandchildren lived on the reservation in 1900. According to one interview record, Sarah abandoned the family and moved to Poughkeepsie, New York (Ray 5/10/1982). George H. Cogswell had several in-law relations on the reservation, i.e., his wife's uncle was Value Kilson; his wife's aunt by marriage was Nancy (Kelly) Kilson; and several cousins: first cousins Charles W. Kilson, Frederick Kilson, and Mary Ett Kilson and three young cousins who were one or two generations "removed."

The relationship between Rachel Mauwee in house #4 and the other residents on the reservation are based on some assumptions that appear to/ may be reasonably based in fact. If Rachel Mauwee was the sister of Abigail who married Henry Pann Harris, then she was the aunt of James Harris (who lived in the next house on the 1900 census) and great-aunt to his seven children on the reservation. Rachel was also likely to have been George H. Cogswell's aunt by marriage. George's wife Sarah was the daughter of Truman Bradley, who was known as Truman Mauwee prior to 1845 (see overseer's reports), and reportedly was a half-brother to Rachel and Abigail Mauwee, or possibly their cousin. In either case, Truman was related to Rachel Mauwee both by blood and by marriage, having married Julia Kilson, the daughter of Parmelia Mauwee and Alexander Kilson; therefore his children were also the nieces and nephews of Rachel Mauwee. Since Alexander Value Kilson who was in house #1 on the 1900 census was also the son of Parmelia Mauwee, he too was either a nephew or cousin of Rachel Mauwee. The obituary that referred to "Aunt Rachel" on the Schaghticoke Reservation may have been stating quite literally that she was the aunt to everyone living on the reservation. There are a lot of "ifs" in the relationships claimed, perpetuated between the women known as Abigail Mauwee, Rachel Mauwee, and Parmelia Mauwee.

Those individuals who were on the 1900 schedule, but who either died or departed the reservation before the 1910 enumeration was taken were Value Kilson, Bertha Kilson, Robert L. Kilson, Rachel Mauwee, Jessie M. Harris, Irwin Dwy, Frederick Kilson and Nancy M. Kilson. With the exception of Value Kilson, Bertha Kilson, and Nancy (Kelly) Kilson, these individuals do not have descendants in the petitioner's membership, although Jessie M. had some descendants on previous membership lists.

Four generations of Kilsos and three generations of Harrisese were living on the reservation in 1900. If the Mauwee connections prove true, then there are 5 generations of Mauwee descendants, through the Kilson, Cogswell, and Harris marriages into the Mauwee family, who resided on the reservation in 1900.

*The Petitioner's Descent from the Residents on the Schaghticoke Reservation in 1910*

The Schaghticoke Reservation in Kent Township, Litchfield County, Connecticut was enumerated on the separate Indian population schedule of the 1910 Federal Census. Twenty-two individuals were enumerated in six households on the reservation. Four of the heads of household were the non-Indian spouses of Schaghticoke Indians, including one woman who was the widow of a deceased Indian. All of the Indians on this schedule were identified as "Pequot."

These six households represented three separate family lines which can be traced at least to the first quarter of the 19th century: Alexander Kilson (b. 1797) and Parmelia (or Permelia) Mauwee [or Mowray] (b. 1798) through two of their children: Julia (b. 1825) who married Truman Bradley (referred to as Kilson-Bradley family in this report) and Alexander Value (b. 1824) who married Eliza Ann Kelly (referred to as Kilson family in this report); Henry Pann Harris (b. abt. 1817) and Abigail Mauwee (b. abt. 1833) through his son James Henry Harris (b. 1850) who married Sarah F. Snyder [non-Indian] (referred to as the Harris family in this report); and Jabez Cogswell (b. 1808) and Marie A. Hamlin through their son George H. Cogswell (b. 1840) who married Sarah Lavinia Bradley [daughter of Truman Bradley and Julia A. Kilson] (Cogswell family in this report).<sup>148</sup>

The Harris family members occupied three households: Grace E. Harris Storm (with non-Indian husband and 3 children) in house #2, Elsie V. Harris Russell (with non-Indian husband and her 3 sons) in house #6, and their mother,<sup>149</sup> Sarah F. (Snyder) Harris (with four of her unmarried children and one grandson) in house #3. Descendants of the Kilson family occupied two households on the reservation in 1910: Charles W. Kilson lived alone in house #1, and his sister, Mary Ett (Kilson) Jessen (with her non-Indian husband and two young grandchildren surnamed Kilson) lived in house #4. The only Cogswell descendant on the reservation, 69 year old George

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<sup>148</sup>Jabez Cogswell was the son of Jeremiah Cogswell [sometimes Coxil/Coxel in the records] who was identified by the petitioner as the son of Tom Cuckson/Cocksure; however, this connection to Tom Cucksure is based on "oral tradition" and is tenuous at best since Tom Cocksure was signing a deed in 1729 (and most likely would have been at least 21, or born before 1709 (see notes in FTM for Jeremiah Cogswell)). Jeremiah was born about 1780, thus Jeremiah was born when Tom was almost 80 years old. They may have been father and son, grandfather and grandson, uncle and nephew, or no relation at all. Since the connection to Tom Cocksure is not well documented, and since Jeremiah Coxil/Cogswell was identified as one of the children and heirs of Eliza Warrups Chickens, alias Mauwee, in 1812, the BIA has temporarily designated Jeremiah as the starting point for this family. Jabez Cogswell married twice. He had two children by his first wife, George H. and Ellen. According to the petitioner's FTM file, Ellen married twice and had at least three children; however, there is no information on the family after 1891 when one of Ellen's daughters and a grandchild died.

Jabez Cogswell's second wife, Marcia Ann Heady/Heddig was born in 1824 and died in 1901. According to the petitioner's FTM file, Jabez and Marcia had five children born between 1852 and about 1866; however, none of the descendants of this couple appear to be in the petitioner's membership.

<sup>149</sup>The petitioner says that Sarah Williams was the mother of Elsie V. Harris. See above for fuller discussion: Sarah F. Snyder, Sarah Williams and Sarah Collins all appear to be names for the same woman.

H. Cogswell, lived alone in house #5. This man also had close ties to the Kilson-Bradley family: his deceased wife was Sarah Bradley, another daughter of Julia Kilson and Truman Bradley and the first cousin of Charles W. Kilson and Mary Ett Kilson. (Therefore, the descendants of George H. Cogswell are also Kilson-Bradley descendants.)

The Kilson and Kilson-Bradley family lines have a total of 54 descendants in the petitioner's membership as defined by the August 30, 2001, membership list: 15 through Mary Ett (Kilson) Jessen,<sup>150</sup> who was on the 1910 census of the reservation and 39 descendants through Sarah (Bradley) Cogswell who died in 1909, but whose husband, George H. Cogswell, was living on the reservation.<sup>151</sup> The other major branch of the Kilson family, that of Joseph Danielson Kilson (and his wife Nancy Kelly; called Kilson-Kelly family here to distinguish them from the Value Kilson family) was not living on the reservation in 1910. However, about one-third of the current membership descends from this 1910 non-reservation family.

The Harris family line has 148 descendants in the petitioner's August 30, 2001, membership: 81 of whom are the descendants of Grace E. (Harris) Storm Williams, 60 through her daughter Ella May (Ollie/Allie) (Storm) Kodamac VanValkenburgh and 8 through her daughter Mabel Louise (Storm) Birch, who were all living on the reservation in 1910, and 13 through her daughter Hazel (Williams) Bishop Kayser, who was born after 1910. The other 67 Harris descendants are the descendants of Grace's brother Howard Nelson Harris who was a young boy (living with his mother Sarah F. Harris) on the 1910 reservation census: 10 through his daughter Stella (Harris) Parsons, 36 through his daughter Catherine (Harris) Velky, 12 through his son Howard Charles (Bud) Harris, 7 through his daughter Adele (Harris) Garby, and 2 through his daughter Louise (Harris) Moynihan. Another Harris sibling, Elsie W. (Harris) Russell, who was on the 1910 reservation census does not have descendants in the petitioner's current membership list, although a smattering of her heirs appeared on some of the lists in the early 1970's (See discussion above and the Administrative History section for information on the Russell who left the STN).

Howard Nelson Harris was on the 1910 census. One of the interested parties (the Cogswells - this branch of the Cogswell family uses the "double-g" spelling) in this case claims that they "will show through public documents that Mr. Velky's grandfather, Howard Nelson Harris, was not the biological son of James Henry Harris, an Indian living on the Schaghticoke reservation, but rather the son of a non-Indian born in New Milford, Connecticut in 1850" (BAR Administration Smith

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<sup>150</sup>Seven individuals on the petitioner's membership list descend through Earl S. Kilson, the 11-year-old son of Bertha Watson Kilson, who was living with his grandmother, Mary Ett Kilson Jessen in 1910. The other eight Kilson descendants on the current membership list also descend from Bertha W. Kilson, but through two of her children who were born after 1910.

<sup>151</sup>Four other George H. and Sarah Cogswell descendants resigned in 2000 and 2001. Eight descendants of Helen Bradley, another daughter of Truman and Julia, but one who was not on the reservation in 1910, resigned between 1999 and 2000. See additional information on these resignations in Administrative History section of this report.

to Fleming 1/8/2002). However, they have not submitted such evidence and the BIA has not found any credible support for the claim. Howard N. Harris lived with his father and mother on the reservation in 1900 and with his widowed mother on the reservation in 1910. He was enumerated in both years as a Pequot Indian. In 1920 he was living with his mother and sister Jessie Harris Hennesey in New Milford, CT. He was a Veteran of WWI and participated in the famous snake hunts in the 1920's as seen in the newspaper articles from that era: "Howard Harris, son of Chief Jim Pan led the hunt" (Snake Hunt-Howard Harris-6/6/1926) His sisters Gertrude and Jessie attended his funeral in 1967. The Cogswell's claim is improbable because not only did Gertrude and Jessie recognize him as their brother, but he also lived on the reservation as a youth and was recognized by both local and State official as Howard Harris throughout his life. (See FAIR for additional information on these individuals.)

The Cogswell family line has 39 descendants in the petitioner's membership: all descendants of the children of George H. Cogswell, who was living on the reservation in 1910. However, none of George H. Cogswell's children were living on the reservation in 1910. These 39 Cogswell members also descend from the Kilson- Bradley line through the wife of George H., Sarah Bradley, daughter of Truman Bradley and Julia A. Kilson, who was deceased before 1910.

Just as interesting as knowing who lived on the reservation in 1910, is knowing who was not living on the reservation. George H. Cogswell had four adult children living in 1910, but none of them were living on the reservation. His sisters-in-law: Helen Augusta (Bradley) Phillips and Frances Josephine (Bradley) Smith, both have descendants in the petitioner's membership.<sup>152</sup> Helen Phillips died in Stratford in 1892, but most of her children and grandchildren were born in New Milford, Connecticut. Most of Frances Smith's children were born in Trumbull, Connecticut, but she apparently lived in Stratford from sometime before 1900 until her death in 1919.

James Henry Harris and Sarah F. Snyder had three other adult children who were living in 1910 who were not on the reservation. Three of their other children died young, before 1910, and without issue. Their daughter, Mary Ett (Kilson) Jessen's (on the reservation in 1910) only living child, Bertha Kilson, did not reside on the reservation in 1910; however, Bertha's two young children lived with their grandmother Mary Ett on the reservation. Charles W. Kilson had two children, Mary Ann born in 1875, of whom no further information is available at this time, and an adult son who was not residing on the reservation in 1910, but who was buried there in 1961. It is quite understandable that these large families could not all live on the reservation, but part of the picture of the current membership is to see who descends from people who were on reservation in 1910 and who descends from the non-reservation resident Schaghticoke.

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<sup>152</sup>Some of George H., Helen and Frances' other descendants have resigned from membership in the STN petitioner. See the section on "Former Members Who Have Left the STN" in the Administrative History section of this report.

Almost two-thirds of the current membership (202 of 317, or 64 percent) descend from 7 of the 18 "Pequot" Indians who resided on the reservation in 1910; however, a number of the individuals on the reservation have no descendants in the petitioning group.<sup>153</sup> The remaining 115 individuals in the current membership (almost 30 percent: 115 of 317) do not have a direct ancestor on the 1910 Federal census of the Schaghticoke Reservation, but descend from two branches of the Kilson family that were not on the reservation.

Of the 115 members, five descend from two other daughters of Truman and Julia (Kilson) Bradley: 2 through Helen (Bradley) Phillips and 3 through Frances (Bradley) Smith. Helen was apparently living in the Luther Eaton household in Kent in 1860 and was a domestic servant in a household in New Milford in 1870 (U.S. Census 170-New Milford, p. 38), but was living in Stratford as early as 1880, and died there in 1892. Frances was married and living with her parents in Trumbull in 1880, but moved to Stratford before 1900 and apparently remained in that area until her death in 1919. The remaining 110 individuals descend from two daughters of Joseph Danielson Kilson (b. 1829 the son of Alexander Kilson and Parmelia Mauwee) and his wife Nancy M. Kelly (the daughter of Eliza Kelly): 90 STN members descend from Ida Elizabeth (Kilson) Thomas Kelsey, who was 13 years old in 1880 and listed as a white domestic servant in a white household in Sharon, Connecticut, and 10 descend from Joseph D. Kilson's eldest daughter, Sarah Ella Kilson, who was married by 1880 to William Schmidl, a native of Connecticut whose parents were born in Ireland and Hungary. They lived in Colchester, New London County (U.S. Census 1880g, Colchester, p. 363). Ella Schmidl was listed as 21 years old, born in Michigan, whose parents were both born in New York. Both William and Ella Schmidl were identified as white. (See the notes in FAIR for additional information on all of these individuals.)

According to the 1880 Federal Census, Nancy M. Kilson, a 42 year old widow ("W"/white in color/race field<sup>154</sup>), lived on the Schaghticoke Reservation with her five Indian children, ranging in age from 20 to 7 years old (Federal Census 1880, E.D. 17, p.12 (303a); dwelling/family 125/131).

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<sup>153</sup>The following residents of the 1910 reservation do not appear to have descendants on the August 30, 2001, membership list: Charles W. Kilson, Walter M. Storm, Edson C. Harris, Frank W. Harris, Gertrude Harris, Harry Cox, Ethel M. Kilson, Elsie V. Russell, William Russell, Leonard Russell, and Herbert Russell. Walter, Edson, Frank, Harry, and Herbert appear to have died without issue. Charles W., Gertrude, William, Elsie, and Leonard had descendants, including some who were on previous STN membership lists: in particular the descendants of William Russell and of Elsie V. Harris.

<sup>154</sup>Nancy's racial identifications and possible tribal origins are ambiguous. She was identified as "white" on the 1870, 1880, and 1920 census censuses, but as a Pequot Indian in 1910, and as "Red," on her death certificate. The petitioner's researcher abstracted Nancy and Joseph D.'s marriage record which identified Nancy as an Indian born at Kent. "Kent BM&D Vol. 4, 1852-1879 p.330 m. February 21, 1857 Joseph Kilson, 28, Ind., bp. Kent, res Kent m. Nancy M. Kelley, 19, Ind, bp Kent, res Dover, NY" Marriage records are generally considered to be fairly reliable primary sources of evidence since the information on them was given by adults, who were giving information about themselves at the time of the event. Nancy Kelly's mother Eliza was consistently identified as an Indian on the census records and on the State Genealogy Chart it says: "Eliza Ann Kelley was without doubt a full blood Indian, probably part, at least, Narragansett." Although there no evidence in the record at this time of the Narragansett connection, it is reasonably clear that Nancy M. Kelly was at least part Indian.

Proposed Finding, Schaghticoke Tribal Nation

Joseph D. Kilson, his wife, and eight of their children were enumerated in Kent in 1870, but not on the reservation (U.S. Census 1870b, Kent, dwelling/family 291/260). Nancy continued to live on the reservation at least until after 1900 where she was enumerated in the household of her half-brother Frederick Kilson (U.S. Census 1900, house #6) and again with him in Kent in 1920 (See notes in FAIR).

Although not on the reservation themselves, these women were not without close family connections to the reservation residents in 1910. Ida and Sarah Ella Kilson were doubly related to Charles W. and Mary Ett Kilson, who were their half-uncle and half-aunt on their mother's side and their first cousins on their father's side of the family. Also, reservation resident George H. Cogswell was married to their first cousin. Helen and France Bradley were sisters-in-law to George H. Cogswell, and first cousins to Charles W. and Mary Ett.

The following table shows the descent of the August 30, 2001, membership from the residents on the reservation in 1910.

**Table II: Petitioner's Membership from Schaghticoke Households on the 1910 Census'**

Household #	Name	Relationship with Head of House	# of Descendants in STN (By individual and head of house)			
#1	Charles W. Kilson	Head	0			
#2	Alfred R. Storm	Head [white]				
	Grace E. [Harris]	Wife	81*			
	Ollie (Allie) M.	Daughter	60			
	Walter M.	Son	0			
	Mabel	Daughter	8			
#3	Sarah F. [Williams/Snyder Harris]	Head [white]				
	Edson C.	Son	0			
	Frank W.	Son	0			
	Gertrude S. (L?)	Daughter	0			
	Howard M. [sic]	Son	67			
	Harry Cox	Grandson	0			
#4	Peter J. Jessen	Head [white]				
	Mary E. [Kilson]	Wife	15**			
	Earl S. Kilson	Grandson	7			
	E. hel M. Kilson	Granddaughter	0			
#5	George H. Cogswell	Head	39			
#6	Allen J. Russell	Head [white]				
	E. sie V. [Harris]	Wife	0			
	William Russell	Step-son	0			
	Leonard Russell	Step-son	0			
	Herbert Russell	Son	0			
<b>Totals:</b>	<b>Individuals:</b>	<b>22</b>	<b>Pequot Indians:</b>	<b>18</b>	<b>Descendants:</b>	<b>202</b>

\*Grace E. Harris Storm Williams has 13 other descendants in the current membership through a daughter who was born after 1910 giving her a total of 81 descendants in the current membership. \*\* Mary Ett Kilson Jessen has 8 other descendants in the petitioner's membership through a grandchild who was born after 1910, making 15 the total number of her descendants in the petitioning group.

*An Approach to Discussing Family Lines and Kinship Groupings in the 20th Century*

The following description of Schaghticoke family lines and kinship groupings is for the purposes of describing and analyzing community and political organization from approximately 1900 forward to the present. It characterizes the population, as near as can be determined, as it had evolved from earlier generations to 1900, rather than projecting the currently enrolled membership backwards in time. For purposes of this discussion, the analysis here defines three kinship lines which emerged as distinct lines at the beginning of the century.

During the 19th century, some families or individuals that had historically originated elsewhere than at Kent moved to and/or married into the Schaghticoke proper. These individuals were drawn from what had been a substantial number of Indian families that lived in, and sometimes held land in a variety of towns elsewhere in this western region of Connecticut. This was a much larger population in the 18th century than in the 19th century. Among the most notable individuals who moved to the reservation and married into the group was Henry Pan Harris, who married Abigail Mauwee and moved to the reservation sometime between the 1850's and 1870. Harris may have possibly been the last such person. Another is in the Jabez Cogswell (son of Jeremiah) family, presumptively of the Chicken Warrups line in part, whose family was largely resident in New Milford in the 19th century, whose grandson George H. Cogswell married a reservation Kilson. However, some Cogswells had resided on the reservation earlier in the 19th century, as well as previously, in the 18th century.

The Schaghticoke source populations, viewed from the lines in evidence around 1900, include a significant number of Indians resident elsewhere in the immediate region than at Kent. The Schaghticoke population was not one ever completely or nearly completely localized on the reservation, at least after 1800. For example, 11 of the 24 signers of an 1884 petition to the overseer, resided off the reservation. They were, however, all close relatives of those happening to reside on the reservation at that point [See Table I - Signers of the Petition]. All three of the major lines evident in 1900 had members who lived on the reservation in 1880/1884 and for extended periods of time in the 19th and early decades of the 20th century.

The most satisfactory model of this population in the last two decades of the 19th century and first part of the 20th century is that the reservation was the central residence, but not the only residence location. Schaghticoke living elsewhere in western/northwestern Connecticut were not necessarily "move aways," so much as living in one or another location in and around Kent, one of which was the reservation. The picture drawn is complicated by the fact that a certain number of siblings in a set in each generation appear to have moved farther away and/or dropped out of contact in some sense, so that at a given point the analysis is focused on those who are still carried on the State's lists and/or resident on or closely related to someone on the reservation itself (see discussion of specific lines below).

Marriage between Schaghticoke lines or with other Indians was common, although not universal, until approximately the beginning or the middle of the 19th century. The extent of such marriages varied somewhat by family line. The marriages with "non-Schaghticoke" Indians are generally other "local" Indians, *e.g.*, Chickens,<sup>155</sup> or Potatucks, rather than more distant Connecticut tribes such as Mohegan or Pequot. Based on the data presently in the record, marriages with other Schaghticoke lines did not at any point reach fifty percent of the marriages in the group. Marriages with Indians after approximately the mid-19th century were uncommon. It may be that the "surviving" lines, that form the group in the 20th century, are ones with relatively late intermarriages, though they are also those with some kind of continuing connection with the reservation.

The lack of Indian-Indian marriages after the mid-1800's marriages, either between, or within the lines is in distinction to some northeastern Indian groups where such intermarriage remained intense and close until much later, sometimes well into the 20th century. In parallel, based on present evidence, there is lacking of extensive social interaction with other Indians in the region, except in one of the three family lines, in the 20th century. However, evidence concerning intertribal relations is limited (see discussion of community 1920 to 1960, below).

The three family lines which are defined for the purposes of analysis here, Cogswell, Kilson and Harris, emerged as distinct lines at the beginning of the century. As defined, with one important exception discussed below, there were not marriages between these lines after the mid 19th century, in this period, although they were related to each other by marriages earlier in the 19th century or in the 18th century. While the distinction between the three lines is in part an analytical convenience, these divisions, defined genealogically and in terms of historical patterns, appear to have been recognized by Schaghticoke group members during the 20th century. Commonly, the petition speaks of "three families:" Harris, Kilson and Cogswell.

The three "lines" defined based on a "founder" in the 19th century, are described below. These are not arbitrary genealogical determinations, but generally correspond to kinship relations in the 20th century. Particularly after 1900, essentially all of the "involved" Schaghticoke population are descendants from one of these three lines. The definitions are designed to avoid projecting backwards the membership of the group in the past several decades, while at the same time not covering all possible descendants of earlier Schaghticoke lines, whether associated with the group in the 20th century or not. Each "family line" represents any number of different early ancestors of Schaghticoke and other local Indian background. The "founders," as defined, lived until around 1900: Jabez Cogswell died in 1904, Henry Harris died in 1897, his wife Abigail died in 1900, and Alexander Value Kilson died in 1907. Around 1900 there were still a few other individuals, living on the reservation or otherwise in contact with the Schaghticoke, who were related to these lines but not direct descendants of the defined "founders" and who have no descendants associated

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<sup>155</sup>Perhaps two members of the Chickens family, Tho. Wallops and Eunice Wallops, were enumerated at Schaghticoke in 1789 (cite??? Stiles 10/7/1789, or Stiles' Itineraries n.d.???)

with the group subsequently. One of these was Rachel Mauwee, said to be the half-sister of Abigail, who died in 1903.

Within given lines, there was an apparent process of “layering off” over time, in that more often than not, only some siblings in a given group of siblings in a given generation had descendants who continue to be described as connected with other Schaghticoke lines, resident on the reservation or recognized by the state. It is not always evident from the available data whether a given individual had no descendants or whether their descendants had sufficiently lost contact, and perhaps identity, so as to not show as involved with and connected with identifiable Schaghticoke. A closer, more detailed analysis might clarify whether a given sibling was in contact with other Schaghticoke in his own generation, or his children or grandchildren’s generations lost contact. Those involved with the Schaghticoke organization since 1967, including those enrolled, are the relatively narrow group of descendants who remained connected. The Schaghticoke have not, in practice, involved members based purely on descendancy, nor sought to recruit members “at large.” There is one important exception to this, the recent enrollment of many descendants of Joseph Kilson. [See extended discussion under the description of the modern community.]

In the early and middle 20th century, as evidenced by available oral history and some records, some of the other siblings, and their children, were evidently in contact with their kin groups, e.g., Julia Cogswell Batie. Hence in this sense, the evidence indicates a degree of continued narrowing, not solely due to individuals having no descendants.

In addition to the three basic lines, as defined, subdivisions of these lines are defined and referred to in the discussion, based on the analysis of community and political actions where subdivisions of the three lines are evident. Thus, for example, descendants of different children of James Henry Harris take different political positions.

#### Description of Family Lines.

##### Kilson.

The Kilson line is reckoned from Alexander Kilson (1796-1844) and Pamela Mauwee, who married in 1820. Three of their six children married Indians, between approximately 1848 and 1860, while the other three married non-Indians. None of the grandchildren married Indians, except for Julia Kilson's daughter Sarah Bradley, who married George H. Cogswell. A key child in terms of descendants is Alexander Value Kilson, born 1823, who married Eliza A. Kelly, an Indian woman who is not documented as Schaghticoke. Of their children, Mary Ett Kilson, born c. 1851, had the most descendants involved with the petitioner before the mid-1990's. The second key child is Joseph D. Kilson, born 1829, who married two Kellys (daughters of Eliza Kelly), and has descendants on the present STN membership list from two of his nine children. The third important Kilson child is Julia, born 1825, who married Truman Bradley [a.k.a. Mauwee in his youth prior to 1844 or 1845]. One of their children, Sarah, born 1847, married George Cogswell in 1867, establishing a key, late, marriage link between Schaghticoke family lines. Two of Julia Kilson's six other children, Helen Riley and Frances Smith had descendants who have been

involved with the Schaghticoke, although there are only a few descendants on the current membership list. Although some of the three other children of Alexander Kilson and Pamela Mauwee had descendants, none are visible in the 20th century history of the group.

#### Cogswell/Coggswell.

The Cogswell line is reckoned here from Jabez Cogswell, born 1808 in Cornwall, who married twice, both times to non-Indians. Inter-marriage with other Indians ended earlier in this line than in the others. Jabez' mother was non-Indian. The line is traced from Jabez for this analysis because his five siblings, born between approximately 1805 to 1833, all of whom apparently married non-Indians, have no descendants involved with the central lines in the 20th century, as far as is known, although several had children and grandchildren.

All of the "involved" descendants in the current group stem from one son, George H. Cogswell, born 1840 in New Milford, who married Sarah Lavina Bradley, born in 1847, daughter of Julia Kilson, in 1867, one of the last intermarriages. There are six siblings for George H. Cogswell, only one of whom, Ellen, born in 1846, may have had descendants involved with the group during the 20th century. By far the largest portion of George H. Cogswell's descendants in turn come through his son William Truman Cogswell, a reservation resident, rather than William's three siblings. One son, Frank, lived on the reservation in the latter part of his life but had no children. Another, George Archibald, moved to Denver.

#### Harris.

The starting point for the Harris line is Henry Pan Harris, who was born about 1817, probably in Wassaic, Connecticut. Harris, a Connecticut Indian whose specific tribal affiliation remains to be determined (see discussion elsewhere in this report) married Abigail Mauwee, described as a grandchild of Eunice Mauwee, who was born about 1830 in Kent. They were apparently married before 1850 and had only one child, a son named James Henry Harris, who was born in 1850 in either Albany, New York, or Stratford, Connecticut. The family resided on the reservation in 1870, and probably for some period before then. James Henry Harris married a non-Indian, as did, apparently, all of his descendants. He had 13 children, of whom at least five had descendants who were involved with the group. The descendants of only two, Grace and Howard Nelson Harris, are currently enrolled, but descendants of Elsie V. Harris have been prominent in Schaghticoke political affairs, and a few descendants of Jessie Mae and Estella have participated at some points in recent decades.

#### *Descriptions of the Schaghticoke in the Early 20th Century*

There are few descriptions of the Schaghticoke between 1880 and 1920 other than censuses or other reports that do not provide much information beyond a listing of those resident on the reservation or resident elsewhere. None of the information provided describe a chief or other leader in explicit terms. Atwater's 1897 account quoted in full earlier in this report, provides a more complete description than most.

Ethnographer Frank Speck visited the Schaghticoke reservation in 1903, just too late to talk with Rachel Mauwee, and again in 1904. His principal source of information seems to have been James Henry Harris.

Speck gave a figure of 16 residents, of whom 11 were James Henry Harris and his children. Speck may possibly have undercounted a bit, since he mentions Value Kilson and his 3 children, and also George Cogswell and his family. Speck estimated that there were "125 valid claimants" elsewhere in the state. Speck (1915) stated that the Schaghticoke "were shouting Methodists." He said they "Converted along with a lot of other people, when the Free Methodist had their chapel at Bull's Bridge." This may be a reference to James Harris' role as a preacher, at Bull's Bridge, a small settlement adjacent to the reservation. However, other sources indicate other Schaghticoke were members of several different Christian churches (Todd 1906). Harris' obituary indicated he was a member of the Congregational church at the time of his death (Bull's Bridge 12/17/1909).

Speck did not describe the existence of a distinct culture. Harris provided him with three sentences in the language and a list of 23 words. Harris was reported to have learned this "in early youth from his grandmother, one of the Mawee family," who, according to his statement, had a connected speaking knowledge of the ancient language (Prince and Speck 1903). Members were able to describe a few past beliefs and stories, including the past hostilities with the Iroquois (Speck 1909).

Several authors referred to the group as of "mixed blood," noting intermarriages with white and black non-Indians. One such author was Speck, who noted that James Harris, claimed to be a "full-blood." A 1903 newspaper article also states Harris' claim that he was the last of the full-bloods. Harris is quoted as saying ". . . when I am laid away . . . by the side of my father and mother the last of my tribe will be gone. Yes I have my two boys here, but they are not full-bloods. The full-blood of the Indian did not flow through their mother's veins. I am the last."

According to Edward O. Dyer, a local historian writing in 1903, 15 Schaghticoke members were living on reservation with 100 scattered throughout Connecticut. He met Rachel Mauwee, the 91-year old granddaughter of the nonagenarian Eunice Mauwee (d. 1860), and James Henry Harris who worked delivering mail between Gaylordsville and Bull's Bridge (Dyer 1903, 213). Dyer, who had visited the reservation in 1902, stated there were "a few unpainted, one-story houses, in which lived about fifteen souls. Each house had a little patch of cultivated ground. At present there are nearly one hundred persons scattered through the state, who claim some relationship with the Scatacook tribe, but to derive any benefit from the small fund one must live on the Reservation" (Dyer 1903, 213-214). From other sources, it is known that the reservation houses, apparently dating from the early part of the 19th century, were along the road at the east side of the reservation, paralleling the Housatonic River.

Detailed information is not presented here concerning the location of Schaghticoke elsewhere than the reservation, although they are found during the latter part of the 19th century, and

earlier, in various towns such as Cornwall and New Milford, a short distance from the reservation. George Cogswell, for instance was born in New Milford, wherein resided, in the latter part of the century, his father Jabez and a substantial number of the latter's children. Other Cogswells, Jabez' siblings, resided in other towns in the region. Some Kilsons were also at New Milford (see also discussion of the residence patterns of the signers of the 1884 petition and Table I). Joseph Kilson, his wife and family had lived on the reservation, but after his death in 1871, some of the older children left to go to work (two are found in Cornwall and Sharon in 1880).

Residents of the reservation between 1880 and 1910 were drawn to varying degrees from each of the three main family lines described for the 20th century. One piece of evidence concerning the reservation community at this time is that Rachel Mauwee's funeral was held at the home of Value Kilson, with a minister from Kent officiating (*New Milford Gazette* 1/03/1903 cited in STN Pet. Anthropological Report 4/1997, 15).

According to the 1900 Federal Census, the 23 reservation residents included old Alexander Value Kilson and his adult, unmarried sons Charles and Frederick, his daughter Mary Ett and her non-Indian husband and three of Value's grandchildren. His step-daughter/sister-in-law, Nancy (Kelly) Kilson, the widow of his son Joseph Kilson, was also on the reservation. George H. Cogswell, was living alone on the reservation in 1900, his wife and all of his children having left by this time. The largest number of residents were members of the Harris family group: James Harris, his wife and five younger children, and two households with older-married Harris children, Grace Harris Storm and her non-Indian husband, as well as Elsie V. Harris and her two children. James' aunt, his mother Abigail (Mauwee) Harris' sister, Rachel Mauwee lived with James' daughter Grace Storm. Written across the columns on the right side of the census page were the words, "Indians Not Taxed."

In 1910, the Federal census showed 18 Indians on the reservation, resident in six households. George H. Cogswell was still resident, but none of his children. Two of Value Kilson's children remained, Charles, who was unmarried, and Mary Ett, who resided with her non-Indian husband and two grandchildren. James Harris had died in 1909, but his non-Indian widow was resident, with four of their younger children and one grandchild living in one household. Two of Harris' adult daughters, married to non-Indians, Elsie Valentine and Grace E. lived in two separate households, with children and stepchildren. In 1913, the overseer reported that there were five houses on the reservation (1914 Overseer report).

#### *Evidence Concerning Leadership: 1900 to 1920*

James Henry Harris. The petition, and members of the Howard Nelson Harris subline at least, strongly identify James Henry Harris (sometimes called Jim Pan Harris and Preacher Jim) as having been chief. Family members in interviews stated that when he died in 1909, he was succeeded by his son Howard. In turn, when Howard Harris died in 1967, he was described as having been succeeded by his son Irving Harris. The evidence concerning Howard Harris as

leader, and what periods he might have been leader, is discussed in a subsequent section of this report.

While James Henry Harris was extremely well known to non-Indians and, by the available evidence, a capable figure, there is no significant contemporary evidence that describes him as a leader of the reservation Schaghticoke or the Schaghticoke in general. Speck made no such identification of him and none appears in State of Connecticut records. There was also no significant information from oral histories as to what his role as chief might have been, though there are some references, from oral histories taken well after his death, that characterized him as a "chief." His granddaughter, Catherine Harris, in a 1968 account, referred to him as having been chief. A similar claim is made in a response to interrogatories prepared by the Schaghticoke in 1975 (*Schaghticoke v Kent School Corp.* 10/17/1975).<sup>156</sup>

A 1903 article about Harris describes a man of some solidity, and reputation among non-Indians, most especially for his role as a preacher. Harris preached at the nearby town of Bulls Bridge, apparently to both Indians and non-Indians, sounding like something of a revivalist. His occupation, in part, as mail carrier is also part of the stories told about him. (He worked the balance of his time on farms in the area (*Preacher Jim Harris* 7/17/1903). According to the article, "The 'Indian Preacher' is beloved by all who know him . . . to the little meeting house at Bull's Bridge, where, in his earnest, dignified manner, he exhorts his hearers, who are mostly whites, to live the life of the righteous. . . . He receives no remuneration, but . . . around Bull's Bridge the farmers tell many stories of the conversions of young men and women through the preaching of the Gospel of 'the Indian preacher' . . . ."

The petition lays great stress on an organization known as the "Rattlesnake Hunting Club." While James Harris, like a number of Schaghticoke men, did hunt rattlesnakes, and James did participate in the Rattlesnake Club, there was nothing to indicate this showed leadership of Schaghticoke Indians. The members of the club were almost all non-Indians (see the discussion below of George Cogswell, who was the Indian leader of this organization.)

George H. Cogswell. The petition characterizes George H. Cogswell, long time reservation resident, as a leader, particularly in the context of reservation affairs. Cogswell, born in 1840 in New Milford, moved to the reservation after marrying Sarah Kilson Bradley. He lived there until his death in 1923. All of the Cogswells in the current membership are his descendants, through his son William Truman Cogswell, also a reservation resident.

While George Cogswell was a well-known figure, there is little evidence to demonstrate that he was a leader of the Schaghticoke. Cogswell was a signatory to the 1876 and 1884 petitions. A

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<sup>156</sup>In reviewing the materials in the record, the statement in obituaries of various individuals, including James Harris, George Cogswell, Charles Edsall Harris and others giving them the title of "chief," or calling them "the last chief," and such, have not been viewed as substantial evidence.

## Proposed Finding, Schaghticoke Tribal Nation

1906 news article refers to Cogswell as "the president of the reservation, a tall stalwart Indian of almost purely Pequot blood and a man of more than ordinary intelligence and prominence in this part of the country" (Exciting Day's Sport 5/1906). A 1982 interview with Trudi Lamb, Cogswell's granddaughter, noted he was a leader of the snake hunt, but said nothing otherwise about his being a leader (Ray 5/10/1982). The only potentially significant evidence of leadership was that Cogswell kept a kind of "guest book," in which was entered all of the visitors to the reservation. There was little specific evidence about this, including what time period he kept the guest book.

In the 20th century, he was especially well known for his role in the Rattlesnake Club, and the petition suggests this as evidence for his leadership on the reservation. The club was a group which met annually on the reservation to hunt rattlesnakes and hold drinking parties. The reservation has many rattlesnakes and between the 1880's and perhaps the 1940's, rattlesnake hunting was conducted by a number of the Schaghticoke men, frequently for the purposes of sale. George Cogswell was one of the most prominent, Atwater (1897) referring to him as "the noted snake hunter."

The petition sets forth the position that the Rattlesnake Hunting Club was a means for the Schaghticoke to promote the interests of the tribe, through publicizing the tribe and its history. Cogswell was the president of the club. Newspaper accounts of his role stated, for example that he "knows every ledge on the wild mountains. Notifies members when the time is ripe for the annual hunt." (Exciting Day's Sport 5/1906). The club, which had its own letterhead, was made up almost entirely of non-Indians, most of whom came to the reservation once a year from New York City and other urban areas. A few other reservation Schaghticoke besides Cogswell were involved, especially James Harris, who was noted as a "scout" and "medicine man" (Exciting Day's Sport 5/1906, Rattlesnake Club 5/21/1906). The exact time period this club was active is not fully known, although it apparently began around 1903. The hunt in 1906 was referred to as the "third annual" hunt (Exciting Day's Sport 5/1906).

The seventh annual hunt was in 1913 (Schaghticoke Rattlesnake Club 6/15/1913). Cogswell's obituary in 1923 noted that he had become well known as the host of the club (Anonymous 3/8/1923). After Prohibition, the club apparently ceased to function regularly, although one last hunt was held in 1926, as a reunion of the Rattlesnake club, with the hunt led by "Chief" Howard Harris (Snake Hunters 6/6/1926). The article noted that one of the objects of this years' reunion was to petition the State Park board to let him live on the reservation, and "act as a guide and fire warden" (Snake Hunters 6/6/1926). Although the article offered the opinion that this was likely to be done, it never was.

### *Evidence of Community: 1920 to 1960*

Patterns of Reservation Residence 1920 to 1970. The number of residents of the reservation was quite small between 1920 and 1930. George Cogswell died in 1923, but his son Frank moved onto the reservation in approximately 1925. In 1927, the agent reported "There are living on the

reservation only three families. Charles Kilson in the Value Kilson home. Bertha Kilson Reilly in the Mary Kilson house. Frank Cogswell in the George Cogswell house" (Lane 1927, 3).

The number of individuals living on the reservation had increased somewhat by 1934, according to a Park and Forest Commission report for that year (CTSPFC 1931-1942). The composition remained almost entirely Kilsons, the exception being Frank Cogswell. Alexander Value's son Charles, born 1854, died in 1934. His son Russell was a resident. The balance, 10 people, were Bertha Kilson Watson and some of her children and grandchildren plus one non-Indian spouse. These included Earl Kilson, born 1898, his non-Indian wife and son Russell Kilson. Bertha Watson, born 1876, was the daughter of Mary Ett Kilson and granddaughter of Alexander Value Kilson.

The number of reservation residents remained fairly steady between 1947 and 1959. A summary done in 1959 gave the figures as: 1947 7 Indian, 1 non-Indian (7/1), 1948-50 figures not available, 1951 8/3, 1952 7/3, 1953 8/2, 1954 8/1, 1955 6/2, 1957 9/3, 1958 9/3, 1959 9/3 (Hoover to Fisher 1959).

In 1956, there were 13 residents, including three non-Indian spouses. All were Kilsons, mostly Bertha Watson Kilson and her children and grandchildren. These include Katherine Strever and her non-Indian husband. Still resident was Charles Kilson's son Robert Lewis Kilson (1887-1961). Also resident was Nellie Zeneri Russell, non-Indian widow of William Russell, a.k.a. William Bishop, (son of Elsie Harris, who died in 1955), and her two children, Alan William Russell, born 1946 and Gail Sandra Russell, born 1948. Frank Cogswell had died in 1953, leaving no Cogswells on the reservation.

In 1966, the only full-time residents were Earl Kilson and his non-Indian wife. Nellie Zeneri and the Russell family were reported to be occupying a cottage a portion of the year (Wilbur 4/1/1966). Earl Kilson died in 1971, leaving the reservation briefly unoccupied, until occupation began again in the 1970's under the organization established by Irving Harris.

Maps created by the petitioner show the number of Schaghticoke births and deaths, by location, over the decades after 1900. These illustrate graphically that there was not a distinct geographical community except the reservation itself, although they indicate that many Schaghticoke remained within a 50 mile radius of the reservation. The maps show consistent concentrations in New Milford and in Bridgeport especially (STN Pet. Maps 3/20/1998a, STN Pet. Maps 3/20/1998).

Studies and Reports. According to a 1926 report by the Park and Forest Commission, "There are five small houses here and they are all in great need of repairs to keep them in liveable condition. Three are now occupied." It reported there were three people living on the reservation, Frank Cogswell, who was self-supporting, Charles Kilson, who was too old to be self-supporting, and Mrs. Reilly, a Kilson, married to a non-Indian, who was receiving some support. The report noted it had completed some repairs, but stated it "would be well to confine all of our repairs to keeping wind and water out, and leave interior repairs to the tenants." The report stated that

"There are, according to the best report I can obtain, some fifty people who claim relationship to this tribe scattered through the states, but there are only three on the reservation." It commented further that "There is little to recommend except the state should continue to let the Indians have the reservation and care for them when necessary as long as there are any with claim to right of residence" (CTSPFC Report 1926a).

A 1936 report by the Commission listing leaders and overseers of State tribes noted for leader under Schaghticoke "None recognized by tribe" (CTSPFC Minutes 3/11/1936). By comparison, the listing for the Eastern and Western Pequots included the name of a leader "recognized by the tribe." The report stated there were 10 Schaghticoke members on the reservation, two in New York, and none elsewhere in the state. On the other hand, for Eastern Pequot the report gave a figure of 16 on the reservation, 12 elsewhere in Connecticut and 15 in other states.

Gladys Tantaquidgeon, a Mohegan and anthropologist working for the Indian Service, included the Schaghticoke in her reports on New England Indians. The reports do not indicate what field research if any she had performed, and they provided little specific detail. In a table of "names of Agents, chiefs and overseers," of New England tribes, the report noted the supervision of the Park and Forest Commission and the name of the local agent. Although it listed a chief or organization for the other groups, as well as state officials, the Schaghticoke listing only gave state officials (Tantaquidgeon 1934a, 10). "The Schaghticoke have not had a chief or headman in recent years. They are a quiet inoffensive group and never cause the town any trouble" (Tantaquidgeon 1934b). Other tables indicated there were no myths or folk beliefs retained and no language. Under "tribal organization," it reported "none" for the Schaghticoke (Table I, Tantaquidgeon 1934a). Tantaquidgeon's views tended to underestimate political organization and continuity, focusing on formal organization, reporting that except for the Mohegan, the tribes of Massachusetts, Rhode Island and Connecticut had not "kept up tribal organizations, but have been endeavoring to reorganize and gain recognition for over a period of some twenty years" (Tantaquidgeon, Observations 1934, [2]). The report noted that two Schaghticoke children were attending school in Kent, with none in high school or college.

Tantaquidgeon's report of four residents of the reservation was inaccurate or perhaps outdated. The State of Connecticut report of residents on the reservation listed the names and ages of twelve individuals: Frank Cogswell, 65; Robert Kilson, 47; Bertha Riley, 54; Katherine Riley, 17; Lois Riley, 3; Julia Clinton 21; Earl Kilson 36; Emma Kilson 35; Gloria Kilson, 7; Earl, Jr. Kilson 6; Charles Kilson, 4; and Russell Kilson, 2 (CTSPFC 1931-1942).

Frank Cogswell was the son of George H. Cogswell and Sarah Bradley and was living with his parents on the reservation in 1880 (U.S. Census 1880f). Frank was not on the reservation in 1910, but his father was (U.S. Census 1910). Robert Kilson was a son of Charles W. Kilson who was on the reservation in 1910, and the grandson of Value Kilson. Value and Charles W. were both on the reservation in 1880 (U.S. Census 1880f). Bertha Riley was Bertha Watson Kilson, daughter of Mary Ett (Kilson) Jessen who was on the reservation in 1910. Bertha was an infant living with her mother and grandparents on the reservation in 1880 (U.S. Census 1880f), but

Bertha was not on the reservation in 1910; however, Bertha's son Earl S. Kilson was living with his grandmother Mary Ett Jessen in 1910 (U.S. Census 1910). The Emma Kilson on Tantaquidgeon's list was Earl's wife and Earl, Jr., Charles, and Russell were his sons. Katherine Riley and Julia Clinton were Bertha's daughters and Lois [or Louise] Riley, was her granddaughter. Thus nine people on the reservation were all from one family, that of Bertha Kilson Riley (3 children, 5 grandchildren, and 1 non-Indian daughter-in-law). In the extended-family sense, everyone on the reservation at this time was kin to Bertha: Robert Kilson was her first cousin, and Frank Cogswell was her second cousin. Frank's grandmother, Julia (Kilson) Bradley and Bertha's grandfather, Value Kilson, were brother and sister.

The Schaghticoke are mentioned in William Harlan Gilbert's surveys of "surviving Eastern Indian groups." Gilbert's 1947 survey noted "A small colony of Scaticook Indians is also to be found at Kent . . ." (Gilbert 1947a). In his 1948 article, he stated "The Schaghticoke are a small handful of families located in Fairfield county"(Gilbert 1948).<sup>157</sup>

Social Contacts Between Family Lines and Sublines. The available interview evidence provides a mixed picture, with some evidence for and some against the existence of a social community between 1920 and 1967. Some accounts suggest fairly broad social contact and knowledge while others do not. There was little documentary evidence which provided information about community in this period, except the lists of residents and the studies cited above. The studies are quite limited in nature.

Some of the hostilities between individuals and family lines and sublines, seen in the 1960's and afterwards suggest that the groups in conflict then had a substantial earlier social history together. These are described in a later section of this report. In addition, the limited record of the council led by Franklin Bearce gave some indication that in the 1950's there was a division and hostility between the Kilsos and the Harrises, which is consistent with later conflicts between the families.

As long as there were Schaghticoke living on the reservation, off reservation relatives visited them. The evidence for this is largely drawn from interviews. Available information from interviews is less consistent in indicating that those who visited the reservation visited reservation residents who were not in the same subline. Reservation visiting by non-resident Schaghticoke appears to have been common, but the some fragments of interview information suggest that this tended to be limited to visiting immediate relatives rather than a reservation community *per se*. One exception was Howard Harris, who had been born on the reservation and who a variety of sources indicate visited the reservation regularly throughout his life to talk with people (see Kilson 11/19/1997 and discussion of Howard Harris as leader, below). A 1927 Park and Forest Commission report indicates that Harris and his sister Estella both visited the reservation regularly at that point (Parker to CTSPFC 4/11/1927).

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<sup>157</sup>Gilbert incorrectly identified the county: the Schaghticoke reservation is in Litchfield County.

The data reviewed here on “reservation visiting” refers to off-reservation Schaghticoke visiting people living there, or getting together there with other Schaghticoke for various occasions. Not addressed here are some accounts of “visiting the reservation” cited by the petitioner which describe a given family as having visited or camped on the reservation, without an indication of social contacts with any other Schaghticoke.

The data analyzed in this section, concerning 1920 to 1967, concerns contact between the three family lines (as defined earlier in the report) rather than between members of different parts of the same family line. In this era, most of the siblings of the older generation, many born on the reservation, were still alive. Thus the interview data from various Harris descendants indicates that the children of James Harris: Howard, Grace, Jessie and some other siblings were probably in frequent contact with across family lines, albeit to varying degrees. These Harris siblings are the ones who have descendants in the petitioner’s membership in the 1970’s and afterwards. There is less detailed evidence to show how much the subsequent generations of this family line remained in contact across the sublines defined by the senior generation, i.e., among first cousins, and among their children, the next generation.

Interview evidence is fairly good for this time period that the various Cogswells (all of whom were also descendants of the Kilsons), had contact with other Kilsons who were not also Cogswells (Johnson and Pennywell 5/12/1982). Further analysis may clarify this pattern, and indicate if the Harrises were somewhat separate from the rest. There is some indication that the Elsie Harris descendants were somewhat distinct from the other Harrises, perhaps because some of them remained reservation residents until the 1950’s, far longer than the rest of the Harrises, giving them different contacts and interests. Thus, for example two Cogswell individuals born in 1934 indicated that they visited the Russells on the reservation, referring to them as people that followed their family members as leaders (Cogswell Family 11/15/2001).

Russell Kilson, born in 1932 and a reservation resident until about 1960, described reservation visiting by various individuals, including Harrises. Born in 1932, he would not have personally known much pertaining to the 1930’s, though he could have learned about this from his father. Both he and Richard Velky, his cousin and a Harris, demonstrated knowledge of and contact with some of the Cogswells. Kilson clearly remembers frequent visits to the reservation by Howard Harris. This confirms the Harris family accounts that Harris was a frequent visitor, although it doesn’t show how much cross-family visiting there was. Kilson’s interview indicates he had a long-time familiarity with other members of the Howard Harris line as well.

Catherine Harris Velky, born 1923, is a daughter of Howard Nelson Harris, one of James Harris’ sons. She is the sister of the former chairman Irving Harris and the mother of present leader Richard Velky. She has been extensively involved in the Schaghticoke organization from the 1960’s on. Her interviews are generally consistent with historical documentation, and fairly resistant to the interviewer’s sometimes leading questions. In a 1996 interview Catherine Velky made statements which indicate that there was and had been relatively little informal social contact between the three major family groupings. In this interview Harris is speaking about her

childhood and adulthood, judging from the interview statements. She most often appears to be referring to the 1930 and 1940's as she says that after she married (in 1941) she was busy with her family. When asked about providing assistance to other Schaghticoke, she clearly stated that her efforts were limited to her own subline of the Harris family line. Harris' knowledge of the other lines appears limited at best. She indicates clearly that her social contacts are largely within her subline of the Harrises. Her references to Alan Russell (son of Elsie Harris, and Velky's nephew) suggest that she doesn't know him well (Harris 1996 and 1999 interviews). As described, Alan Russell appears to be not part of her "family," and not well known to her.

Catherine Velky's interviews in 1996 and 1999 indicate that she did not have any significant acquaintance with the people on the reservation (which did not include any Harrises except Alan Russell's immediate family in Velky's lifetime), or with the Cogswell and Kilson family lines (Velky and Harris 4/23/1999). An indicator of generational difference in social contacts is that at one point she describes the other people on the reservation as "friends" of her father and grandfather," people she did not know (Velky and Harris 4/23/1999). She did not know the Cogswells but indicates her father knew the Cogswell living on the reservation. She does not provide any details about this.

Several reports about the first meetings of the Schaghticoke organization established in 1967 under the leadership of Irving Harris suggested that those coming to the meeting did not have a substantial acquaintance with each other. One statement was that at the first meetings "we didn't know each other." The stated purpose of a 1972 meeting was to "get to know each other"(Minutes 11/18/1972). Under very close questioning Catherine Velky indicated that Trudi Lamb (a Cogswell and leader in the 1980's) had not had significant contact with the Howard Harris subline before the 1967 creation of the formal Schaghticoke organization. Instead, Lamb is described as having presented herself to Irving Harris after he began activities to organize the Schaghticoke and push Indian issues the State (Velky & Harris 4/23/1999). Catherine Velky said "when Irv started getting interested in Indian business. I think Trudie contacted Irv to say she was Schaghticoke Indian. I think that's the way that went." However, earlier in this interview, Velky suggests that Harris also did not know Claude Grinage, a cousin of Lamb, who worked closely with Harris in the late 60's and early 1970's. She suggests that Lamb had introduced them. This latter is unlikely, since Grinage was in the Bearce-led council and would almost certainly have known Irving Harris already. Irving Harris himself made a similar statement concerning Trudi Lamb, writing in 1982 that in 1972, at a powwow at Kent, "a young woman introduced herself to me as a Schaghticoke Indian, Trudy Lamb." He went on to say, "she and her cousin visited me in my home and we welcomed her to the tribe . . ." (Harris to State Prosecutor, 6/16/1982). Even if Trudi Lamb wasn't directly known to Irving Harris at the time, some of the Cogswells were known to the Harrises and certainly to the Kilsons.<sup>158</sup>

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<sup>158</sup> Harris' claim in this statement that Lamb didn't know the way to the reservation is incorrect, in light of her childhood visits to her Aunt Julia on the reservation, but may be evidence that Harris did not know her before the meeting he describes, which would be approximately 1970.

(continued...)

The petitioner has not adequately addressed the complexity of the interview evidence concerning social community from 1920 to 1967. The interviews with Catherine Harris Velky, which are extensive and carefully done, indicate that her subline at least had very limited contacts with other Schaghticoke outside of the Harrises before 1967. However, her interviews in the several areas conflict with information from other interview sources. The petitioner's analyses do not adequately sort out the conflicts in the data in the record between interview statements which appear to support the existence of community and interview statements which explicitly deny it. The analysis in part does not adequately sort out possible generational differences and does not systematically bring together information by specific topic, e.g., cross line visiting on the reservation and then, possible "enclaves" off reservation. The petitioner needs to sort the available information carefully along the lines of specific topics, explaining the statements which are evidence against the existence of a community. In addition, some evidence by the petitioner either clearly only involved the immediate family of the interviewee or did not clearly show broader contact. The State's comments have cited some of the negative statements as evidence that there was no social community in 1967, and in the preceding decades. For example, the State cites parts of the interviews with Catherine Harris Velky which are described below.

Off-Reservation Residence in New Milford and Bridgeport A specific location within New Milford, "Second Hill," is identified in two interviews as an area where Schaghticoke were located, the time period being approximately 1925 to 1950 (Richmond 1997, Cogswell Family 11/15/2001). The petitioner identifies Second Hill as an "enclave" of Schaghticoke (STN Pet. Anthropological Report 4/1997, 99).

The evidence indicates that the Schaghticoke in New Milford after 1910 were predominantly Cogswell/Kilsons, who by other evidence maintained substantial contact with other family members on the reservation, in Bridgeport and elsewhere. However, these were all the children and grandchildren of William Truman Cogswell, who thus were closely related in the period between 1910 and 1950 for which the interview data appears to relate. Several interviews with George Cogswell descendants also suggest that contacts and visiting were maintained throughout the group (Richmond 11/20/1997). To the extent this shows the entire line maintained contact, even outside the reservation, it adds information which helps demonstrate community, but better data is needed to show interaction between family lines.

The 1900 census shows 10 Cogswells in New Milford, constituting the family of William Truman Cogswell and a brother of George H. Cogswell, Lewis Cogswell and his wife. According to one interview, William Cogswell, the progenitor of all of the Cogswell/Kilsons in the present Schaghticoke group, moved from the reservation to New Milford after his fifth child was born (Richmond 1997). The genealogical data suggest a more complex pattern, with his first child

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<sup>158</sup>(...continued)

born in New Milford in 1891 and others born there after 1900, with children born in other locations including the reservation, in between those dates. None of the children of William Cogswell stayed in New Milford after they became adults (Indian War Drum 9-12/1946), but there was frequent visiting back there, and to the reservation (Richmond 11/20/1997). William Cogswell's grandfather Jabez Cogswell died in New Milford in 1904. Earlier, in the 19th century, Jabez Cogswell and various children were shown as living in New Milford, e.g., on the 1880 census, and George H. Cogswell, William's father, was born there in 1840 before marrying a granddaughter of Julia Kilson and moving to the reservation. Some Kilsons lived in New Milford in the latter half of the 19th century and early part of the 20th century, including other descendants of Julia Kilson, through sisters of George H. Cogswell's wife, and another child of Alexander Kilson, Delia, whose descendants did not have any apparent association with the Schaghticoke.

Sarah Harris, widow of James, and her younger children moved to New Milford from the reservation in approximately 1913. There was no information to show that she was in contact with the Cogswells there. The only other Harris family reference in New Milford is that of Mabel Birch, who moved there from the reservation in the 1930's (STN Pet. Anthropological Report 4/1997, 120-121).

The descriptions in one interview indicate there were social contacts in the 1930's between the Birches and the Cogswells living in New Milford, although the descriptions are quite limited (Walberg 2/3/1999). Catherine Harris Velky visited Mabel Birch in New Milford in the 1930's, but denied visiting or even knowing any of the other Schaghticoke there (Velky & Harris 4/23/1999). A documentary source indicated that in 1946 that one of James Harris' daughters had visited William Cogswell's widow in New Milford (Indian War Drum 9-12/1946).

An interview description of the Second Hill area indicates that Cogswells and Birches lived "down the street" from each other (Walberg 2/3/1999). This would not qualify as an "enclave" in the sense of a geographically distinct area made up exclusively or almost exclusively of Schaghticoke. No other data concerning location of Schaghticoke within New Milford were supplied.

There was little evidence that Schaghticoke in Bridgeport, where a significant number from different family lines moved beginning in the 1920's and 1930, were in contact across family lines. Catherine Harris Velky and the Truman and Theodore Cogswell denied that their families were in contact in Bridgeport, or even aware of each other (Velky & Harris 4/23/1999, (Cogswell Family 11/15/2001, 46-48). The Cogswells stated that as children, before 1950, they had never heard of Howard Nelson Harris (Catherine Harris' father). They said that although Howard Harris lived in Bridgeport in the 1930's and 1940's, he had no contact with their families and they "never heard of him in Bridgeport" where two of their aunts lived and where their family got together.

The best evidence for frequent intertribal contacts between 1920 and 1960 concern the Cogswell family. According to a recent interview, various Cogswells and The interview also described a big picnic every summer attended by Narragansetts, Mohegans, at least one Eastern Pequot as well as

the Pipers, Freemans and Stilson Sands. Julia Cogswell Batie and her sister evidently did dances, in regalia, attending events at Narragansett and on Long Island (probably Shinnecock) (Cogswell Family 11/15/2001, 67-68). Frank Cogswell, born in 1869 and brother of George H. Cogswell and Julia Batie, traveled frequently to visit the Onondoga and also visited the Narragansett and tribes in Maine (Cornwell and Hickock 10/1/1939). Equivalent information was not in the record to show similar kinds of contacts among the Harrises and non-Cogswell Kilsons.

Social Gatherings: The petition states that there were regular on-reservation social gatherings, some of them "private powwows" between 1920 and 1960 which involved off-reservation residents (STN Pet. Anthropological Report 4/1997, 101, 116). Most of those interviewed who commented recalled big powwows held in 1939, 1940 and 1941, which were intertribal, and are well documented. Several of those interviewed about these powwows stated directly or otherwise indicated, in describing them, that these were the only powwows held (C. Velky 1996, Velky & Harris 4/23/1999).

In 1939, 1940, and 1941, powwows were held on the reservation, evidently organized in part at least by the Federated Eastern Indians League and Franklin Bearce (a.k.a. Swimming Eel), a non-Schaghticoke who was extensively involved with the Schaghticoke (see description below). The degree to which Schaghticoke helped organize them is unknown, but interview evidence clearly indicates that they were well attended by a variety of Schaghticoke, since they are well remembered (Velky 9/14/1976, Kilson 11/13/1996).

In 1939, the first of the three powwows was held on the Schaghticoke reservation, organized at least in part by Bearce. Bearce wrote to ethnographer Frank Speck, inviting him to attend, styling himself the "medicine Sagamore of the Schaghticoke," along with other titles, relating to other organizations (Incian Assoc. to Speck 1939, Indian Assoc. of America 1939). Speck had evidently written to Bearce about the Schaghticoke, and Bearce told him "there is much to be done." The announcement for the powwow stated that the "Corn Harvest Dance Celebration at Schaghticoke sponsored by American Indian Association and Eastern Federated League of Indians, August 15, 1939." It lasted for three days, with over 250 Indians from 14 states expected to attend (Over 250 Indians 8/16/1939). The handbill for the powwow described it as "Under the auspices of The Schaghticoke and Algonquin Council of the Schaghticoke Indian Reservation: The Indian Association of America, Inc" (Handbill). There was no other evidence that such an "Algonquin Council" existed, as a specifically Schaghticoke organization, based on the reservation. The "Algonquin Council" was a pan-Indian organization active in this era.

According to a news account of the 1941 powwow it "was sponsored by the Town of Kent under the direction of the "Schaghticoke Reservation Council, Chief Grey Fox (Mohican) Chairman." It was reported to have been attended by 6000 non-Indians and 100 Indians, with dances and ceremonial rites. It was described as "the third annual festival. . . on the farm of Mrs. Florence

Bonos.”<sup>159</sup> Various tribes were listed as attending, from Connecticut and elsewhere, and a variety of ceremonies held. It was reported that Swimming Eel (Bearce) was chief and medicine man. The governor attended, issuing a proclamation for a day honoring the Indians, based on a September 26, 1941 legislative act (Mills n.d.a.).

A few other individuals describe some kind of gatherings, sometimes termed "informal powwows," making references which are most clearly datable as occurring in the 1940's. Two accounts referred to these gatherings as "meetings," implying possibly activities of the Bearce-led council. This gives an indication that there were more on-reservation meetings, possibly ones conducted by Franklin Bearce, than those for which there is a documentary record. Two other interviews mention "small informal powwows" but provide little useful detail (Moser 11/18/1996, Streiver 9/26/1994).

An interview with Russell Kilson, who was born 1932 on the reservation, and resident there most of his life, provides supplementary evidence on certain critical points (Kilson and Velky 11/13/1996). Kilson reported that there were smaller powwows on the reservation in the early 1940's, after the big ones. He cited specific locations, lending credibility (addition interview). Russell Kilson also described a process of regular meetings, possibly three times a year, with Bearce coming up by train from Stamford (Kilson and Velky 11/13/1996). The interview is not specific enough to clearly date these meetings, but they appear to have occurred before the first documented meeting of the Bearce-led council in 1949 (see discussion of this council below). This would be consistent with the information that Bearce was active with the Schaghticoke since probably the later 1930's and had called a meeting in 1946 concerning claims (see below)

Gail Harrison, another person resident on the reservation in the 1950's, describes "meetings" and "little powwows," referring, judging by her age and when her family moved off the reservation, to the early and middle 1950's (Harrison 11/19/1996, 4-7). Harrison stated that "There was mainly the Cogswells that used to come up and visit with Julia [Cogswell Batie] and . . . my mother and father [William Harris Russell]." Harrison went on to say "and they'd have little meetings in our backyard actually. A couple of time they had little powwows." She indicate these visitors also visited Russell and Earl Kilson. These events as described show inter-family contact, on the reservation.

The petitioner states that there were reservation work parties during this period, as evidence to show social community. Referencing 1910 to 1960, the statement was made that "traditional Schaghticoke cooperative work groups were used to improve and maintain common tribal grounds" (STN Pet. Anthropological Report 4/1997 83, 125). One interviewee cited by the petitioner stated that in the middle or late 1950's, "the Schaghticoke went up there and we cleaned

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<sup>159</sup>The 1941 news article noted that Mrs. Bonos was working on a book on the history of the Schaghticoke Indians and had a collection of 1000 arrows heads, and numerous other archaeological objects, as well as building materials. It noted that she had offered to cooperate with any plans for the erection of a museum on her property.

it all out, took out roots and trees and made it like it is now." The interviewee added that "Before that there was nothing" (Pereiras 11/27/1996. 3). The speaker did not indicate who actually participated. This may be a reference to activities during the Bearce period. It does not provide evidence for such work parties as a continuing phenomenon.

Before meetings could be held on the reservation in the late 1960's, it was necessary to clear land on the reservation, something which the then new Schaghticoke organization sought and gained State permission (Velky 10/30/1996, Kowalski to Velky 6/25/1968). This indicates that, at least after the late 1950's, when there no longer were more than a few reservation residents, there was not a regular pattern of working on the reservation by the off-reservation members or anyone else (see Birch 1994). Though some individuals reported that members of their family had from time to time gone to the reservation to maintain the cemetery, interview information about this does not substantially support the idea that there were regularly reservation work parties, drawing broadly from the members, until the 1960's. After the Schaghticoke re-organized under Irving Harris in 1967, reservation work parties were organized, although the extent of even these is not known.

The petitioner cites as evidence for work parties the excellent condition of the Schaghticoke burial ground on the reservation in a 1939 account. Two items suggest that the cemetery upkeep was not done by nonresidents on a regular basis. One is the payment of on-reservation residents by the State in 1950 to clean up the cemetery (STN Pet. Anthropological Report, 4/1997, 113. citing "Dept of Welfare 1941-1977, 16"). One interviewee reported having contacted the state asking it to conduct maintenance. A 1961 letter from a Grace Harris descendant indicated that she had written the State in 1958 concerning the cemetery and that although the State welfare commission said something would be done, it was not (Kayser to Barret 4/14/1961). She stated that "the only cleaning that was ever done was what my family and the surviving Harris family did." This provides evidence that Schaghticokes did at least at times maintain the cemetery, although it does not in itself show group actions as opposed to those of individuals or families.

Evidence which indicates there were not regular work parties is the neglected condition of the cemetery in 1967. One of the complaints voiced to the State by Schaghticokes in letters between 1967 and 1970 was that the State had neglected the cemetery. Letter writers requested the State to take action. On the other hand, there continued to be at least a few burials on the reservation of nonresident Schaghticoke, in each decade between 1920 and 1970 (List of Burials post 1993).

#### *Leadership and Political Processes, 1920-1967*

Franklin Bearce, a.k.a. Swimming Eel. An individual named Franklin Bearce, who also called himself "Elewathtum [in various spellings] Swimming Eel," played an important role in Schaghticoke affairs from 1939 into the 1960's. Bearce claimed to be a Schaghticoke, descended from two 19th century residents of the reservation. In a 1957 statement, Bearce recited his title and background, "I am the legal tribal chairman and pa u illeg. u ninni [*sic*] of the Kent Tribe of Schaghticoke. My honored grandfather Iron Face Bearce and father Two Red Feathers Bearce

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were both resident Indians on the Kent Reservation during their early years and 'after' the Iron Face migrated the second time in his conestoga [*sic*] wagon went to Allegan Michigan to acquire land for his growing family, changed their status to isolated Indians" (Kent Schaghticoke Tribe of Indians v. US 1957).

There is no evidence that Franklin Bearce was of Schaghticoke descent. The State of Connecticut explicitly denied this in response to inquiries from the Department of Justice during the group's filing before the Indian Claims Commission (ICC) (CT Welfare Comm. to Morton 6/1/1954). It is clear from interview data that the Schaghticoke that were involved with Bearce did not regard him as being a Schaghticoke, either then or now (Cogswell Family 11/5/2001, Velky 10/30/1997).

Bearce was a member of, and probably an official of, a pan-Indian organization known as the Federated Eastern Indians League.<sup>160</sup> The Federated Eastern Indians League is the relevant organization here because there is some evidence that at least a few of the Schaghticoke became members of it, while the character of the other organizations that Bearce claimed affiliations with is unknown. Bearce indicated that the League was intended to promote the interests of "black," "eastern Indians," who he argued had the same status and character as Western (by his implication not black) Indians. A number of the Cogswell/Kilsons, Frank and William Cogswell, as well as Theodore Cogswell, Sr. and his children, were involved with Bearce as early as 1939 and there is evidence that at least one, William Cogswell, was a members of the League (The New Milford Times, 12/17/1942, cited in FTM notes in FAIR). There was not good evidence that, in general, the Schaghticoke who were officers in the Schaghticoke organization Bearce created in 1949, or those included on the membership list made in 1949 and 1954, were members of the League. In 1951, Bearce wrote on letterhead indicating he was still involved with the Federated Eastern Indians League, as well as other organizations (Bearce to Cogswell 6/27/1951).

Bearce first appears in the record available for this finding in 1934, when the Connecticut Park and Forest Commission received a letter from him in which he evidently characterized himself as an "isolated Indian resident in New York, claiming 1/4 Indian Blood and asking tribal rights," but does not specify the tribe at this point (CTSPFC Minutes Summary 1931-1942). The letter was referred to the Attorney General, who produced an opinion that the Connecticut Park and Forrest Commission "is authorized to pass on question of eligibility for residence on the reservation, but if doubtful cases arise, they should be referred to the U.S. Attorney for the District of Connecticut" (CTSPFC Minutes Summary 1931-1942). The Commission's Field Secretary was "requested to ask for further information from Mr. Bearce and to report at a later meeting whether he has ever become a citizen in another state and whether any of his ancestors were actually on the reservation" (CTSPFC Minutes Summary 1931-1942 citing CTSPFC Minutes 1925-1939, 247-248). Bearce evidently continued to "petition for official recognition of his status as an isolated

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<sup>160</sup>The complex variegated letterheads that Bearce wrote on from time to time also indicated he was a member and sometimes an official of a number of other pan-Indian organizations whose character is otherwise unknown.

Indian of the tribe.” Again, at this time, Bearce did not specify the tribe. There is nothing in the present record showing that the Park and Forrest Commission ever specifically ruled on these requests.

In 1939, Bearce was asserting rights for the Schaghticoke, as well as the Pequots and Mohegans, to hunt, fish and trap in the state without obtaining a license. This may have lead to a Connecticut solicitor's opinion that no such right existed (Connecticut, State of. Attorney General's Office 5/18/1939). Whether any Schaghticoke asked him to pursue this is unknown.(Pallotti to Hunter 5/18/1939).

The Schaghticoke Council and the Indian Claims Commission: 1949 to mid-1960's. A meeting of Schaghticoke organized by Bearce was held on the reservation July 10, 1949. Prior to the meeting Bearce had contacted William Russell and Howard Nelson Harris. Bearce asked Russell to meet July 3, before the reservation meeting, and asked him to also ask Howard Harris to meet with them. In addition to claims, Bearce said he was “thinking we should ask the State to give us modern trailers to live in on Kent Reserve for all Schaghticoke families living off the reserve and landless [sic] the housing situation is so acute that it take to [sic] long to get the legislation for Quonset huts” (Bearce to Russell 6/29/1949). Seventeen people attended the meeting.<sup>161</sup>

Bearce wrote Russell that, [w]e have a letter from Mr. Squires stating that he will carry out to the best of his ability, tribal business recommendations and reasonable requests from the council.” This referred to the Welfare Department Commissioner in charge of Indian affairs (Bearce to Russell 6/29/1949).

Bearce went on to say that:

We have a ready received word from some of our people that they will attend the council. We should elect “a Legal and Schaghticoke Indian Claims Committee” of five adult Kent Schaghticoke to serve on this committee, the legal and enrolled list will be taken from the files at Hartford and any minors that are not yet enrolled at Kent Schaghticoke Indians, with the State as Overseer. This will prevent closing the legal rolls of the Kent and freezing out any minor of Schaghticoke blood from receiving benefit payment for awarded claims (Bearce to Russell 6/29/1949).<sup>162</sup>

The call for the meeting issued by Bearce was a notice “to all legal and enrolled members of the Kent Schaghticoke Tribe” and stated it was being held on the advice of “Squires,” the Commissioner. The notice stated that “some members of the tribe with full equity and tribal rights

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<sup>161</sup> As described above, Bearce may have held earlier meetings with the Schaghticoke. A 1946 article stated that at that time he was talking about pushing Schaghticoke claims and had called a meeting, which all Schaghticoke tribal members were invited to attend (Indian War Drum 10-12/1946).

<sup>162</sup>Note that some of the words in this document are illegible.

has requested 'Swimming Eel' to call a legal 'tribal council meeting' at Kent reservation" (Bearce to Tribal Members 6/17/1949). The purpose of the meeting was "to discuss and transact 'legal tribal business' of vital importance to the tribe and interrelated . . . our 'rights in equity.'" The agenda was to discuss a planned Schaghticoke filing before the Indian Claims Commission (ICC). Another item was to "discuss and act on the reservation housing problems and draft and authorize such recommendations as council [*sic*] sees to adopt to forward to the General Assembly and the Commissioner" (Bearce to Tribal Members 6/17/1949).

The activity drew on interests and opinions of the Schaghticoke, at least as evidenced by the housing issues, but was organized by Bearce, who apparently had well established ties with some of the Schaghticoke by that time. As the references to Commissioner Squires suggest, he believed he had some degree of support from the State at this point, at least from the Welfare Commission, although there is no documentation of this from the State.

A committee was established at the 1949 meeting, consisting of Bearce as chair, Earl Kilson (a reservation resident), Sagamore, William Pan Russell, Theodore Cocksure Cogswell (pa hei), and Henaretta Cogswell Peckham (Wild Rose) as Secretary. It thus consisted of Bearce, two Cogswells, an Elsie Harris descendant (Russell) and Earl Kilson, a descendant of Alexander Value Kilson. No members at this point were from the Howard Nelson Harris subline. The minutes of the meeting were signed by Bearce, using the title of High Sachem Federated Eastern Indian League National High Chief (as well as other titles). A total of 17 individuals attended (Bearce 7/18/49). (See analysis of the composition of the committee and membership below.)

The meeting voted to file Schaghticoke claims before the ICC, which had been established under Federal legislation in 1947. The minutes recited, "Taken up as order of business, 17 legal Schag. Indian in council . . . vote to accept and file Schaghticoke claims. I move you that the Schaghticoke rolls be kept open for additional enrollees children be born until such a time as final settlement and award to the legal and enrolled payment are paid."

The meeting also made specific and detailed recommendations concerning housing. The minutes stated, "Resolved to notify Squires about the house emptied by Julia Clinton, that the Council wishes the husband removed." "We specifically recommend that William Pan [William Russell, ne William Bishop] be provided with house at reservation, also Julia Kilson be allowed to reside at the Bertha Kilson homestead" (Schaghticoke 1949a). "We find that the main trouble lies in adequate housing for isolated families to reside on the reservation." It recommended to the State, Governor and General Assembly that there be provided "adequate housing or Quonset huts for the Indians who are residing in Connecticut and who have equity to reside on the reservation." The minutes were to be forwarded to the legislature for action at next session.

Bearce wrote in an affidavit that he was the elected Chairman of the "Legal and Schaghticoke Indian Claims Committee for the Kent Tribe of Schaghticoke Indians," that he was elected on July 10, 1949 at a meeting held at the reservation. He stated that he had full powers "from the before [*sic*] said Tribal Council Business Meeting to employ" lawyers, referring to provisions of the ICC

legislation and had power of attorney, with knowledge and consent of the five members of the [claims committee], to have the lawyers file the claim representing individual and tribal interests before the ICC (Bearce 7/18/1949).

The idea of the committee was to set up an enrollment of Schaghticoke to share in the award, for which a figure of \$200,000 was mentioned. The enrollment was to be kept open. "The Kent Schaghticoke Tribe . . . are all legally enrolled and registered 'heirs and descendants' of the before said" tribe (Schaghticoke 1949 ca., 9 [see Schaghticoke 7/18/1949, original doc. p. 8: CT-V004-D0041]). Bearce's affidavit stated that "17 adult Schaghticoke Indians that he knows these signatures to be genuine . . . a correct, valid and complete 'enrollment list' of said . . . tribe."

An affidavit prepared after the 1949 meeting contained a detailed statement of claims. The actual filing before the ICC was not in the record, but presumably is similar. The claim itself will not be described in detail here. It included land transactions concerning the reservation as well as for other nearby areas in the region, including the sale of Manhattan. The 1949 document included detailed references to sales by River Indians, "Paugussett-Wepaug" Indians and other tribes (Schaghticoke 7/18/1949, 8). Concerning the Schaghticoke reservation, it stated "In Swimming Eels Grandfather and Fathers [sic] time as resident Indians on the Kent Schaghticoke Reservation, Overseer Lane and Selectman of the Town of Kent . . . condemned and sold many hundred acres of the best tillable land of the old Kent Schaghticoke Reservation." It based the filing on the grounds that United States was the successor to the colony and state of Connecticut. The claims concerning the reservation land are generally parallel to those later raised by the Schaghticoke under Irving Harris, beginning in the late 1960's.

Bearce for a long time sought unsuccessfully to get a law firm willing to take the case, and thus apparently prepared all the filings himself. One attorney terminated a September 13, 1949, agreement to pursue the ICC claim on the basis that it was a very difficult legal position to pursue a claim against the United States which arose before the country was established (Gruber to Bearce 12/12/1949).

There were 74 names of adults and children<sup>163</sup> on the document entitled "Legal and Enrolled members of the Kent Tribe of Schaghticoke Indians listed as registered at the City of Hartford, State of Connecticut as Overseers" (Schaghticoke 7/18/1949, 4). This list appears to have been prepared by Swimming Eel Bearce and the committee members and submitted as a part of the filings before the Indian Claims Commission (ICC).<sup>164</sup> Thirty-three individuals (including Franklin

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<sup>163</sup>There are adults and children on both of the above lists, including children born in 1947 and 1948; however, one child in the Strever family who was born in September 1949 is not included. Therefore, it appears that this list was most likely compiled before September 1949, thus confirming the July 18, 1949, date on the first page.

<sup>164</sup>The date in the text is July 18, 1949, however, there is a handwritten note on the first page that states, (continued...)

Bearce) on this list also appear on the 1954 Docket 112 list,<sup>165</sup> 17 names (including the two Bearce women) appear to be the children, siblings, or near cousins of the individuals on the 1954 Docket list, and 13 names (including the non-Indian spouse of William Russell) were also on the October 1954 "Official Minutes" list. However, the remaining 17 individuals with the surnames Bruce, Solomon, Kline, and Marsh are not found on the petitioner's subsequent membership lists and do not appear to be related to the petitioner.

In the body of this report was a list of 20 names that Bearce called "Additional enrollees, descendants of former Jim Tin Pan Harris, Schaghticoke Resident" (Schaghticoke 7/18/1949, 25). This list included Mabel Strrins [*sic*] (Storm) Birch and 8 Birch descendants and her mother, Grace Harris Williams followed by the names; Alice Williams, Walter Williams, Mabel Williams, Herbert Williams, Hazel Williams, and James Williams,<sup>166</sup> who in fact appear to be her children: Ollie Storm, Walter Storm, and Mabel Storm and their half-siblings surnamed Williams. This list included at least two people who were deceased: "Walter Williams" who appears to be Walter Storm (1902-1940) and "Alice Williams" who appears to be Ella May/Ollie Storm (1900-1939). "Mrs. Mabel Strrins [*sic*] Birch" also appears as "Mabel Williams" on this list,<sup>167</sup> as well as three children of James Henry Harris ("Jim Tin Pan" as Bearce called him): Frank, Jessie, and Gertrude. In all, 18 names on this list are the descendants of James Henry Harris, including 15 members of his daughter, Grace (Harris) Storm Williams' family

Two names on the "additional enrollees" list are not descendants of James Henry Harris, as the introduction to the list purports: Beatrice Cogswell, who may be one of two women of that name who was living in 1949; either Beatrice A. (born in 1903, a granddaughter of George H. Cogswell), or Beatrice Arline, (a great-granddaughter born in 1945). Katherine B. Richmond appears to be Katherine Faulkner, daughter of Henry Faulkner and Belle Johnson, and

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<sup>164</sup>(...continued)

"filed May 16, 1951," indicating this may have been a supplemental filing with the ICC.

<sup>165</sup>One name on the 1949 list is "Felbert Parmalee," but is most likely a very bad job of typing the name "Gilbert Parmalee." There are other misspellings (Roy for Ray, Penmlt for Renault, Mary for Nancy, Senora for Lenora), deceased persons such as Mabel Storm Birch and Walter Storm on the list, and the inconsistent use of a woman's maiden name for her married surname that indicates the person compiling the list may not have been very familiar with the Schaghticoke individuals or families.

<sup>166</sup>Herbert [Jr.], Hazel, and James Williams are listed twice in the petitioner's database, first as the children of Herbert Williams and an unnamed first spouse whom he reportedly married in 1910. The three children were born 1912, 1913, and 1917. The petitioner's FTM also lists Grace Harris as the wife of Herbert and mother of these same three children, but with a marriage date of 1922. Grace Harris was listed with her husband Alfred Storm and her Storm children on the 1910 census of the Schaghticoke Reservation. If these three children belonged to Herbert Williams and an unnamed first wife, they are not the descendants of James Henry Harris. If Grace Harris Storm Williams was indeed their mother, then they are the grandchildren of James Henry Harris.

<sup>167</sup>If you double count Mabel Storm Birch and Mabel Williams as two individuals instead of one, there are 21 actual names of "additional enrollees."

granddaughter of Harrison Johnson and Sarah Gregory. As far as can be determined at this time, this family was not Indian, but two of Harrison and Sarah Johnson's children, Hubert and Gertrude (uncle and aunt of Katherine), married Schaghticoke Indians: Frances Smith (Kilson-Bradley line) and William Truman Cogswell.<sup>168</sup> By combining the names from the two listings in this July 18, 1949, document, it appears that there were a total of 94 individuals named in this record.

Twenty-three individuals on the combined list of names descend from George H. Cogswell, who was on the reservation in 1910, and his deceased wife, Sarah Bradley, daughter of Truman Bradley and Julia Kilson. One Cogswell on the 1949 list, Julie Gertrude Cogswell, was the daughter of Frederick Cogswell, brother of George H. Cogswell. Eighteen individuals on the 1949 list descend from Alexander Value Kilson: 17 from his daughter Mary Ett Kilson, who was on the reservation in 1910, including Earl Stevenson Kilson who was a young boy living in his grandmother's house in 1910, and one from his son Charles W. Kilson. Seven other descendants of Truman Bradley and Julia Kilson (Johnsons and Pennywells), who do not have the Cogswell connection and do not have a direct ancestor on the reservation in 1910, were also on the combined list. A total of 25 individuals on the combined list are descendants of James Henry (a.k.a. Jim Pan or Jim Tin Pan) Harris. One non-Indian spouse of Harris descendant William Pan Russell was also on list. Lastly, 20 names on the combined list (Bearce, Bruce, Kline, Marsh, and Katherine B. (Faulkner) Richmond have no known descent from Schaghticoke Indians.

As in the subsequent membership lists, this list was principally composed of the Kilson, Harris, and Cogswell descendants; however, none of the individuals on this list descend from Joseph Danielson Kilson, who has 110 descendants in the group's current membership. Howard Nelson Harris, Earl S. Kilson, and William Russell on this 1949 list were boys on the Schaghticoke Reservation in 1910.

There was no information concerning any meetings in 1950 and 1951, but Bearce apparently did mail copies of documents to the members --probably to those on the "enrollment" list. Bearce did communicate with the Schaghticoke committee in 1950 and 1951 concerning his attempts to get legal representation and to prepare the filing. The claim was finally filed in 1951, the last year that claims could be filed under the Indian Claims Commission Act (Longston to Bearce 4/11/1951). It was given the number, Docket 112.

In 1954, a state official replied to an inquiry by the U.S. Attorney General, whether Bearce was of Schaghticoke ancestry (Houston from Perry Morton, U.S. A-G, reply letter by Dunn). The official's reply stated that he had inquired of the Schaghticoke and was informed that Bearce was not a Schaghticoke. Clayton Squires (Division of Welfare) notified Commissioner Howard Houston by letter of October 24, 1954, there was no documentation to show Chief Swimming Eel

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<sup>168</sup>Truman William Cogswell's widow, Gertrude (Johnson) Cogswell of New Milford, appears on the list of members on the October 24, 1954, "Official Minutes."

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Franklin Bearce as being Schaghticoke. Squires discounted an affidavit prepared by Bearce. In this instance, he noted, "there is nothing which would prove membership of any of those mentioned [in the affidavit] in the Schaghticoke tribe, according to the family tree which were prepared and given to this office by the State Park and Forest Commission (Squires to Houston 10/25/1954).

In a September 27, 1954, letter to committee members, Bearce noted that a preliminary hearing had been scheduled by the ICC and he wanted committee members to attend. On October 24, 1954, there was held what was characterized in the minutes as a "Regular meeting of the High Council, Schaghticoke Reservation." Bearce was appointed meeting chair. Discussions included various matters concerning the land claim, including Bearce's expenditures, and the fact that Bearce had evidently met with the ICC and been told to bring a lawyer.

An important event at the meeting was that reservation resident Earl Kilson resigned from the committee, with no explanation recorded. In his place was voted Howard Nelson Harris. It was also voted to add Leonard Thorpe (unknown) and Julia Parmalee (a Cogswell/Kilson, cousin of Theodore Cogswell, Sr.) to the committee. A news clipping indicated the meeting was held at the home of William "Pan" Russell, a.k.a. William Bishop, a former reservation resident and father of Alan Russell (*Newtown Bee* 1954, Nelson 10/29/1954).

At the meeting they discussed the place "of Chief of the Reservation," and voted Howard Harris as "Chief of the Tribe." Theodore Cogswell, Sr. was voted near [*sic*] Sagamore. The office of treasurer was discussed and evidently added, with Jean Renault voted into the office. A collection was taken up and enrollees added. There was no indication how many attended this meeting. This is the only documentary record relating to Howard Harris becoming chief, and it indicates that he became chief at that point in time and was not chief before. Harris was, however, one of the initial contactees of Bearce in 1949. Wilbur, writing in 1966, described Howard Harris as the most important contact point for Bearce in this effort (Wilbur 1966b, 101).

There are 22 names on the "Council Meeting at Kent, Official Minutes, October 24, 1954." It appears to be the list of adults attending a council meeting that addressed the claims activities. All but one name on the list, that of "Elewaththum Bearce," a.k.a. Swimming Eel, can be identified with the Harris, Cogswell, or Kilson family lines. Two non-Indian in-laws, Gertrude (Johnson) Cogswell, the widow of Truman Cogswell, and Nellie (Zeneri/Zanewicz) Russell, the wife of William Pan [*sic*] Russell<sup>169</sup> were also on the 1954 list. However, the remaining 19 names can clearly be identified in family groups and as descendants of the Schaghticoke Kilson, Cogswell, and Harris families.

The descendants of Julia M. Kilson and Truman Bradley on the October 24, 1954, list were their granddaughter Mrs. Florence (Smith) Johnson and her three children: Henrietta (Johnson)

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<sup>169</sup>William Pan Russell on the 1954 list appears to be William Herbert Sheldon Russell, the son of Elsie Valentine Harris, who was also known as William Dwy (1900 census in grandfather's household), William Russell (1910 census in step-father's household), and William Bishop (KA notes in FTM, citing to a birth record).

Peckham, Florence Marie (Johnson) Riberio,<sup>170</sup> and Herbert Johnson. The non-Indian widow of Truman and Julia's grandson, William Truman Cogswell (he died in 1942), Gertrude Johnson Cogswell,<sup>171</sup> and her four children: Julia (Cogswell) Parmalee, Jeanette (Cogswell) Renault, Sarah Louise (Cogswell) Grinage, and Beatrice A. Cogswell, are clearly listed on this document. It is most likely that a fifth child, Theodore William Cogswell, was the "? Cocksure Cogswell" [*sic*] of Kenyon Rhode Island, on the list. If so, then the Kilson-Bradley family had nine descendants and one in-law on the 1954 list. Therefore, Henrietta F. (Johnson) Peckham, who was identified as the secretary of the Schaghticoke in this era, was closely related to almost half the people on the list: her mother, brother, sister, five first cousins, and one aunt who was also the wife of a first cousin once removed.

Because Julia, Jeanette, Sarah, Beatrice, and Theodore William Cocksure Cogswell were the descendants of George H. Cogswell, the Cogswell family also had six descendants on the 1954 list.

The Harris family was represented on this 1954 list by three siblings: Howard Nelson Harris, Grace Elizabeth (Harris) Storm Williams, and Frank Harris, as well as Howard's son Irving, and Grace's daughter Mabel Louise (Storm) Birch, and Mabel's children, Ralph, Charlotte, Harold, and Leon Birch. A fourth sibling, the deceased Elsie V. Harris, had one son on the 1954 list, William Pan [*sic*] Russell (and Williams' non-Indian wife, Nellie (Zeneri/Zanewicz) Russell. Therefore, Howard Nelson Harris, who was elected chief of the Schaghticoke Indians at this meeting, was very closely related to about half of the people named on the list.

There is no evidence that Franklin E. (Elewaththum) Bearce, a.k.a. Swimming Eel, was related to any of the others on the list, nor that he was a Schaghticoke descendant.

Harris wrote to Bearce the next year, responding to the latter's requests that he come to Washington to attend an ICC hearing. Harris addressed the letter to "Dear Friend Swimming Eel," indicating the request came at a bad time. It went on to say "You know I haven't been in this long enough to know what to do. We don't see enough of each other to talk things over to have some sort of understanding between you and myself for you know what you are doing" (Harris to Swimming Eel 4/26/1955).

The minutes of the 1954 minutes noted that "Eel brought up about his sisters and cousins being on the list. No objections." At the same meeting, the names of the Bruce family were removed (see discussion of "Chief Suwarrow," below).

In 1956, Bearce, signing himself as Tribal Chairman, cancelled a planned meeting concerning claims activities, to be held at the "Sachem's" house in Litchfield because of the latter's ill health. On the letterhead were statements giving his ancestry as from Chicken Warrups, Gideon Mauwee

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<sup>170</sup>"Mrs. Marie Riberia" of Waterbury, Connecticut on the October 25, 1954, list.

<sup>171</sup>Gertrude Johnson was also the aunt of Henrietta, Florence Marie, and Herbert Johnson; her brother, Hubert Johnson was their father. In this case, the non-Indian brother and sister (Gertrude and Hubert Johnson) married the Schaghticoke first cousins, Florence Smith and William Truman Cogswell.

as well as the "Duke of Chartires" and other non-Indians. Among the titles claimed on the letterhead were: "Kent Indian Tribal Chairman," "Past President and National High Chief, the League of Nations," and "American Indian Aristocrat."

At an ICC hearing held on October 7, 1954, the Schaghticoke were represented by their "tribal chairman Franklin Elewathium (Swimming Eel) Bearce." The commission declined to rule on a Federal government's motion to dismiss the claim and to order the tribal chairman to employ legal counsel. In 1956 the Commission declined ruling further on the issue of legal representation, since "a tribal committee has appeared before U.S. Court of Record in New Haven and signed a 90 day clause contract with a Stamford law firm." Docket 112 was dismissed by a September 9, 1958 order and an appeal was dismissed October 16, 1959 (147 CC 656) (Final Report of ICC).

An obscure reference in a 1958 letter from Bearce to Sagamore Theodore Cogswell, Sr. indicates either a conflict with Howard Harris and/or concern over the latter's failures to act. The letter references a letter from Harris' wife and son which Bearce characterized as stating that "they were trying undermine and undue [sic] the good Work that [he] had done for docket No 112, she stated that the Schaghticoke seemed to be helpless to protect themselves and think straight" (Bearce to Cogswell 1958).

In a second letter to the Cogswells, further conflict is indicated. The letter was addressed to "The Pahei, Theo Cocksure Cogswell, Sachem, Kent Indians, High Chief" (Bearce to Cogswell 5/8/1963). The letter indicates Bearce received one reply to a request to the committee for money to pay expenses, from Henaretta Peckham (Wild Rose), the secretary but no remittance. In it Bearce says, "You state that you do not think Earl Kilson, Jr. will cooperate, this is nothing new with the Kilson family but when the Rose [sic, presumably, Wild Rose, Henrietta F. (Johnson) Peckham] and others fail to function, the Eel infers that these Indians are being intimidated and their jobs threatened or other benefits in jeopardy. If this is the case, the Eel will take action as tribal chairman. go to Civil Liberties, etc." The letter says he had sent a copy to the Peckhams, the Parmalees and to Earl Kilson Jr, at Kent. These letters suggest parallels to inter-family conflicts seen later.

Bearce continued to have some involvement, of an unclear kind, until as late as 1966. One 1964 document he created is styled as an amendment to the Docket 112 petition and made changes in the Schaghticoke officers, adding some of the Cogswells. A 1966 response by the Welfare Commission to a Federated Eastern Indians League letter dated April 16, 1966, told the sender (unnamed) that "No provision for maintaining a small business on reservations in Connecticut. No copies in this office of treaties setting aside the state's 4 reservations." The letter was possibly from Bearce, but could be from a Cogswell or other Schaghticoke (Barrell to Federated East Indian League 4/28/1966). It is unlikely it was from Howard Harris or William Russell.

The correspondence and apparent changes in officers suggest that Bearce remain allied mostly with the Cogswells, specifically Theodore Cogswell Senior, losing the Kilsons and the various Harrises in the late 1950's.

At about the same time, in 1963, Theodore Cogswell, Sr. wrote to his son Truman Cogswell and his family, stating that "we have started a suit against Connecticut, New York and the U.S. for

land claims. There was no other information available about such a suit. At the same time, Cogswell stated "As I am Chief Sachem of the Kent Tribe of Indians you and Theodore [Jr.] are Rear Sagamores" "The Indian names I gave you I want you to always go by them" (Cogswell to Cogswell 5/6/1963). Descriptions of these officials' roles in this time period are essentially lacking in content, i.e., there is no information indicating what role they played and who saw them as leaders.

This apparent set of officers either conflicts with or is unconnected with any continued role for Howard Harris as chief in the late 1950's and early 1960's. In a recent interviews, conducted in 2001, Truman Cogswell and his brother Theodore Cogswell, Jr., denied that Harris was chief at this time, stating that their father was (Cogswell Family Interview).

The name of Harold Bruce, who later styled himself "Chief Suwarrow," together with those of some of his family members, appeared on the Bearce council's 1949 list, apparently through the offices of Franklir. Bearce himself. Bruce had contributed some funds to the council's efforts. He had no known Schaghticoke ancestry or association with the group<sup>172</sup>. At the October 24, 1954 Schaghticoke Claims Committee meeting it was voted to take "chief Suwarro" and his family off the membership list because the latter had tried to sue for land on the reservation (Bearce 10/25/1954; Minutes 10/24/1954; Minutes 10/24/1954). In a 1958 letter Bearce indicated he had advised against this action, arguing it should be left to the ICC, but that the council members took the action anyway. Bruce at this point, in 1958, was threatening to sue the Schaghticoke themselves (Bearce to Cogswell 1958; Bearce to Cogswell 6/27/1951). There was no evidence in the record of any further involvement with the Schaghticoke by Bruce.

Evidence Concerning Howard Harris as Leader Before 1967 There are several questions concerning Howard Nelson Harris as a leader, what he did as chief, how widely among the Schaghticoke he may have been recognized, and what period he held some kind of office.

While the current petition attempts to characterize Howard Harris as having become chief as soon as he was old enough to do so after the death of his father in 1909, the petitioner in a response to an interrogatory in 1975 described Harris as chief only from 1954 (the date the Bearce-led council made him chief) to his death in 1967 (Schaghticoke v. Kent School 10/17/1975). The response to

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<sup>172</sup> Bruce claimed to be "the exiled and sole heir of both the title and lands of Chief Mauwehn"(Mauwee). It was reported in the press that he "planned to move into the old Chief's headquarter" (Beckwith 1951). Bruce claimed land around Sherman, New Fairfield and New Milford, arguing white purchasers took more than a sale agreement by the Indians had called for. The news article reported that the state said there was no chance of success of the claim being pressed by Bruce to land or money and that the latter "couldn't get any lawyer to take the case" (Beckwith 1951).

A 1951 news article reported that a state senator named Leipner had "rushed through a bill in the last legislature to allow action to establish him a member of the tribe and thus entitle him to live on the reservation. A bill was reportedly introduced in the 1959 General Assembly session, as Senate Bill 1245, authorizing Harold W. Bruce to bring an action against the Welfare Commissioner to determine his status as an alleged member of the Schaghticoke tribe (House Action Paves Way n.d.). There was no indication that such a bill had passed (Barrell to Shapiro 1/3/1966).

the interrogatory stated that further knowledge concerning Schaghticoke political leadership was lacking at that point.

Other than the Bearce contacts, and the visiting to the reservation, there is only limited evidence that Howard Harris did anything besides hold the title of "chief." There is evidence that Franklin Bearce conferred with him extensively about the claims efforts (see above). According to Catherine Harris Velky, Alan Russell's father William Russell came to Bridgeport, in approximately 1938, and "asked my father if he can go live on the reservation because I think the house on top of the hill was empty." Velky stated that "My father said it was fine with him; that nobody from down there was going to go up there and live" (Velky 10/30/1996). Whether the request was made to Harris in the guise of his being chief, or simply because Howard Harris had sought to strongly to move to the reservation is unclear.

There is nothing in the documentary record to show a relationship with the state with Howard Harris. There is correspondence which indicates that the Welfare Commissioner knew him personally. There was no record which showed consultations by the state on Schaghticoke matters, such as to who could live on the reservation. There was nothing to show that Harris had contacted the state the way that Atwood Williams did concerning Pequot members and the Eastern Pequot reservation (PEP FD 2002, 127-135).

Harris' daughter Catherine Velky was interviewed at length with detailed questions concerning her father's activities. She was not able to provide any significant discussion of what Howard Harris did as chief or what goals he was promoting. However, she confirmed that Franklin Bearce had met with him on an apparent regular basis. She also affirmed Howard Harris' great interest in the reservation, and that he visited it whenever he could. The time span for the visiting clearly predates the 1960's. The accounts of several interviewees indicate the visiting may have begun in the 1930's (C. Velky and H. Harris 1996).

Catherine Harris Velky stated that her father was chief, "as far back as I can remember" (C. Velky and H. Harris 1996). She elaborated by saying "My father was the Chief prior to 1967, which is on all the minutes of the meetings going back to the 1950's, and prior to that it has been told to me that he was Chief between 1909 to the exact time when he became Chief, which there would be a little missed time in there." In response to a later question, "Do you know how your father became Chief?" she stated "I was at several elections when he became Chief."

Wilbur, apparently based on interviews conducted in 1961, states that in 1948 Bearce contacted Howard Harris who he stated "was and is looked upon as the legal sachem of the 'Scaticook tribe.'" "Bearce told Harris of his work and that he intended to compile a claim against the U.S. government on behalf of the Kent Schaghticoke Indians." Wilbur goes on to say that "Harris was to gather the remaining Indians together in order to give Bearce legal authority as tribal representative. After receiving the authority he needed, Bearce continued his work" (Wilbur 1966, 101).

Later in the same interview, Mrs. Velky modified her statement concerning Howard Harris' role before the 1950's to account for his age, noting that he "was the youngest one in the family, and I do know that my Uncle Charles handled a lot of family problems, who is older than my father, and

my Uncle Frank, and they lived on the reservation, and my father was in Bridgeport, where he lived, and they resided on the reservation." She further indicated, in relation to Howard's brothers, Frank and Charles Harris, that "the oldest ones of the families was used to handle any type problems or things like that, dealing with overseers, and, because they were on the reservation, they had the direct dealings with the overseers." However, her only reference for this is to overseer's reports, which do not contain such information. Further, Edson Charles was absent from the area for many years, returning just before his death in 1975. Catherine Harris Velky went on to recollect what she knew about what happened after James Harris' death, "I was never told such. I was never told such at any time. I just remember my father, through local people in Kent and through everybody. So I don't know where that lapsed period might be or as to how they ruled themselves."

The question was then posed to her in the same interview, "But nobody has ever told you by word of mouth that anyone other than your father was Chief during that period of time; is that right? None of the aunts and else has ever told you?" Her response was, "Never gave me any information as such."

Russell Kilson, when asked who made tribal decisions in the 1930's and 1940's, answered John Chase, the overseer (Kilson 1996:4).

In recent statements, one of the children of Theodore Cogswell, Sr. gives a different view from that of the Harrises; a view which reflects this portion of Cogswell family's involvement in the Bearce-created organization. Truman and Theodore Cogswell deny Howard Harris' status, claiming instead that they and their father had held significant offices, as originally appointed by Swimming Eel (see above). They stated that in November 1960, their father was elected high sachem. "We have no knowledge of Howard Harris being chief" (Cogswell Family Interview, 11/15/2001, 119). The data concerning the latter is treated with caution, because the interview was done recently, after these Cogswells had withdrawn from the STN.

These two Cogswell brothers stated, "We always thought our grandfather was the high sachem due to the various tribes and the headdresses that he wore. Myself and my brother were named sagamores by my father in the year 1963 and we have correspondence to that matter. As far as we knew, William Truman Cogswell [the interviewees' grandfather] was the high sachem (Cogswell Family Interview, 11/15/2001, 92)." After that, the interview stated, "My father, [Theodore Cogswell Sr.] who died in 1964, was the high sachem." The interview qualifies this by saying only certain families would have followed these leaders the Cogswells, the Kilsons, the Bradleys and the Johnsons, those basic families." To which he then subsequently added the Russells (Cogswell Family Interview, 11/15/2001, 96).

There is nothing to describe what activities these named individuals might have undertaken in these offices outside of the described Bearce-created council itself. The interview indicates in fact that little was done within these roles. "As far as I know we didn't do anything until 1972, when certain people in the group got together and they started to regroup the tribe again in the early 70's. We never had an opportunity to practice that after my father died. So we didn't/weren't involved in anything up until the early 1970's when a whole new group came in" (Cogswell Family

Interview, 11/15/2001). This also suggests that these roles and positions ended, in their minds, after Irving Harris' reorganization of the Schaghticoke, which began in 1967.

Hazel Kayser, a Grace Harris descendant, wrote to the State in 1961 seeking reservation housing for her sister Mabel Birch (Kayser to Barrell 4/24/1961). In these letters Kayser is acting in terms of individual or family interests. There is no indication that Howard Harris, the nominal leader, or any of the Cogswells with the title of leader were involved in this effort.

Evidence Concerning Other Individuals Identified as Leaders Before 1967. The petitioner presents a chart, accompanied with some discussion, which lists a substantial number of women who it identifies as women who were formal or informal leaders active at different times throughout the 20th century (STN Pet. Profiles 3/20/1998, 59-61). There is little specific description or cited evidence to substantiate a leadership role, informal or otherwise, for most of these individuals. Exceptions would be Trudi Lamb, Catherine Harris, Paulette Crone-Morange and a few others whose roles show up clearly in the political processes after 1967 (see the descriptions later in this report). There is little or no evidence to support a leadership role for those shown on the chart between 1900 to 1967, a period in which specific evidence of leaders and political activities is limited.<sup>173</sup> Some of those charted appear to be designated leaders solely because they were older individuals.

Some of those listed are considered as leaders because they were "culture keepers" who practiced crafts, were story tellers who maintained traditions, or conducted similar activities. While such a person may be considered an informal leader when widespread influence is shown, simply being a basket maker or crafts maker, is not by itself evidence for leadership. Being an older woman with a kinship group, as was the case for a number of these individuals, is not, without some additional specific evidence, a demonstration of leadership beyond the immediate family.

The discussion of the chart in part refers to the 1997 anthropological report, where the petitioner states what it views as "the important sociocultural roles of Schaghticoke tribal elders" and "community culture bearers whose responsibility it was to impart tribal traditions, lore and knowledge" (STN Pet. Anthropological Report, 4/1997, 132). The interview quote that is cited is not well supported by other interview evidence and describes individual actions of older individuals teaching their grandchildren things which may or may not have been specifically Schaghticoke. Another interview explicitly stated that elders did not provide any significant transmission of traditions, although some stories of the reservation were told (Velky 10/30/1996). The petitioner has not described the existence of a distinct culture. There were no examples given of sociocultural leaders of the kind described for the Mohegan, an individual who influenced many members on matters concerning the group's traditions (Mohegan FD, 3/15/1994, 96).

Schaghticoke were present at a 1953 legislative hearing to discuss a bill proposed by the Welfare Department to terminate the State's reservations and distribute the land to the members (Indians

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<sup>173</sup> The chart runs from 1840 to 2000, and marks out the entire lifespan of each individual named. The same limitation of information apply to those before 1900 as discussed concerning those between 1900 and 1967.

Fight for Land Ownership 4/9/1953). There was no other information about their participation. Unlike the Pequot, there were no speakers listed in the hearing transcript (Hearing 1953). Various petitioner sources suggest other individuals as leaders. There was no indication whether the Bearce-led council was involved.

The 1975 interrogatory response stated Earl Kilson was leader from 1949 to 1954, and suggests also William Cogswell, Frank Cogswell (described as Sachem c. 1940) and Theodore Cogswell (Sr.). There is some information to show that Bearce had designated one or more of the older Cogswell/Kilson men as "sagamore," perhaps as early as 1939, possibly in connection with the powwows. Two letters to Frank Speck in 1939 and 1940 referred to "the Cocksure Sachem at Schaghticoke," noting that he had visited the Iroquois and the Narragansett August meeting (Swimming Eel to Speck 6/16/1939, Swimming Eel to Speck 1940). According to the petitioner, Trudi Lamb identified the 1939 reference as her uncle Theodore Cogswell and the 1940 reference as her uncle Frank Cogswell (STN Profiles 49-50). It is unclear why two different men are identified. As noted, later information, from the 1960's, indicates that Theodore Cogswell, Sr., had been designated as "sagamore." The interview of a non-Indian friend of some Schaghticoke families indicated that Frank Cogswell, Robert Kilson and Earl Kilson had given them permission to come on the reservation, and "didn't just allow anybody to come up there" (Moser 1996:18-20). This is cited by the petitioner as evidence of their roles as on-reservation leaders. There was not corroboration from other interviews for this.

In 1942 the obituary of William Truman Cogswell, son of George H. Cogswell, referred to the deceased as "a Pequot Indian chief of New Milford." The obituary also described him as a member of the Federated Eastern Indian League" (New Milford Times, 12/17/1942, p.5). A 1953 obituary of William's brother Frank identified him as "unofficial tribe chieftain" (obituary dated 7/17/1953, in "remarks" for Frank Cogswell FAIR).

An article in 1946, apparently written by Franklin Bearce, stated, under the heading "Schaghticoke Drum Beats. Chief Swimming Eel." that "Chief Frank G. Cogswell is the chief of the Schaghticoke Tribe of Indians who live on the Schaghticoke Reservation 80 miles north west of new York ? City [sic] in the north west section of the state of Connecticut in the country known as the Litchfield Hills. The 400 acre reservation is located in the mountain county and is very beautiful." The article went on to say that "Earl Kilson is the War Chief of the Schaghticoke." The article was identified as a "Special News Release to the Indian War Drum By Chief Swimming Eel (Schaghticoke)" (*The Indian War Drum* Jan., 1946, Vol. I, No. 1, The Voice of the Eastern Indians).

The interrogatory to the Schaghticoke in 1975 concerning political leadership included the question: "Identify all incumbent officers and members of the Tribal Council of the Schaghticoke Tribe of Indians other than the Chief and identify all former such officers and members of the Council. State as to each such officer and member of the Tribal Council the title of his office and the dates of term in office (Schaghticoke v. Kent School 10/17/1975). The response named the council developed by Bearce in 1949: "Officers and Council Members elected in 1949:" Elewaththum Swimming Eel Bearce, Chairman; Theodore Cogswell, Treasurer; Henrietta Peckham, Secretary; and William Pan Russell, council member. It then gave the second round of officers in Bearce's organization, an indication that there had been only two sets of officers

adopted in meetings: "Officers and Council Members elected in 1954: Elewaththun Swimming Eel Bearce - Chairman, Theodore Cogswell — Sagamore."<sup>174</sup>

Catherine Harris Velky confirmed that the Schaghticoke were not having meetings before Irving Harris took over in 1967, with obvious exception of the Bearce-led council (Velky 10/30/1996). This was also indicated by Irving Harris' own description, given at the 1972 annual meeting, that in "1955-1957 Swimming Eel worked with us on Docket 112. 1940-1955 a few people on reservation; no peak [*sic*??] so things died out," and "1957-1967 big lapse, nothing happened." Since 1967 Indians and others have become interested in Indian affairs" (Minutes 11/18/1972).

Lack of Evidence of a State Relationship with Leaders: 1900 to 1966. Absent in the evidence of the State's relationship with the Schaghticoke after 1900 and before the mid-1960's is any identification by State officials of a leader and dealings with such an individual, consultation with individuals on reservation matters, and the like. If further evidence shows that the State did deal with Franklin Bearce, this would provide an exception, albeit limited.

The absence of such State actions contradicts the petitioner's argument that the state deliberately kept Howard Harris off the reservation because he was the leader (STN Pet. Anthropological Report 4/1997, 107)a. There is no support for this statement. A letter from Howard Harris to Commissioner Squires in 1950 requesting consideration for housing on the reservation indicated that he was well known to Squires (Harris to Squires 9/23/1950). However, the tone of Harris' letter reveals no indication of being angry at being rejected, at least at that point. It also gives no indication that he was writing as a chief or leader of the group. Nothing in this material or in the earlier records of Harris' contacts with the State in 1926 and 1927 concerning moving back onto the reservation gave any indication that the writers understood Harris to be a leader or to be acting other than as an individual.

#### *Leadership and Political Processes, 1967-Present*

Description of Leadership and Political Activity: 1967 to 1973. After Howard Harris died in 1967, his son Irving Albert (a.k.a. Ernie) Harris began energetic efforts to create an organization and push for Schaghticoke and Connecticut Indian issues. Irving Harris states that his preparation for the chairmanship was that he understudied by taking his father up to the reservation after he (Irving Harris) got out of the service in the 1950's. These trips were evidently some of the frequent visits that Howard Harris made (Harris post 1979). Irving Harris was involved to some degree in the activities of the Bearce-led Schaghticoke organization during part of its existence, attending meetings in the 1950's ( Gail Harrison 4/7/1996). This provides some indication of continuity. Claude Grinage (a Cogswell/Kilson descendant who had been on the Bearce-led council) characterized the organizational activities begun in 1967, as Harris "had it going again," an apparent reference to the previous activities of the Bearce organization (Grinage 5/16/1982).

According to Catherine Harris Velky, Irving Harris' sister, only about 20 people attended the first meeting, held in 1967. She described the attendees as "family members" (Velky 9/16/1976). She

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<sup>174</sup>It appears that this latter listing is incomplete, judging by the documentary record available about the organization.

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stated "The first meeting was very few, because we didn't know other Schaghticoques at that time." There are minutes from 1968 labeled "meeting number two" and "meeting number three," but no documents of this first meeting in the record for this petition evaluation.

Irving Harris defined a set of issues which were pressed by the Schaghticoke group and some of its members between 1967 and 1973, with particular attention focused on the State of Connecticut. The most strongly pressed were getting additional housing on the reservation and having the reservation surveyed. Claims for former reservation land were also discussed and investigated by the group. Harris had some idea of what had gone on with Franklin Bearce, since he made statements at this time that the Federal government had turned the Connecticut Indians over to the states, an apparent misreading of the ICC conclusion that the Schaghticoques claims were against the state, not the Federal government (Lappen 2/5/1975, Pratt 10/13/1970). Another early issue was requesting from the state the right to clear some of the reservation land so that meetings could be held there.

According to minutes, "A second meeting of the Schaghticoke Tribe was held on June 30, 1968, on the Schaghticoke Reservation in Kent, Connecticut. 35 members [*sic*] of the tribe attended" (Minutes 6/30/1968). The minutes reported that "Permission has been granted to clear land for the purpose of holding future tribal meetings," and that members had written a lot of letters (Minutes 6/30/1968). At the June 1968 meeting "Members were urged to write their congressman and state representatives to request a land survey to determine the exact boundaries which seem to be getting smaller, and why hunting and fishing rights were revoked by the state. It was reported at that point that some members were interested in taking up residence on the reservation and that "applications for taking up permanent residence had been received [from the State] by many members" (Velky 8/1/1968, Kowalski to Velky 8/13/1968). Irving Harris, who was referred to as chief, at one meeting said there would be probably land available and that "if anybody were interested they could call Hartford" (Velky 10/30/1996).

Some applications for reservation residence were filed with the state, but there was little information to show that any of these were followed through with in this time period. The commission in replying to various inquiries provided a map of the reservation and in some instances an application for residence. Its reply to one of Mabel Birch's inquiries said "it appears you qualify for residence." The respondent wanted to arrange to meet Birch on the reservation to look over the site and discuss plans. It enclosed "Rules and Regulations for Indians Reservations"(Birch Barrell to Birch 1/19/1967).

Catherine Velky indicated that at early meetings writing letters was suggested and urged. There was no information on how many letters were generated, although the Park and Forest Commission indicated that "a number of inquiries had been received." The correspondence was at least partly the result of group efforts.

There are a number of letters in the record for this petition, all from descendants of James Harris (e.g., Birch to Barrell 6/12/1968, Velky 8/1/1968, Louise Kowalski to Birch 6/27/1968, Kowalski to Garby 6/25/1968, Kowalski to Irwin 7/8/1968, Kowalski to Velky 6/25/1968). In a letter from Catherine Harris Velky to the State government, she wrote "As an Indian descendant of the Pequot Tribe," requesting information concerning the boundaries lines of the reservation, which

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she understood to be as 1500 acres. She also stated that the cemetery was a historical site and should be fenced and patrolled by state police (Velky to Whom it May Concern 6/1968). She inquired further, "what are our rights and privileges and what became of the Indian fund to take care of the reservation. My grandfather was Chief James Henry Harris, Pequot tribe" (Velky to Whom it May Concern 6/1968).<sup>175</sup>

Harris and the Schaghticoke continued to press these issues into the early 1970's. One particular focus was trying to get the land surveyed (Pratt 10/13/1970) and complaints that the reservation had been neglected by the State. This latter was probably valid, in that it does not appear from the record that much money had been spent on keeping up the reservation land, and the state did not have a current survey available.

Some correspondence with the state predates or is almost simultaneous with the first meeting in 1967. A letter of January 1967 from Mabel Birch, stated " Since we can't get any money for our property, we would like to have the same property that my parents had, to build on, tax free." Birch, daughter of Grace Harris, asked permission to build a house on the reservation (Birch to Barrell 1/16/1967). In several other letters written about the same time to the State, the writer asked what their rights were, and was there money likely to come from the sale of the reservation.

Irving Harris wrote to the State in 1968 that at a Schaghticoke meeting, it was requested "by members of the tribe," to see if housing could be gained for Mable Birch and her daughters (Grace Harris). It noted that one of the two houses on the reservation were occupied only part time by the Russell family and sought to have Nellie Zeneri, the non-Indian widow of William Bishop (Russell) asked to leave the reservation (Harris to Kowalski 8/8/1968). The Russell family referred to descendants of Elsie Harris, including Alan Russell, subsequently chairman of the Schaghticoke. Notably, at this point, there was only one full-time resident of the reservation, Earl Kilson, who was 59 and ailing in 1966 (Wilbur 4/1/1966). He died in 1971.

Part of Harris' efforts, beginning in approximately 1970, were directed at changing the state recognized tribes' relationship with the State. The effort was also pushed by the community action program of the United Auto Workers which lobbied legislators (Pratt 10/13/1970). As a result of those efforts, in 1971, an act establishing an Indian commission and defining rights of tribes, and providing state funding to tribes was passed by the legislature. It was vetoed by the governor because it went too far, in his view. Efforts continued, leading to the 1973 act establishing the Connecticut Indian Affairs Commission. The minutes of Schaghticoke meetings indicate that the Schaghticoke as a whole, and their governing body, was supportive of those efforts. For example, at a February 24, 1973 membership meeting, the council and members were urged to write their legislators, as part of the process of lobbying for the 1973 bill (Minutes 2/25/1973).

Although various sources state that Irving Harris was elected chief in 1967, the minutes of "Meeting #3" held August 4, 1968, indicate that a council and chief were not formally established until that date (Minutes 8/4/1968, Harris vitae). The minutes stated that the main purpose of the

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<sup>175</sup>Both Velky and her brother Howard "Bud" Harris identified themselves to outsiders, at least at times, as Pequot rather than Schaghticoke (Velky and Harris 4/23/1999).

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meeting was "to elect a council and a chief to represent other members of the tribe." The 32 individuals who attended elected a council, which consisted entirely of James Henry Harris descendants, fairly broadly drawn. The council consisted of, from the Howard Harris subline, Catherine Velky, and two of her sons, Joseph and Paul Velky. The council also included Mable Birch (daughter of Grace Harris) and her daughter Arlene, and two Hennesseys. The latter were son and grandson of Jessie Mae Harris, another child of James Pan Harris who does not have descendants in the current membership. The council then met and elected Irving Harris as chief, by a majority vote. According to one council member, concerning funding of the council's activities, "We never did have bank accounts. We just chipped in, you know, passed the hat around and paid for the mail and stuff like that since there was no working money" (C. Velky 1996).

A 1968 letter to a newspaper indicates the conflicts seen in later years were already in existence. In the letter Irving Harris objected to an article in the newspaper which had reported on Earl Kilson, then the only reservation resident. Harris stated that Kilson was "not Indian, born out of wedlock. He is a liar and a Navy deserter." The letter also advised readers to check with "any member of the Harris Family who are the true descendants of the Schiticoke [sic] Tribe" (Withheld to Lakeville Journal 7/31/1968, Birch to the editor 8/16/1968). The article's author responded with a rebuttal saying that Kilson's documentation was good, and had been checked with the state. A followup article in 1969 stated that "Mr. Harris apparently resents that fact that Mr. Kilson occupies the home once occupied by his grandfather and only grudgingly gives lip service to Mr. Kilson's Indian ancestry, although he has tried to dispute it on several occasions" (Schlicht 12/4/1969). This article also noted the Department of Welfare had stated that Kilson's Schaghticoke ancestry was well documented.

An additional hint that this conflict pre-dates 1967 is a 1961 letter from Hazel Kayser, a Grace Harris descendant, asking where the money came from "that the Kilsons were living on all these years on the reservation" and stating that she was sure none of the "rightful people like the Harris family," ever got any Indian money (Kayser to Barrell, 4/14/1961). She went on to state "we were the only true-blood Indian that were there."

The council in October 1972 had broadened. It consisted of Irving Harris, Catherine Harris Velky, Paul Francis Velky Jr., and also Trudi Lamb (a Cogswell/Kilson descendant). It now included Claudette Grinage Bradley (Cogswell/Kilson) as well as another, older Howard Harris descendant, Ruth Garby, and Mabel Storm, the daughter of Grace Harris. There were no Joseph D. Kilson descendants on the council (Harris to Bradley 10/14/1972). As discussed elsewhere in this report, Lamb had recently become acquainted with Harris (see p. ). The Grinage family would have been known to Harris because of its participation in the Bearce-led council.

The petitioner submitted one membership list with a hand-written date of 1970 and 130 names typed in alphabetical order by surname, but the list does not include birthdates, addresses, or maiden names (Tribal Roll 1970). The BIA compared the list of names to the information in the petitioner's FTM file and found that several of the children on the "1970" list were born in 1972 and one as late as June 1973; therefore, it appears that this list was actually prepared sometime after 1973. The font and typing looks to be the same as that found on the "Enrollment - January

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1, 1974 - December 31, 1974" document that is on Schaghticoke Indians of Kent, Connecticut, Inc. letterhead paper (Tribal Roll 1974).

At a membership meeting on November 18, 1972, the members present accepted the "Articles of the Constitution" and voted for the members of the council. Notably, it was at this meeting that Claude Grinage (father of Claudette Bradley), who had been active in the Bearce council, was called "sagamore," a role which was not defined. This title represents an element of continuity with the Bearce organization, in which Grinage had been active, and which had defined a number of "sagamore" positions (see above). Chief Irving Harris stated that the "Reason for the meeting: to get to know each other; 'who we are' so others might know who we are" (Minutes 11/18/1972).

A report by the Secretary-Treasurer listed the board of directors that "were voted in and accepted by the corporate members November 18, 1972," and included a list of the "corporate members" (31 names), children (26 names), and "associate members" (non-member spouses). Another document dated November 18, 1972, named 18 of these corporate members who were present at the meeting held that day, thus implying that the list of 31 names was the complete adult membership. This appears to be the list that was read and approved by the council on January 27, 1973 (STN Minutes 1/27/1973).

"The following members were voted in and accepted by the corporate members November 18, 1972," heads a list of "Board of Directors" headed by President: "Chief Ernie Harris," Vice-President: "Sagamore Claude Grinage," Secretary-Treasurer: Claudette Bradley, and Directors: Mabel (Storm) Birch, Ruth Garby, Trudie (Ray) Lamb, Catherine (Harris) Velky, and Paul Velky, Jr. This list of officers is the same as that in 1974, except it also includes Mabel (Storm) Birch, Ernie Harris' first cousin.

The names and addresses of 31 corporate members, 26 children, and 11 associate members were attached to the list of directors. Presumably, the 31 corporate members were the ones who voted for the directors. Fifty-five percent of the voting membership (17 of 31 corporate members) were closely related to Irving Albert (Ernie) Harris: 2 sisters, 5 nieces and nephews, 2 first cousins, 7 first cousins-once removed, and 1 first cousin-twice removed. However, vice-president Claude Grinage was even more closely related to the remaining voting membership: his mother, his daughter, 5 aunts, 4 first cousins, and 1 second cousin made up the non-Harris corporate membership. They are all descendants of George H. Cogswell and Truman and Julia Kilson Bradley. All of the Harrises had Connecticut addresses; however, six Cogswell-Bradley-Kilson members (3 of Claude Grinage's aunts and 3 of his first cousins) lived in New York or Rhode Island.

Beginning in 1973, the Schaghticoke council operated under the "Articles of Constitution" it had adopted in November, which were apparently used as the basis of establishment of a state non-profit corporation incorporated on January 15, 1973. The corporation's stated purpose was "to promote and advocate a better understanding toward the Schaghticoke and preserve their art, culture and traditions. Defined their ancient property rights, land, treaty rights, all matters for the best interest and protection of all descendants of the Schaghticoke Indians." Members under the document were "authentic descendants" tracing to Schaghticoke Indian recorded by the State,"

and requiring a contribution of at least at least one dollar annually. Corporate members, who alone had the right to vote according to the document, were "authentic Schaghticoke over 16." The document also defined a class of "associate members," the spouse of an authentic descendant with a full right to participate in all meetings, but without right to vote." The document provided for elections, at annual meetings, of a President, Secretary Treasurer and six board members. According to Claude Grinage, he and his daughter (Claudette Grinage Bradley) and Irving Harris wrote the 1973 constitution (Rabkin interview notes).

A list of 70 members who paid dues in 1972 and 1973 contained many Grace Harris and Howard Harris descendants as well as a number of Cogswell/Kilsons, including the Grinages, Trudi Lamb and her mother, and a number of other older Cogswell/Kilsons, children of William Truman Cogswell, son of George Cogswell (Bradley to Schaghticoke Indians 2/19/1974). Absent were any Kilsons (other than Cogswells) whatsoever, and neither Alan Russell nor other Elsie Harris descendants. There was one Hennesey (from the Jessie Harris subline). Catherine Harris Velky confirmed in an interview the absence of those who were reservation residents at this time: Alan Russell, his sister Gail Harrison, and Russell Kilson (Velky & Harris 4/23/1999).

Necia Hopkins and the New England Schaghticoke Association. Considerable effort was devoted by the Schaghticoke in the 1960's and early 1970's to disputing the claims of the New England Schaghticoke Association. This organization, which had been formed in 1970 in Massachusetts, claimed to be the Schaghticoke tribe. The head of it, Necia Hopkins, wife of the then Narragansett chief George Hopkins, claimed to be a Cogswell. This claim may have derived from her knowledge that George Cogswell's son Theodore had married a member of the Narragansett tribe. This branch of the Cogswell family resided for a significant time in Rhode Island, near the area where the Narragansetts are located.

The Necia Hopkins issue was on the Schaghticoke council's agenda at meetings in a number of years, being mentioned from 1968 to mid-1970's. Records indicate that the issue came up before the Connecticut Indian Affairs Council (CIAC, established 1973), which ultimately rejected Hopkins' claims. A 1970 Schaghticoke statement, was that "we are not related to her and she has no proof of descent" (Tribal Statement n.d.). The statement was signed by 33 individuals, drawn largely from the Cogswell/Kilsons, including Trudi Lamb, and the Howard Harris subline, together with some descendants of Grace Harris. There were no non-Cogswell Kilsons on the list, probably because these were not enrolled with the Schaghticoke organization in 1970.

Apparently the question eventually went to the CIAC, where the Cogswells presented evidence that Hopkins was not one of them (cite Harris, 1982-3 meeting transcript). In 1970, a staff member of the Department of Environmental Protection wrote to Irving Harris that "Necia Hopkins, failed to provide the required proof of 1/8 Schaghticoke blood, therefore no longer will receive permission to hold meetings on the reservation." At this point, the CIAC found only that she did not have a sufficient degree of Schaghticoke ancestry to qualify to be on the reservation. There is evidence in the record that subsequently the CIAC found that she was not Schaghticoke at all.

A somewhat confused newspaper account describes what was apparently the one meeting Hopkins managed on the reservation before the Schaghticoke got the state to revoke her

permission to be there (Ritchie 10/12/1969). The article was written by Fielden Ritchie, Sr., a descendant of Julia Kilson. At the meeting, held October 19, 1969, reference was made to a reservation powwow 25 years before and to "former chief Theodore Cogswell." Attendees mentioned included a Mrs. Edward Heacock (Dunbar family), and several grandchildren of the Cogswell family and their offspring under the eye of family mother, Princess Mary Cogswell, wife of former Council Chief Theodore Cogswell. The latter was reported to have brought members of the Narragansett tribe "to guide and counsel this newly found tribe." Also mentioned as attending were the Rose family from Connecticut, Charles Harris of Niantic and the Bradley family. Irving Harris crashed the meeting, declaring himself to be the son of chief Howard Harris and grandson of Chief James Harris. The article noted that several local people were "named to the council by the new chief," appearing to state that Harris was elected chief, and that Gordon Ritchie and Fred Tinny were elected Vice Chiefs. Named as corresponding secretary was Fielden Eugene Ritchie, Sr. (the author of the article). Another article reported that Earl Kilson was incensed by this group (cite).

A subsequent article reported that Harris in fact strongly challenged the authenticity of Necia Hopkins (Schlicht 12/4/1969). The article state further "Mrs. Mary Cogswell (Princess Sweet Grass)" (Narragansett wife of Theodore Cogswell, Sr.) defended "Princess Necia's" claims, declaring that the meeting Hopkins held on the reservation was called to try and interest the younger generation in their heritage and take steps to preserve it." Schaghticoke council minutes in 1973 noted that Ernie [Irving Harris] wrote Mary Cogswell's girls "about our organization" and suggested they drop out of New England Coastal Schaghticoke. The minutes said "Trudie [Lamb] volunteered to go to RI and talk to Mary's girls" (Minutes 1/27/1973).

These accounts indicate some involvement, for a period, of some of the Cogswell/Kilsons, and others from the Truman Bradley-Julia Kilson line, referred to as the "Bradley family" in this record. It does not appear that Irving Harris was in fact seriously involved. Hopkins' organization did not otherwise substantially draw from the core families of the Schaghticoke defined above. Its primary significance for purposes of this finding is that in the late 1960's and early 1970's, the Schaghticoke Indian Tribe organization needed to respond in a number of different contexts, including to the Necia Hopkins group's claims to be the "Schaghticoke tribe," as well as to the CIAC.

Political Processes and Events: 1974 to 1979. Between 1974 and 1979, the council remained more or less unified, led by Irving Harris and including Trudi Lamb. It decided in 1974 to create a membership list (Minutes 5/19/1974). The members on the list titled "January 1, 1974 - December 31, 1974" included 58 corporate members [descendants over age 16], 19 associates [spouses], and 23 children for a total of 100 (Tribal Roll 1974). The list included Cogswells and various branches of the Harrises, but few if any non-Cogswell/Kilsons (see the following analysis of the membership of the names on the list). The voting status of associate members was debated with some vigor in meetings in 1973 and 1974, and the rights of associates to vote ultimately became limited. (Schaghticoke Constitution c. 1974, Schaghticoke Newsletter June-July 1974). A 1975 membership list was substantially larger, with 175 names (see the following analysis of the names on the membership list). A 1977 newspaper article noted that "a tribal membership survey is underway to locate an estimated 500 more members" (Lappen 11/1977).

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The council and membership in this period continued to deal with the issue of reservation residence. An article in 1973 noted that the Schaghticoke "have indicated an interest in having the reservation subdivided, for homesite lots" (Yaple 1973a). In 1974, there were two unoccupied houses on the reservation. Alan Russell pushed to move onto the reservation. This request was voted down in membership meetings, but it was agreed that he could initially move there part time, as kind of a caretaker (Minutes 11/3/1974).

Another issue for the council and membership in 1974 involved Russell Kilson's efforts to move onto the reservation. The Department of Environmental Protection wrote to Kilson, saying the CIAC had "again discussed the matter of your occupancy and use of the house on the Schaghticoke Reservation. You are aware that at the September meeting, the council [CIAC] advised you to cease all residence and improvements in or on the houses until qualifications for occupancy are resolved. The council is now of the opinion that the matter should if possible be resolved within the Schaghticoke tribe" (Velky 8/1/1968). The letter advised Kilson to appear before the Schaghticoke council to present evidence "of his claim," but said if not satisfied he could request a hearing before the CIAC. It was indicated in 1975 that Kilson was planning to press his case with the General Assembly (Minutes 9/20/1975). Kilson did eventually move onto the reservation, but the available record did not identify a specific date or by means of what actions.

In 1974, the council was sending representatives to the Coalition of Eastern Native Americans (CENA), the CIAC and other Indian organizations (Council Meeting 1/27/1974). They were also still combating the claims of Necia Hopkins to be Schaghticoke. The council continued to push for a survey of the reservation and to look into the question of title to the reservation.

Elections in 1975 continued to yield a diverse council and officers, with Irving Harris as President and Claude Grinage (Cogswell) as vice president. The council consisted of Kay (Kayser) Peck, Catherine (Harris) Velky, Paul Velky Jr., Claude Grinage, Trudie (Ray) Lamb and Kenneth Lydem Duval elected to the Board. Lynn (Velky) House was corresponding secretary, Claudette (Grinage) Bradley was recording secretary, and Kent Grinage was treasurer. This council was composed of Cogswells and Harris, but not Kilsons who did not also have the Cogswell ancestry (Minutes 2/23/1975).

Background: Genealogical Analysis of the October 15, 1975, Membership List.

One document labeled "Schaghticoke Tribal Roll Oct. 15, 1975" has 182 names and [in almost all cases] addresses. Seventy-six names on this list also appeared on the "Enrollment - January 1, 1974 - December 31, 1974" of the "Schaghticoke Indians of Kent, Connecticut, Inc." with Irving A. Harris as "President-Chief," which listed the membership by "Corporate Members," "Associates," and "Children" (Tribal Census 10/15/1975 or SN-V009-D0016 in FAIR).

The names on October 15, 1975, list represent the major family lines of Kilson, Harris, and Cogswell, however membership was dominated by the number of James Henry Harris descendants, (about 62 percent, 112 of 182), primarily through his daughter Grace (Harris) Storm Williams (71 of 182, or 39 percent) and son Howard Nelson Harris (33 of 182, or 18 percent). The 43 descendants of Julia Kilson and Truman Bradley represent about 24 percent of the names on the list (43 of 182); however, 29 of their descendants on the list also descend from George H.

Cogswell, or about 16 percent of the total membership. Less than 1 percent of the names on the list (3 of 182) descend from Alexander Value Kilson through his daughter Mary Ett (Kilson) Jessen. Thus, only about 9 percent of the membership were Kilsons without the Cogswell connection (14 Bradley-Kilsons and 3 Value Kilsons). There are 24 names (13 percent) on the list that do not appear in the petitioner's genealogical database at this time, although some surnames such as Williams and Simonds,<sup>176</sup> are in other known Schaghticoke lines.

A 1976 deposition by council member Kay (Kayser) Peck, taken for the land claims suit, described the role of the council. She stated that the council appointed by the rest of the tribe was to be its speaking agent to "get back land that's rightfully ours" (Peck 9/16/1976). The individual stated that it included making the reservation look better, appointing people to mow the cemetery, and figuring out how to raise funds. The deposition also noted some of the meetings were for electing officers. Kay Peck is Grace Harris' granddaughter and first cousin once removed to Irving Harris and Catherine Velky.

The minutes of a July 2, 1978, membership meeting hint at the beginnings of conflict, noting that Richard Velky had "contested" a ruling by Irving Harris, that a motion in favor of building a building on the reservation though it had a majority, did not have two-thirds. It appeared that there was also conflict over whether "descendant and associate members," could vote on this. Trudi Lamb and Alan Russell were appointed to count the votes, indicating the heat of the contest. Harris was quoted as saying "Any personal hatreds should be refrained from any further meeting."

At the annual membership meeting and elections on December 9, 1979, Irving Harris was replaced as chief by Maurice Lydem (a Grace Harris descendant and Irving's first cousin twice removed). The election was appealed by "Harris family" (Howard Harris descendants) to the CIAC, claiming non-compliance with the constitution. The Connecticut Indian Affairs Council ruled in favor of the new council in December, 1979 (STI Pet. Narr. 83 (c), 94-95). The council, partially changed in composition, consisted of: Claude Grinage, Claudette Bradley, and Trudi Lamb (Cogswell/Kilson), Alan Russell and Gail Russell Harrison (Elsie Harris descendants), Phillip Johnson (a non-Cogswell Julia Kilson descendant) and Kay Kayser, Sue Lydem and Maurice Thomas Lydem (Grace Harris descendants). No one from the Howard Nelson Harris line remained on the council (Lydem to CIAC 12/14/1979).

Political Issues Between 1976 and 1985. In addition to the tendency for alignments to occur (and shift) along family sublines, certain issues were consistently raised between 1976 and 1985. One political issue was whether to favor an aggressive program of development of the reservation, including enterprises, housing and the like or take a more limited approach (as espoused by Irving Harris). The pro-development side favored utilizing state, Federal and other grants as much as possible, while Irving Harris rejected any such aid. Concurrently, conflicts were frequently phrased as occurring between the interests of the reservation residents and the non-residents. Another aspect of the political opinions, including some coming from the Cogswells, was that

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<sup>176</sup>The November 18, 1972, list of corporate members included "Alice Cogswell Simonds, Princess Sunflower" and [presumably] her four children, all of Kenyon, Rhode Island. The petitioner's FTM genealogy files list "??Simonds:" as the husband of Beverly Cogswell, daughter of Theodore William (born 1905) and Mary Alice Peckham Cogswell (FTM and Remarks in FAIR).

Irving Harris, even if they generally approved what he did, was seen trying to impose his views on what was to be done with the reservation.

The conflicts over reservation residence were a continuing political issue since the inception of the council under Irving Harris in 1968, and, in practice, several decades before that. Alan Russell, Gail Harrison and Russell Kilson had succeeded in gaining reservation residence in the 1970's. They then led efforts to promote their interests. In 1983, Trudi Lamb started building a house on the reservation, allegedly without council permission. This allowed the opposition to paint her as an opportunist ignoring the "elders," and generated a lot of opposition to her. In a related vein, the perception, unfounded or not, that Alan Russell might have been exploiting the reservation led to collapse of support for him.

Opinions which were pro versus anti-development overlapped with but were not identical with more particular interests in who had moved onto the reservation, and their supporters. This in part was a subset of competition to move onto the reservation, although Russell Kilson and Alan Russell would have seen it from the point of view of being former residents who had moved back on the reservation. Both were allied with Trudi Lamb, who was a "new" resident, in the sense of someone who had never lived there before. The proposal was put forward by Alan Russell at one point to guarantee seats on the council to the residents. Howard Harris, brother of Irving, referred to the constant fighting, stating "It seems like there's two factions, the people that lived on the reservation and the people that lived off the reservation" "We were more like outsiders living off the reservation. In a sense, what's happening was their business and not our business." "The people that live on the reservation and the ones that live off the reservation, they don't communicate at all" (Velky and Harris 10/30/1996). Russell Kilson, Alan Kilson and his sister Gail Harrison were all born on the reservation, lived on the reservation until more or less grown up, and then were able to return to the reservation in the very early 1970's. Trudi Lamb, had been a frequent reservation visitor in her childhood. This provides some evidence, together with Howard Harris' unsuccessful efforts between 1926 and at least 1950 to return to the reservation, that a division between reservation residents and non-residents predated 1967 as an issue among the Schaghticoke.

Attacks based on claims of who were the "real Indians" were occasionally made by different members of the various family lines (primarily Irving Harris and his family but less often by Cogswells and Kilsons). The presently available data does not show that this issue has played a substantial role in conflicts, although it has paralleled conflicts between the family lines or their sublines. A claim that there were different degrees of Indian ancestry was raised in a key 1982 meeting which pointed to family subline divisions within the membership. This issue was primarily raised by Irving Harris, who said at this meeting, in effect, that the others were not as Indian as he or his family was. The terms "red Indian" and "white Indian" were used in this context. At the meeting, as well as at other earlier times, Harris had asserted, without any basis, that the Kilsons were not Indian (Minutes 4/18/1982, Withheld to Lakeville Journal 7/31/1968; Birch to editor 8/17/1968).

A petition from the "Harris family" to the CIAC, probably dated 1980, sets out some of the major aspects of the conflicts (Harris Family to CIAC 1973 ca). It appears to express regret the widening of membership requirements in the 1980 constitution, which this group of Harrises had

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first supported but then rejected. It stated that "our bylaws state a Schaghticoke Indian (with all related rights) is any "authentic descendant," even though contrary to existing state statutes. We welcomed all comers." The petition attributed Irving Harris's loss of the 1979 election this, and indicated they should have stayed with the then requirement in state law for tribal membership, which a 1961 State act set as: "of 1/8 degree Indian blood of the tribe for which the reservation was established" (State of Connecticut 1961).<sup>177</sup> The petition was signed by 27 individuals and listed claimed blood degrees by each name. The signers were all drawn from the Howard Nelson Harris and Grace Harris sublines of the Harris family.

This petition then hits a related theme, attacking the others by concluding "an Indian tribe is not a mere club." The petition states "By no stretch of the imagination can these people who have never convened as a group and came out of their white world, one day, to vote themselves a promised share of 'big federal bucks,' qualify as a tribe by traditional definition or the present qualifying definition of the federal government."

The petition went on to say, "we hereby request that this present organization immediately cease seeking federal funding and immediately cease using "Tribe" to denote themselves until such time as the so called "Tribal Council" presents proof as to who they are and who they might represent. We seek your determination as to whether this organization truly is qualified to function as the legally recognized Schaghticoke Tribe, with all the inherent rights and privileges." "A re-election, with legal Connecticut Indians only, allowed to vote, would produce a far different result and the only fair and equitable solution. Otherwise we fear for the deterioration of our birthright - the Schaghticoke Tribe, we worked so long and so hard for, now burdened by unqualified leadership and member" (Harris Family to CIAC 1973 ca.).

Race issues are hinted at in a few instances during the frequent conflicts after 1967.<sup>178</sup> For example, Schaghticoke chairman Maurice Lydem, in his letter announcing his resignation in 1982, listed "racism" as one of the problems which caused him to resign, but did not describe what had happened. Irving Harris' wife, Laurie Harris, at one point suggested that the Velky-led council wanted to exclude the Cogswells because of the color of their skin (Harris to Reckord 1997 or 1998).<sup>179</sup>

Political Processes and Events: 1980 to 1987. The period from 1980 to 1987 was a period of political conflict within the Schaghticoke. The events are too complex to be set forth in great

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<sup>177</sup> The specific actions referred to here are unclear, but the STN's 1973 and 1980 governing documents did not mention a minimum blood degree requirement. They had essentially identical membership requirements, i.e., descent from someone who was recorded as a Schaghticoke Indian by the State of Connecticut.

<sup>178</sup> There is some indication that differences between the non-Indian ancestry in different family lines may have influenced social and political relations among the Schaghticoke in the 20th century, but the evidence in the record appears only occasionally and its degree of significance cannot be adequately determined. Consequently, it is not a factor in analyzing community or political processes for this finding. In the 19th century, some of the non-Indian spouses were black, others were white, and some Indian spouses had non-Indian ancestry (black or white).

<sup>179</sup> The term "race" as it is used here is used to refer to a social category rather than a biological category. It is a sociological construct, not meant to imply significant biological differences actually exist.

detail, because of time and report length limitations. Only some key events will be noted, along with the analysis of their significance re political processes. The issues and divisions are ones which began before 1980.

The polarizing figures were Irving Harris, the former chairman, Trudi Lamb [Gertrude Alice (Ray) Lamb], who briefly became chairman, and Alan Russell, who subsequently became chairman. Also active were Maurice "Butch" Lydem, whose election in 1979 and resignation in 1982 set off a round of conflict.

The stated issues all revolved in one fashion or another about the use of the reservation. Trudi Lamb's 1982 move to and building on the reservation, albeit with permission of one of the then councils, clearly created opposition. A larger but apparently genuine issue was phrased in terms of "reservation development," whether the reservation was to "remain a campground" or be developed, as Lamb put it.

A significant dynamic is that, throughout, Irving Harris, and the rest of the Howard Harris descendants, by all appearances, would not accept the loss of position. Irving and a group of his kinsmen, fought strongly against the results of the 1979 election, and later losses. At several points, he arrived at meetings of the council or the membership, appearing to threaten the existing council physically. He and his kinsmen also appealed to the CIAC several times and filed lawsuits.

A revised constitution was adopted in 1980, a document that Irving Harris and his followers constantly challenged in subsequent years. In the two or so years of Lydem's chairmanship, the council shifted towards a fairly aggressive program of economic development. A housing authority was established to govern the development of housing on the reservation and to administer anticipated HUD housing money. Grants were obtained from Federal and private sources, and a tribal planner was brought on board (4/27/80). All of these actions contrasted with the policies pushed by Irving Harris, which rejected "handouts," i.e., grants and state funding, and wanted to limit housing and development on the reservation.

In March 1982 Maurice Lydem resigned as chairman. He expressed as reasons opposition to his program of development and housing, being tired of constant criticism and backbiting, and "the racism directed towards many ethnic persuasions so thick you can cut it with a knife" (Lydem to Schaghticoke Tribal Council, 3/22/1982). Conflict had probably been going on since his election. Instead of immediately holding an election, the council on March 28, 1982, appointed vice chairman Trudi Lamb as chairman, a move which created considerable opposition, in part because she almost immediately sought and gained approval to move onto the reservation (Minutes 3/28/1982). At this meeting, reservation residents Alan Russell and Russell Kilson were added to the council until the next election. The council now had at least one Kilson (Earl Kilson), Cogswell (Trudi Lamb) and Grace Harris descendant (Alan Russell) but no one from the Howard Nelson Harris subline. Lamb and the revised council endorsed and tried to continue Lydem's development oriented program.

Although Lydem had been aligned with Russell and Lamb when he became chairman, within a few months of his resignation he was voting with the Irving Harris led group. Lydem sided with

Irving Harris in his protest of CIAC decision to recognize the Lamb led council [cite]. This is consistent with the general tendency of the Grace Harris descendants to align most often with the Howard Harris descendants. They evidently shifted when Lydem himself shifted. The term "Harris family," which appears at a number of points in these conflicts, may refer to both Howard and Grace Harris descendants, but clearly not to all James Harris descendants.

At the end of a special membership meeting April 18, 1982, Irving Harris and 10 men entered the meeting and appeared to threaten the council (Minutes 4/18/1982, Minutes 4/19/1982). An extended set of arguments followed in which Harris denied that Russell Kilson had any Indian ancestry, and said that he regretted making the Schaghticoke membership requirement descendancy when the state required 1/8 degree Indian blood. Harris also criticized the development plans for the reservation. There was an extended discussion of past enrollment practices and an indication from the discussion that both Harris-led and the Lamb-led council were keeping membership lists.

Subsequent to this, in a complex series of events, the Harris group sought to oust the council, as reconstituted after Lydem resigned. Irving Harris' comment on the events was that "the tribe split in 1980," partly as a result of adopting the new constitution (Harris family to CIAC 1973 ca.). In Harris' view, "in March 1982, Butch [Maurice] Lydem resigned and the majority of the Schaghticoke rejoined the tribe. At no time did the Harris family recognize the 1980 constitution."

On a June 28, 1982, petition to the Schaghticoke council, 62 individuals requested that the council schedule a special tribal meeting "to question what we feel are irregularities within the bylaws. Also irregularities within the 5 yr Plan as approved by the tribe in 1981." "The meeting won't be limited to the aforementioned [issues]." Those who called for a meeting were drawn entirely from the Howard Nelson Harris and Grace Harris sublines, including several Velkys, Irving Harris and Maurice Lydem (Petition for Meeting, 6/28/1982).

At a special meeting July 18, 1982, apparently called in response to the petition, the two sides argued issues at length (Minutes 7/18/1982). Discussions include delaying elections, impeachment of tribal council, HUD housing, building regulations and the council's decision to hold elections on August 1, 1982. There was no available list of attendees nor an attendance figure. The Harris/Velky group wanted to replace all of the council, specifically Alan Russell, Sandra Marsh, Jeff Kilson and Claude Grinage and held that Trudi Lamb's seat was held illegally. An attempt to impeach Lamb was apparently defeated. The council's approval at an earlier meeting of Lamb's request to reside on the reservation was challenged, and she was accused of jumping ahead of other applicants. Lamb stated that the council had voted approval at a special meeting on June 27, 1982. Elections were set for August 1.

At an August 1, 1982, membership meeting, called by the Lamb-led council ostensibly to elect three council positions, Irving Harris and a large group of supporters effectively took over the meeting. After a lengthy argument between Lamb, Harris, Claude Grinage and others, a vote was taken to remove the entire council and put in a slate backed by Harris. Harris called it a "coup." He stated the conflict was between "red versus white Indians," the former intended to refer to himself and his supporters from the Harris sublines. He attacked Trudi Lamb for taking over after

Lydem resigned without holding a membership election. It is not clear how many members attended this meeting except Harris' supporters and the sitting council. The number shown as signed in was 49, and the total number voting was 36, but more may well have been present. Lamb subsequently accused the Harris-led group that came to the August 1 meeting of "being just one family" and stated that others at the meeting refused to participate (cite 8/1 minutes, transcript, Lamb to CIAC 8/27/82). However, according one of the people on the Harris slate, some of the Lamb council had left their names on the ballot (Manning to Tribal Members, 8/8/1982).

After the August 1, 1982, meeting, there were evidently two councils, one led by Trudi Lamb and one led by Irving Harris (Lamb to Pac, 8/3/1982, Manning to Tribal Members, 8/8/1982). The Harris-led council included Harris, four Velkys, Maurice Lydem and Gail Harrison, who had run unopposed for Treasurer in the August 1 meeting. A report on the meeting by a member of the council, Linda Velky Manning stated that Alan Russell, Joe Tani and Jason Lamb (all from the Lamb council) had refused to participate in the election. It also stated that no one had nominated Trudi Lamb. The Lamb-led council at this point included Lamb, Russell, Gail Harrison, a reservation resident and sister of Alan Russell, Marge Overend, another sister of Alan Russell, Claude Grinage and Claudette Grinage Bradley, and Joe Tani and Sandra Tani March, Grace Harris descendants.

To complicate matters, Gail Harrison was apparently on both councils, being elected in the August 1 meeting run by Irving Harris, but continuing to be on the Lamb-led council as well. She remained on both councils for some period. At February 20, 1983, and March 20, 1983, meetings she voted with the Harris council (Council to CIAC 2/20/1983 (Minutes 3/20/1983)). However, she also participated in the Lamb council at the same time.

On August 27, 1982, Lamb wrote to the CIAC in support of her position that the elections at the August 1 meeting were illegal and not in accord with the Schaghticoke constitution. She stated that she was enclosing a petition supporting her with 60 names. This document was not submitted to the BIA (Lamb to CIAC 8/27/82).

The Harris-led group participated in a December 5, 1982, membership meeting run by the Lamb-led council. They succeeded in voting in as members of the other council three of those on their council who had been elected at the August 1, 1982, meeting. They were Maurice Lydem, Irving Harris and one other (cite Gail Harrison statement in 1983). Two days later they put forward a petition with 72 names on it to remove Claudette Grinage Bradley and Claude Grinage from the new council (Petition of Recall 12/7/1982, more cites). The signers of this petition were entirely Howard and Grace Harris descendants. However, by May 15, 1983, the Harris council included these two individuals.

The overall pattern between mid-1982 and 1984 is that at different points, the Irving Harris group denied the legitimacy of the council led by Trudi Lamb and later by Alan Russell, and also participated or tried to participate in its meetings and elections. At some points, the Harris group presented itself as part of the same council while at others it declared there was a separate council (and that the other was not a legitimate one). As discussed above, the Harris-led group sent a petition signed by 80 individuals to the Lamb-led council in June 1982, seeking the recall of then

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chairman Trudi Lamb. Despite their declaration of a new council in August 1982, they participated in elections at a December 5, 1982, meeting of the Lamb-led group. At other points, especially after the August 1, 1982 meeting, Irving Harris' council presented itself as a separate council, and denied the legitimacy of the Lamb/Russell council (cite 3/20/83).

Efforts by the Irving Harris-led group focused somewhat on Trudi Lamb in 1983. The minutes of a February 20, 1983, council meeting indicate it was ostensibly held by the Lamb-led council, including the Harris-side council members who elected in December 1982. However, all of the Harris-side council members were absent. Lamb and her allies, Claude Grinage, Claudette Grinage Bradley, and Gail Harrison Present were the only ones present. However, at this meeting, Gail (Russell) Harrison presented a petition which the minutes indicate was "On behalf of the tribe" and which was directed at Lamb, not the whole council. The specific contents were not noted in the minutes but a newspaper account stated that the petition sought Lamb's eviction from the reservation (Minutes 2/23/1983, Epstein 2/10/1983). The council also threaten Maurice Lydem, with court action, seeking the return of funds.

Simultaneously, a letter was sent to the CIAC, over the signatures of Irving Harris and others, stating that the "Schaghticoke council" had voted that the Schaghticoke's seat on the CIAC should remain vacant until further notice (Council to CIAC 2/20/1983). The signatories included Harris, Maurice Lydem, and Gail Russell Harrison, who were also on Lamb's council, as well as Kay Kayser, a Grace Harris descendant and five members of the Velky family, Catherine Harris Velky, and four of her children, including Richard Velky (Howard Harris subline). From this it appears that Irving Harris was keeping a foot in Lamb's council and also running a separate one, or at least representing that he was doing so.

A March 20, 1983, meeting, ostensibly of the Lamb council, presented the mirror image of the February 20 meeting, with Harris and his allies listed as council members present and Lamb and hers listed as council members who were absent. The meeting discussed Lamb's residence on the reservation and status, and declared that the Schaghticoke seats on the CIAC and AID, held by Lamb, should remain vacant until the conflicts were settled (Minutes 3/20/1983, Harrison to CIAC 3/20/1983). One of the council members present, Joe Tani, a Grace Harris descendant, sought to resign because "the tribe was going nowhere," but was prevailed upon by Irving Harris to remain to avoid "splitting the tribe."

An April 20, 1983, petition to the Lamb-led Schaghticoke Tribal Council called for a special tribal meeting on May 15, 1983 (Petition 4/20/1983). It stated that "pressing issues are to recall Trudy Lamb council seat, from Council [sic] and discuss the eviction notice served to her" (Council Resolution, 4/17/1983). It stated that Lamb had failed to respond to the February petition. Approximately 80 individuals signed the April 20 petition, primarily Howard and Grace Harris descendants, with no Cogswells, and only one or two Kilson surnamed individuals. Thus, for the third time in nine months, a large petition signed by Harold and Grace Harris descendants, led by Irving Harris, had petitioned the Lamb-led council for action, in June and December 1982 and in April 1983.

The next round led to a recall of Trudi Lamb, led by Irving Harris and those allied with him on the council led by Lamb, which was in effect divided between the two sides. At a May 15, 1983,

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membership meeting led by Irving Harris, a petition to recall Lamb was adopted by a vote of 23 to 3, with one abstention (Minutes 5/15/1983). The petition cited, among other things, Lamb's having non-Indians at her reservation home and "failure to follow the constitution." At the same meeting, a moratorium on building on the reservation was passed. It appears that a planned vote on evicting Lamb from the reservation was not held, but instead a motion was passed to evict two non-Indian members of her household, citing that their presence was illegal because they were not family members. There was no list of who had attended the meeting and voted. (Notice of meeting 5/2/83, 5/15/83 minutes). At a council meeting preceding the membership meeting, Gail Russell Harrison had gained approval to do further building on her reservation home.

Subsequent events took yet a different turn, as the next membership meeting, on June 26, 1983, elected not Harris or members of his family, but instead Alan Russell, Sandra March, and Neil Kilson, and reelected Russell's sister Gail Harrison (Minutes 6/26/83). At the next council meeting, July 18, 1983, Russell was elected as chairman, Harrison as vice-chairman, March as treasurer and Claudette Bradley as Secretary. Those elected at the June 26 meeting received between 27 and 29 votes (Minutes 6/26/83). The list of attendees confirms the presence of a number of Kilsons and George Cogswell descendants, and few from the Harris lines. Apparently the reservation residents, excepting Lamb, but including Neil Kilson, had mobilized. Claudette Grinage Bradley, a holdover from the previous council, and a descendant of Theodore Cogswell (hence Lamb's cousin) sided with Russell's group. Irving Harris had left the preceding council meeting in order to try to persuade "his family" to participate, but returned to inform the council that they had refused because they had been notified the elections would be in July. Evidently some of his family were present, but the number is unknown. In the election, Paula Crone received one vote and Joe Velky 2 votes. On July 18, 1983, Russell wrote to the DEP, giving the results of the June election, describing a still combined council consisting of Irving Harris, Claudette Bradley, Claude Grinage, Neil Kilson, Maurice Lydem and Kay Kayser Pane, as well as the newly elected or reelected individuals.

The other side went ahead and held elections in July. Attended by 27 individuals drawn entirely from the Grace and Howard Harris sublines, the meeting was led by Irving Harris and held on the reservation July 17, 1983 (Attendance 7/17/1983). The meeting took action to recall Trudi Lamb from her council seat, and elected a council with Harris, Maurice Lydem, Paula Crone, and Richard Velky and Kay Kayser Peck, Ella Lydem, Michele Nadeau, Betty Kaladish and Tracey Nadeau (Minutes 7/17/1983, Minutes cont. 7/17/1983). At a July 21, 1983 council meeting of the other council, Harris was reelected chairman, Richard Velky, vice chairman, and Kay Kayser Pane, treasurer (Council Meeting Minutes, 7/21/1983). Russell subsequently wrote to Harris, accepting the latter's resignation, evidently from Russell's council, saying that he had hoped they could work together (Russell to Harris 8/9/1983).

Two 1983 documents provide some internal perspective on the conflicts and alignments at this time. One is from Gail Russell Harrison, who had apparently maintained some position with both camps, who wrote in October 1983 after the round of elections and conflicts (cite ). She expressed the opinion that the "Harris family," by which she apparently meant the Howard Harris subline, were not satisfied with holding some positions but wanted to control everything. "Everything was going fine until this past election and once again when your family didn't get everything they wanted." She indicates that she and Lamb and Lydem had sought unity, and

thought that Lydem's 1980 election would be it, but that the Harrises had continued to cause conflict (Harrison to Crone 8/24/1983). Harrison was apparently responding to a letter from Paula Crone, based on the other council's action, telling her to remove from the reservation.

A second document was written to the CIAC by Fielden Eugene Ritchie, who had been involved with the Schaghticoke organization from time to time, and was supportive of Russell and of Lamb. He described Lamb as his "fourth cousin" (Ritchie to CIAC 11/30/1983). Ritchie was a descendant of Julia Kilson, through her daughter Helen Riley. Writing to the CIAC, he stated that "all indications are that the (Bradley family, i.e., Julia Kilson Bradley) side of the family are constantly being challenged about (blood). I accept that challenge and ask that the Harris family bring in birth certificates and prove heritage as required by state statutes. By large [sic] the Bradley family is the largest but being trusting we rolled with the tide and elected (Irving Harris) Chief." Ritchie went on to say that he liked Irving Harris "but not when he acts in behalf of this family and not mine" and "left everybody else out in the cold."

An indicator in 1984 of the nature of the conflict was a letter from both Gail Harrison and Alan Russell which stated they had resigned from the council. By letter of May 5, 1984, they wrote to the Governor and the CIAC, among others, to express "the opinion of the reservation residents." It stated "[We] have been shut out of any decisions, which affect them and not the off-reservation people." They indicated they felt that their withdrawal was necessary to salvage the land claims suit (Harrison to O'Neil 5/5/1984 Russell to DEP 5/5/1984).

Despite this view and action, the CIAC in July of 1984 notified Russell that the CIAC had declared that he and his council that was elected June 26, 1983, to be the only valid council of the Schaghticoke and the 1980 constitution as valid (Sands to Russell 7/3/1984). It appears that the Harris opponents were able to get this decision voided later in the year or early in the next, but in the meantime, Russell continued to operate a council, and to take aggressive actions to develop the reservation.

Both sides appealed more or less continuously to the CIAC, between 1979 and 1985. Though the CIAC in 1982 initially ruled in favor of Lamb, and then Russell, these rulings were overturned by challenges brought by relatives of Irving Harris (CIAC 10/4/1982). This report will not review the details of CIAC decisions to support one or the other side, and its related decisions to support the 1980 constitution over the Harris' attempt to have that document overturned in favor of the 1973 constitution.

One or the other council dealt in 1984 with the filing by the United States of a condemnation suit covering 267 acres, to provide for the Appalachian Trail, including 47 acres of the reservation (see litigation history).

At a critical membership meeting led by Alan Russell on August 26, 1984, a new council was elected and a vote taken on a major set of decisions concerning reservation development. The validity of the "resolutions" signed at this meeting with regard to the latter, and the actions taken by Russell implementing them, created a very high degree of controversy in the next two years and led to the dissolution of this council. The council membership on its face united most of the major family elements except the several Harris sublines. Elected were Alan Russell - Chairman,

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Trudie Lamb - Vice Chair, Sandra Marsh -Secretary/Treasurer, and Charles Kilson, Neil Kilson (Mary Ett Kilson descendants), Gordon Ritchie, Gary Ritchie (non-Cogswell Julia Kilson descendants), Claudette Bradley and Claude Grinage (Cogswell/Kilson descendants) as council members (Russell to Pac 10/4/1984). None of the Harrises were on this council nor apparently voted, with the notable exception of Sandra Tani Marsh, a Grace Harris descendant. It is unclear whether the Irving Harris group was maintaining a separate council of some kind at this point. No voter list was available, but the lists of those signing resolutions at this meeting is consistent with the alignments suggested by council composition itself.

The minutes of the August 24, 1984, meeting named the officers, both present (Alan Russell, Sandra (Tani) March, Claudette (Grinage) Bradley, Neil D. Kilson, and absent (Claude Grinage and Gail (Russell) Harrison) (Minutes 8/26/1984).

The members of the council were from two basic families: the descendants of James Henry Harris through his daughter, Elsie V. (Harris) Russell, and the descendants of George H. Cogswell and Truman Bradley - Julia Kilson through William Truman Cogswell. Alan Russell and his sister Gail (Russell) Harrison, and their second cousin-twice removed, Sandra Tani March, descend from Elsie V. (Harris) Russell. Council member Neil D. Kilson, was their step-father's (Russell Kilson) nephew. This step-father relationship also connected the Russells to the Grinages who were Alan and Gail's stepfather's fourth cousin and fourth cousin once removed. Neil D. Kilson was also the fourth cousin-once removed of Claude Grinage and fourth cousin-twice removed of his daughter, Claudette (Grinage) Bradley. Neil D. Kilson is the descendant of Alexander Value Kilson through his daughter, Mary Ett (Kilson) Jessen. Elsie V. (Harris) Russell, George H. Cogswell, and Mary Ett (Kilson) Jessen were on the reservation in 1910.

The petitioner also included copies of three resolutions passed at this same meeting and the signatures of 32 who voted on the resolutions, thus showing that at least 32 members attended this meeting (Resolution 1, 8/26/1984: SN-V025-D0164). Nineteen of the individuals who signed the August 26, 1984, resolutions are the descendants of Mary Ett (Kilson) Jessen (11 through Julia (Riley) Clinton Woodward and 8 through Earl Stevenson Kilson), 6 are the descendants of Elsie V. (Harris) Russell, 3 are the descendants of Truman and Julia (Kilson) Bradley, without the Cogswell connections), 1 is the descendant of George H. Cogswell and Truman and Julia (Kilson) Bradley, and 1 is the descendant of James Henry Harris through his daughter Grace (Harris) Storm Williams. Two other names on the list, Margaret Anderson and Barbara Ettet, do not appear to be in the petitioner's FTM genealogy program, but are listed as members of the Schaghticoke Indian Tribe on its October 5, 2002, roll. From this membership list, we see that they are the daughters of Alan Russell's half-sister, Marjorie Russell Overend, and thus the descendants of Elsie V. Harris.

One resolution passed at this meeting was titled "We the undersigned, as voting members of the tribe do hereby give our consent giving Alan Russell and Keith Potter the authority to log Schaghticoke reservation [*sic*] monies will be put in tribal account for the betterment of the reservation" (March et al. 8/26/1984). A second resolution stated that "Whereas a fair number of tribal members live within a reasonable distance of the reservation but are not Connecticut residents, therefore Let it be resolved that to serve on the tribal council, the tribal member must live within a 50 mile radius of the reservation." This was explicitly understood to allow nearby

New York residents to serve. Thirty-two members signed the resolution. The addresses were not included in the resolution, but by comparing the names with the names on the 1980 address list, we see that at least three of the individuals who signed resided in Dover Plains, New York in 1980. Nine of the names on the 1984 resolution did not appear at all on the 1980 address list, and the remaining names were from residences scattered primarily throughout western Connecticut (STN Address List, 1980).

The resolution went on to say "Let it be further resolved that there must be at least two reservation residents on the tribal council (Resolution 1 8/26/1984)." This would appear to reflect the interests of the reservation residents, probably all of them at this point. The balance of the resolutions concerned adjustments to the constitution and council terms. With the exception noted, the signers were not from any of the Harris sublines. The signers were thus a significant portion of the non-Harris Schaghticoques who were consistently part of the group.

These resolutions would eventually form the heart of subsequent conflict, and their validity was strongly challenged, eventually not just by Irving Harris's followers but by some of Russell's former allies including Claude Grinage and Russell Kilson. It is not the function of this report to evaluate the actions taken under these resolutions. Some of those who signed subsequently denied that they had signed these documents, a claim that is difficult to evaluate. For purposes of evaluating participation, they are accepted as valid evidence of political participation.

This council proceeded then to deal with NARF on the land claims issue and the condemnation suit filed concerning lands for the Appalachian Trail (Russell to Council Members 9/3/1984, Russell to Tribal Member 8/14/1984 Minutes 9/23/1984).

In September, the council informed the CIAC that it had entered into a contract with Kenneth Potter, a non-member, to log on the reservation (Russell to Sands 9/25/1984, Timber Sale 9/29/1984). Members were informed by newsletter, although the distribution of this document is not known (Russell to Tribal Member 11/1/1984).

A major shift occurred in 1985, effectively resulting in the takeover of the council led by Alan Russell. During the year Russell Kilson had split with Alan Russell, claiming malfeasance on the part of the latter with regard to the logging. An intense series of events, letters, confrontations and lawsuits ensued, in which some of the signers of the logging resolution denied doing so. Attacks were also launched concerning the handling of grant funds and other matters. The validity of these charges is not evaluated here, only the patterns of political alignment and participation. During the spring, there were signs of deterioration of support for Russell. A Kilson, Ritchie and a Grinage were absent from three consecutive meetings. Charles and Neil Kilson resigned from the council in March.

At the June 1985 annual meeting, the Russell council was effectively replaced. A total of 62 people voted, about 80 percent of them descendants of Grace Harris, and the rest from the Howard Harris line. No Cogswells, nor Alan Russell were present, nor any Kilsons. In effect, a totally different group held the election. It is not entirely clear what actions were taken when, but the new council, led by Irving Harris, informed the CIAC that Alan Russell had been recalled, as had Trudi Lamb. Sandra Tani, the one Harris on the Russell council, resigned from it. Russell

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Kilson, formerly with Alan Russell, was now on council with Irving Harris, as was Maurice Lydem. Five of the council members and officers were Grace Harris descendants. The balance were Irving Harris, Richard Velky as vice-chairman, and Harris' sister as a council member (7/3/1985 Letter to CIAC ).

Basically, the Grace Harris and Howard Harris descendants operated together here (with a few Grace Harris defections). The process at this point appears to have been one where one group took over, rather than there being separate councils, as previously. However, it is not clear why the electorate at the June 1985 meeting did not include much of what was the other side here. One possibility, indicated by the council withdrawals in the Spring, is that Alan Russell had lost most of his support, and his supporters did not attend the election meeting. There are other possibilities as well.

Nineteen eighty-six was a quiet year, for once. Attendance at members meetings was low, no more than 25. Some of the activities of the council concerned the land claims suit, and acknowledgment petition work which had been performed under NARF's direction by Jack Campisi, an anthropologist. Eviction of the reservation residents was considered but there was no indication any action was taken.

Alan Russell, Gail Harrison and Trudi Lamb filed suit against the Hartford Courant in 1986, objecting to statements in its coverage of the conflicts. The suit also named Irving Harris and his sister Paula Crone-Morange as defendants. There was no indication that the suit represented other than the actions of the specific plaintiffs. Consequently it is not further discussed here.

In a June 1987 membership meeting where Irving Harris did not appear, Richard Velky, son of Catherine Harris Velky, replaced his uncle as chief, taking the position as "acting chief" (Minutes 6/4/1987). It is not clear whether Harris had actually resigned, since he subsequently denied it, and claimed the resignation letter was signed for him by someone else (Harris 6/4/1987). Harris' account of these events, written in 1998 is that he was hospitalized at the time, but had no intention of resigning, and had only asked Velky to "look after the tribe" until Harris could come back (Harris to whom it may concern 4/10/1998, Harrison to Whom it May Concern 4/17/1998). Velky was elected chief later in 1987. There was no description of whatever political processes may have helped lead to this shift. By that election, Richard Velky became "chief for life," succeeding to Irving Harris' title.

After this point, there is no significant, visible role for Irving Harris. He appears in the record at several appoints, allied with other Velky opponents in 1993 and subsequently, and wrote to the Department in 1998 and 1999, opposing the STN, as long as it was led by Richard Velky. His comments questioned the motives of the current leadership but did not provide substantial information which would affect the petition evaluation. There was no evidence that he had any further significant political following.

The earlier conflicts had receded in 1986 in the sense that there is less evidence of a separate set of interests by reservation residents versus non-residents or of pro-development versus anti-development. This in part is because Irving Harris was no longer in office, and possibly because of divisions among the reservation residents themselves.

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### Family Subline Divisions and Alignments.

The focus in this analysis is on the political processes beyond immediate interpersonal conflicts. Although there are significant personality conflicts embedded in Schaghticoke political events, e.g., between Trudi Lamb and Irving Harris, these conflicts enlisted subline or kinship group support and have been linked to political issues of interest to more than the individuals in conflict. There has been substantial personal antagonism between Irving Harris and Russell Kilson and between Irving Harris and Trudi Lamb. Finally, Alan Russell has had significant conflict with both Harris and Kilson. These conflicts go beyond or are separate from any conflicts between the sub-kin groups, though they may in part derive from earlier relationships between the families. The fact that Earl Kilson got the house on the reservation that Howard Harris sought is one known example.

There are the certain divisions along kinship lines which are operative from at least the 1960's forward. There is the key group of descendants of Howard Nelson Harris, which has played a central role and which tended to dominate the leadership of the Schaghticoke. This includes Irving Harris, Richard Velky, Catherine Harris Velky and Paul Velky. There have also been internal conflicts within this subline. The Grace Harris descendants, e.g., Mabel Storm, and Maurice Lydem, tended to function distinctly from the Howard Harrises, but were often also allied with them. They are probably the largest single bloc of active individuals.

Descendants of a third child of James Henry Harris, Elsie Harris, are distinct from the other two Harris sublines in terms of expressed opinions and political alliances in voting. Most prominently lead by Alan Russell, they often allied with the Cogswells and Kilsons.

A third group are the Cogswells/Kilsons, who are descendants of George Cogswell and Sarah Bradley. Key figures are Trudi Lamb, Claude Grinage and Claudette Grinage Bradley.

A fourth group are descendants of Earl Kilson, a grandson of Alexander Value, especially Russell Kilson and his family. There is some recognition on the part of various individuals, of the kinship linkage between these Kilsons and the Cogswell/Kilsons.

Political alignments between 1970 and 1995 were by no means static and did not necessarily fall perfectly along family sublines. The Howard Harris descendants, including Irving Harris and the Velky's and the Grace Harris descendants were frequently, but not always aligned. The Cogswells, including Claude Grinage, Claudette Grinage, and their cousin Trudi Lamb, tended to be on the other side, but not always. Some of the descendants of Elsie Harris form a distinct group, supporting Alan Russell, but with Gail Russell Harrison, a reservation resident, aligning sometimes on one side and sometimes on the other, appearing at some points to be on both councils.

The alignments may and did shift, as in 1982, when Maurice Lydem resigned, and Allen Russell and Earl Kilson joined the council now headed by Trudi Lamb. Subsequently the Earl Kilson group under Russell Kilson shifted away from Alan Russell, though later shifting back on the basis of common reservation residence.

Some of the more polarizing individual figures have at times alienated those who at other times appear to be their constituencies, or, in the alternative, to generate conflict within a subline or group. Thus at points, Alan Russell, Irving Harris and Trudi Lamb have all appeared to generate sufficient controversy or conflict to lose support of their own kinsmen. The description above has also noted instances where given individuals have acted distinctly from their subline, e.g., Gail Harrison.

#### Extent of Political Participation.

The analysis to date has reviewed attendance lists and petition signers as the indicators of these alignments. A related question is how much of the membership considered the events and issues to be of sufficient importance to engage them. There are a number of petitions and attendance lists at tribal meetings which have been reviewed. These, rather than solely the composition of councils and other officeholders at various point of time, are the basis for the discussion above of subline alignments. Substantial numbers of individuals signed petitions or attendance lists of one sort or another. Figures run as high as 80 on a given petition, for example an April 20, 1983 petition to remove Trudi Lamb as chairman (Petition 4/20/1983). Notably, this relatively high figure did not include more than a very few Cogswells or other Kilsons. On August 27, 1981, Lamb and her council claimed a petition of 60 to the CIAC--presumably different than the latter one (the names were in the record reviewed for this finding) (Council to CIAC 8/27/1982). The number of adult members of the group in the early 1980's would have been approximately 200, so that these petitions include a substantial majority of the adults in the group.

An additional analysis, going beyond the numbers signing petitions and the like, would be to prepare a list of all individuals who have participated politically in specific ways. This would focus on those who are not in core group of "actives," such as those who have held office, looking beyond them at who signed petitions to one or another effect or voted in elections. The petitioner does not offer such an analysis and none has been made for this report.

#### Description of Political Events: 1988 to 2000

##### Extent of Political Participation.

The analysis for this finding has reviewed meeting attendance lists, lists of voters on particular issues, and signers of petitions as indicators of political participation and political alignment. As the analysis throughout describes, voting at given meetings, and signers of petitions and other documents expressing a particular political opinion or position often reflected a subset of the main family sublines, consistent with other evidence concerning differences in political opinion, and political alliance or opposition.

There is relatively little significant evidence concerning political processes between 1989 and 1992. The council and officers remained substantially the same during this period. Some specific matters dealt with by the council in these years, such as control of the reservation, are treated in specific sections rather than chronologically.

By 1993, the SIT council was looking into economic development, without immediate evidence of significant membership opinion for or against (Minutes 1/24/93).

The older divisions surfaced again in the fall of 1993, with a petition for the recall of the Velky-led council. It asked the recall of "all members of the present tribal council, including the chairman." The reasons stated were that the petitioners wanted elections "for a Council which will reflect a fair representation of the membership." The petition went on to state that the "Present council has been neglectful of their duties, failing to notify members of important decisions, firing NARF and withdrawing our claims and moving a trailer onto the reservation to set up a smokeshop." The petition also claimed that the council had failed to notify membership regarding elections to be held at the annual meeting. Further the "Present council consists primarily of members all from the same family which fails to fairly represent the tribal membership" (Petition for Special Meeting 1994). Not specifically dated, the petition was probably prepared in early November 1993.

Thirty-eight individuals signed the petition, including Trudi Lamb, Alan Russell, Gail Harrison, Maurice Lydem and Irving Harris. This was a unification of many of Richard Velky's opponents, but did not include Truman and Theodore Cogswell and their relatives, who were also anti-Velky. Almost all of the other signatories, except Trudi Lamb's immediate relatives, were Grace Harris descendants, apparently reflecting Maurice Lydem's influence.

The petition reflects the somewhat acrimonious separation that had occurred between the Schaghticoke council and NARF, which withdrew from the land claims case. At a special membership meeting attended by 18 individuals including the council and officers, the Schaghticoke voted to continue the land claims case with private counsel (Minutes 6/13/93). NARF had recommended that the STN seek voluntary dismissal without prejudice, in order to pursue Federal acknowledgment first (Carlton 7/11/1993, Velky to Dorsey 6/15/93). Although the STN sought and gained court approval of the dismissal, they did seek different legal representation.

There was no indication in the record that the petition was responded to nor was reference found showing such a special meeting was held. The Cogswell group in 1998 referenced this petition saying that the response to it was unknown to them (Rymer to Fleming 9/10/1998).

Analysis of the October 1, 1995, Attendance List of the Annual Meeting. There are 46 names on the list of attendees of the October 1, 1995, annual meeting, including 41 Schaghticoke descendants, four guests, and one name that cannot be determined to be either a member, spouse, or guest. Thirty-four are descendants of James Henry Harris (21 Velky family members and 2 other descendants of Howard Nelson Harris), 9 VanValkenburgh family members, and 2 other descendants of Grace Harris Storm Williams), and 3 descendants of George H. Cogswell and Sarah Bradley (all Ray family members).

The STN had received a technical assistance letter in 1995 in response to the documented petition submitted to the Department in 1994. It had gained financial backers interested in development, and with that the regular advice of a law firm. Professional researchers were hired to prepare additions to the petition, including a professional genealogist who was also a staff member. An office was opened in Trumbull in 1996.

As part of the petition revision process, in response to the technical assistance letter, there was a complete redoing of the enrollment. Those who had previously submitted genealogical information were required to resubmit it. The leadership stated this was because of the requirements of the acknowledgment process (Kaladish to Tribal Members 10/21/1996). The STN required all members to resubmit genealogical materials, as well as a photo, before an individual could vote, regardless of whether they had previously been on a membership list (Minutes 12/10/1997, Minutes 3/26/1997). The initial membership list developed under this process had 150 members, January 1997 (Council Meeting Minutes 1/14/1997), rising to 170 in April (Council Meeting Minutes 4/11/1997), 220 in October (Council Meeting Minutes 10/5/1997) and reaching 296 by November 1998 (STN Tribal Roll (Additions) 11/13/1998). [See the analysis in this report of the 1998 and later membership lists for additional information.]

There are a number of instances in documents referring to this enrollment process where it was stated that there were "questions" about the materials and/or ancestry of a given individual. There was not enough detail to fully understand these references, although they especially appear in the reference to leaders of the opposition, such as Alan Russell (Minutes 10/5/1987). Some of those most in opposition to the Velky-led council evidently refused to submit this paperwork, or at least not all of it indicating that they wished to be enrolled but refused to go through the re-enrollment process that had been established. These individuals apparently included Alan Russell, Gail Harrison, Gary Ritchie and Truman Cogswell. On in March 1998, a list of 120 membership applicants "needing verification" under the STN's procedures was presented to the council by Linda Gray, the group's enrollment person (Gray 3/11/1998). Of these 120 names, 35 appear on the petitioner's August 30, 2001, membership list, including 1 who was listed as deceased and 5 who resigned; therefore, at least 29 people provided the required verification sometime between March of 1998 and August of 2001. Sixteen names from the March 11, 1998, list now appear on the membership list of the SIT, including four individuals who resigned from the STN (Eades and Ritchie names, Kilson descendants without the Cogswell connection). Truman Hill Cogswell, Jr. who is on this March 11, 1998 list, resigned the STN, but is not on the SIT membership list. On the other hand, Irving Harris who is on this "needs verification" list is not on either the SIT or the STN membership lists.

The nature of revised enrollment was evidently the subject of some within the leadership. The 1995 technical assistance letter, which raised questions about the stated criterion in the governing document submitted with the initial documented petition (Morris to Crone-Morange, 6/5/1995) led to revised membership criteria. The criterion in 1994 was descent from Gideon Mauwee. In response to the technical assistance letter, the petitioner added the alternative criterion of descent from a 1910 resident of the reservation. This provision was added in a new constitution that was adopted in 1997 (see below). There is evidence that descent from the 1900 or 1880 Federal censuses of the reservation residents had been under consideration and were even applied at times in between 1995 and the adoption of the new constitution in 1997. In July 1995, the STN secretary, Paula Crone-Morange told an applicant that the 1880 Federal census of the reservation was one criterion for membership (Crone-Morange to Jenkins 7/17/1995). In August 1995, in its letter to members describing the revised enrollment procedures, the Schaghticoke council stated that the requirements were "proving direct matrilineal or patrilineal descendency from Gideon Mauwee or from any person listed in the 1900 census as Schaghticoke" (STN Council to STN

Members 8/29/1995). It explained that "This would more accurately track actual membership in the tribe and respond to BAR's comment in the TA letter."

Analysis of the Attendance at the Special Meeting Held April 13, 1997. A "special tribal meeting" April 13, 1997, was attended by both Truman Cogswell and Trudi Lamb. Lamb's daughter Erin and Russell Kilson were both on the council at that point, but reservation residents Gail Russell Harrison and Alan Russell did not attend. The attendance was 95. The minutes indicate an extensive presentation was made concerning the work on the acknowledgment petition. There was no indication in the minutes of what issues or interest the attendees had. The attendance list, which is large and diverse, provides an indication of broad political interest. The Cogswells who had previously objected to the council's actions severing relations with NARF and putting the land claims suit on hold while recognition work went on, attended the meeting.

There are 94 names on the list of those attending the April 13, 1997, meeting including 13 of the non-members spouses. Of the 81 Schaghticoke attending this meeting, 40 are the descendants of James Henry Harris (49 percent). Seventeen of these Harris descendants are relatives (mother, brothers, sisters, nieces, nephews, cousins) of the elected chief of the group, Richard Velky and 21 of the Harris descendants are relatives of vice-chairman Michael Pane and his sister, Toni (Pane) Hoffman, who is listed as a council member at this time (mother, uncles, aunt, cousins). Eighteen names (22 percent) on the list are the descendants of George H. Cogswell and Sarah (Bradley) Cogswell: 12 through Julia Cogswell Parmalee, 5 through Margaret Cogswell Ray, and 2 through Theodore William Cogswell. One Cogswell descendant, Erin Lamb was a council member at this time and her mother, daughter, nephew, aunt, and various cousins attended this meeting. About 29 percent of the names on this list (23 of 81) descend from Ida (Kilson)Thomas, the daughter of Joseph D. Kilson and Nancy M. (Kelly).

Extensive efforts were made by the council in 1997 to develop a revised constitution. Revisions were developed in a series of council meetings from August into October. The work was done in consultation with the STN's attorney.

The revised constitution, which is the one presently in use, was adopted at an October 5, 1997, special membership meeting, by a vote of 57 to 21, out of an attendance of 112 (Minutes 10/5/1997). Major opponents of the Velky council were present at the meeting and objected strongly to the passage of the constitution. The STN minutes noted as objecting Irving Harris, Theodore and Truman Cogswell, Gary Ritchie and Gail Harrison. The minutes described these individuals as nonvoting members because they had not completed the necessary paperwork. Alan Russell was not noted as being present. Trudi Lamb, although apparently not in full opposition at this point in time, also raised objections as did her son Jason Lamb, a member of the Schaghticoke Housing Authority. It was noted in a later council meeting that council member Erin Lamb, daughter of Trudi Lamb, had voted against the constitution after having worked on it over the course of the preceding months (Minutes 12/10/1997). Lamb explained the change as due to the influence of the opinions of others. The questions and objections of several other individuals were also noted in the minutes. The available minutes do not spell out clearly what all the issues were over the constitution. The issues mentioned in the minutes are different from the objections to the membership and voting criteria. The minutes went on to state that the tape recording of the meeting would provide further information about the discussion, which evidently

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lasted several hours. A motion to delay the vote was rejected. The new constitution made it clear that members not resident in Connecticut could vote. It also stated that the membership requirement was descent from Gideon Mauwee or from a resident of the reservation in 1910 as shown on the Federal Census.

The minutes of the meeting where the constitution was adopted noted that the chairman had responded to numerous inquiries received in response to the mailing of the constitution the previous week, and the invitation to call the office with questions. The minutes of the October 1, 1997, council meeting noted that changes were made in response to member comments received in response to the mailing (Minutes 10/1/1997). Despite all this, the next council meeting after the constitution was adopted, held in December, noted that there continued to be a lot of questions about the constitution and it appointed a review committee to consider the constitution further (Minutes 12/10/1997). Thus the new constitution was clearly a focus of political interest, and opposition, over a substantial period of time. Objections to it continued on the part of the most vocal political opponents into 1998.

At the membership meeting, the existing council and officers were continued in office. The minutes noted that there were no requests by others than those on the council to hold office and that therefore the existing council continued in office. There was no information concerning elections in 1998 or subsequently.

Political opposition continued after the adoption of the new constitution, in part in reaction to it. There was not good evidence of substantial support of significant numbers of members for the objections raised by several key individuals. Both Jason Lamb and Russell Kilson filled out affidavits after the meeting stating that all meetings since 1987 were invalid because STN declared "you [STN] don't recognize me as a member." Copies of these affidavits and a "petition" with 18 signatories were sent to the BIA in opposition to the Velky council and the 1997 constitution. The signatories to the "petition" included Russell Kilson, Gail Harrison and Alan Russell, all reservation residents. The petitions claimed to also represent non-reservation resident members, and promised a list of these. The latter list is not in the record for this petition (Schaghticoke Tribe Petitioners 1998). The "petition," titled "Gathering of the Tribe," stated "We the Schaghticoke Tribe from the Schaghticoke Reservation in Kent CT. Do hereby . . . let it be known . . . concerning Schaghticoke Tribal Nation from Monroe CT. They have "NO" authority or jurisdiction over us." [ellipses in original] "They do not recognize us, or the rest of the tribe, who live off our reservation. Thus we do not recognize them from Monroe. They have authority over themselves only! Not our reservation or residents"(Gathering of the Tribe 10/24/1997). There were 12 signers, including two spouses and the girlfriend of one of the signers, all non-Schaghticoke. Gail Harrison submitted a statement, stating she was transmitting documents showing that Irving Harris because the 1987 meeting which elected Richard Velky was not a legitimate meeting and misrepresented his intentions (Harrison to Whom it May Concern 4/17/1998). The statement had the support of Russell Kilson. Harris submitted letters opposing acknowledgment of the STN because of his objections to Velky's leadership and actions, and declaring that he was still chief (Harris to whom it may concern 4/10/1998).

Members of the Truman Cogswell family in this period charged that the STN was manipulating the membership list to maintain power, by adding new members while preventing Cogswells [his

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family] from joining ((8/98 Cogswell group to BIA). A letter from them charged that the Velky-led council was deliberately keeping them and some others off the membership list (Rymer to Fleming 9/10/1998). The letter incorrectly stated that the constitution prevented non-residents of Connecticut from voting. The Cogswell family at this point appeared to be operating separately from the other opposition group.

Still another group also expressed some concern with the Velky-led council in this period. This is the Schaghticoke Tribe of Kent, Cultural Heritage Association. This group's leader stated that they had been refused enrollment in 1995, as not being Mauwee descendants or descended from reservation residents (Jenkins to Davis 7/10/1995, Crone-Morange to Jenkins 7/17/1995). This group was notable because at this point in time it claimed to include both descendants of George Cogswell and Sarah Kilson, and other descendants of Jabez Cogswell. There was no evidence to show that the George Cogswell descendants were actually active in such an organization. Subsequent submissions by the group's apparent leader referred only to non-Kilson Cogswells, and do not claim social affiliation with the petitioner group (Jenkins to Davis 7/27/1995, Jenkins 8/27/1998).<sup>180</sup>

During 1997, extensive efforts were made towards reservation development, with an emphasis on housing. The Schaghticoke housing authority, established by the council as a separate body, met frequently to discuss land planning and housing grants. The chairman Velky, Paula Crone-Morange, and the STN's attorney met together with this body. There was no description of membership opinion concerning either housing or reservation development in general, although it appears that there was interest in moving on the reservation.

There was only limited evidence to show that the land claims lawsuit was a significant political issue to members, as opposed to the leadership for any extended period of time, despite the interest that had been initially generated in the late 1960's. There is some evidence of membership interest to the extent that it was raised as an issue in 1993 by the opposition (Petition for Special Meeting 1994). At the membership meeting where NARF's withdrawal was announced some degree of anger was expressed by the audience because of the length of time NARF had been working on the case and their declaration at this juncture that they never intended to pursue it in court (Velky to Dorsey 6/15/1993).

There is little evidence in the period from the late 1970's to the 1990's of extensive fund-raising efforts of a sort where substantial numbers of members were involved for any sustained effort. There were no lists of participants in any fund-raisers, such as the raffles that were held.

There is a paucity of evidence in the documentary record from 1987 through 1998, of intertribal participation, as a group or individuals, by the Schaghticoke that is attending social or ceremonial events by other Connecticut or New England tribes and groups. These kinds of social relationships are differentiable from formal participation of the STN as a group in the CIAC or other Indian organizations.

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<sup>180</sup> The name of the apparent leader of this group, Elmer Jenkins, and those of some apparent members of his family (the Trueheart family) appear on the SIT membership list submitted with their petition in October 2002.

Membership Rights: Residency on the Reservation. Residency on the Reservation has been a hot topic for many decades, particularly because the accessible living space is limited, although not always formally addressed in the governing documents. For example, the 1973 constitution makes no mention of residency on the reservation. In 1980, the constitution stated that until the June 1981 meeting, residency on the reservation would be restricted to voting members and their spouse and children (STN Constitution 1980, Art. X, Sec. 1), and that at the December 1980 meeting, the council would appoint six voting members of the group, but not council members, to “write comprehensive housing regulations for the Schaghticoke Reservation,” but left the option open that the council could write its own draft, and that the committee’s and the council’s drafts would be put to the general membership for a vote at the annual meeting in June (STN Constitution 1980, Art. X).

The petitioner submitted minutes from an April 1982 meeting where the council: Trudie Lamb, Marge Overend, Alan Russell, Sandra Marsh, Joe Tani, and Gail Harrison discussed the amendment that was passed to say that a person had to be a lineal descendant to reside on the reservation, which was in contrast to the State statutes which say a person must have 1/8 blood (STN Minutes 4/18/1982). Council members Jeff Kilson, Claude Grinage, and Claudette Bradley were noted as absent. There was much discussion about the residency and the rights of the non-Indian spouse in the case of death or divorce of the Indian resident. The minutes did not include any final resolutions regarding these issues.

In response to this discussion, the council passed a resolution addressing residency on the reservation, an issue that was not addressed in the group’s constitution. The resolution stated that “the Connecticut General State Statutes regarding Indians states that the eligibility requirements to reside on the Connecticut reservations shall be for Indians of at least 1/8 blood quantum or according to tribal practice and usage” (STN Minutes 4/8/1982 and 4/19/1982). However, the resolution stated that since the Schaghticoke membership was determined by lineal descent alone rather than by blood quantum, residency would be based on lineal descent “and the selection process for the right to reside because of limited space for housing shall be vested in the authority of the Schaghticoke Housing Authority” and council.<sup>181</sup> This resolution was signed by the chairman, secretary-treasurer, and seven council members. (See Appendix III for analysis of the family relationships between members of this council.) On a separate page, not dated or signed, is the following:

For further clarification that since the Schaghticoke Housing Authority as it is presently structured has authority over low income and moderate income HUD Housing and has no explicit authority over private houses or over any other on-public housing land uses. Therefore it is determined that the Tribal Council shall act directly on any requests for constructing the building of private houses on the Reservation. (STN Resolution 4/1982).

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<sup>181</sup>The amendment was signed by all of the council members Trudie Lamb, Marge Overend, Alan Russell, Sandra Marsh, Joe Tani, Gail Harrison, Claude Grinage, Claudette Bradley, and Jeff Kilson. There is an asterisk by the last three names, and since they were noted as absent during the meeting, this may mean that they signed the resolution at a later date. [there was some heated discussions later about resolutions being passed, but the rules not being followed and people not at the meetings, etc.]

At a May 14, 1982, meeting questions arose about regarding residency on the reservation and whether reservation residents were obligated to obey the housing, etc. ordinances of the local government. Dell Eades asked how the group determined membership, and after he was told it was by lineal descent, he asked how was the lineal descent determined. The answer, perhaps given by Trudie Lamb, was "The tribe has a listing of all its members and there are 5 major families. If there is some doubt you can appeal to the C.I.A.C." (STN Minutes 5/14/1982). The "five families" were not named, but it is likely that the answer alluded to some of the families historically associated with the reservation, such as Mauwee, Chickens, Kilson, Cogswell, and Harris.

The 1987, 1991, and 1995 constitutions all addressed construction and residence on the reservation being restricted to voting members, their spouse, and children, and stated that a housing committee would be appointed to report to the council (STN 1987, 1991, 1995 Art. XII). The 1997 constitution however, makes no mention of the rights of current residents on the reservation and does not define a process for applying for land or residence. Instead, it states that all lands within the jurisdiction of the Schaghticoke will not be divided by allotments to individuals (Art. XIII, Sec. 1), but that assignments for private use may be made by the council "in conformity with ordinances which may be adopted" (STN Constitution 1997, Art. XIII, Sec.2). [emphasis added]

There are several discussions in the minutes regarding residence and priority housing for the elderly or more needy families; it may be that the group is still acting on the ordinances or resolutions put forth in earlier years in regards to living on the reservation.

Reservation Control Actions and attempts by the councils with Irving Harris as chairman and then by Richard Velky when he became chairman, to control the on-reservation actions of the reservation residents that opposed them, or to evict them, were often unsuccessful (Minutes 5/15/1983, Minutes 9/8/1985, Minutes 11/1/1987, Minutes 9/10/1991, Minutes 12/12/1994). The issue surfaced from time to time in the latter 1980's and into the 1990's, but council actions to evict, or to control building, land clearing or other actions by the residents were not complied with by the longtime reservation residents. Specifically, the Harris-led and Velky-led councils sought to evict Alan Russell, his sister Gail Harrison and, at times, Trudi Lamb and Russell Kilson. Lamb and Kilson were at different times allied with Harris, but more frequently with Velky. At those points their residence on the reservation was generally not opposed. The Lydem and Russell councils were linked at most times with all four individuals and did not seek their eviction. There is some evidence that Irving Harris, who opposed reservation development, had sought unsuccessfully through legal action to evict all four families from the reservation. Even though the Velky-led councils were pro-development and in favor of developing reservation housing, they were in conflict with these individuals.

The petitioner states that control was maintained on the reservation by "enforcers" appointed by the chief (STN Pe. Anthropological Report 4/1997, 168). An "enforcement committee" to be drawn from each of the families, is mentioned in the minutes for but there was no description of its duties or subsequent information in the minutes to indicate that it had functioned (Minutes 10/4/1992, Minutes 3/15/1992).

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The Schaghticoke council, at several points from the late 1970's into the late 1990's appealed to the CIAC and the DEP for assistance in dealing with the on-reservation residents. The position of the DEP and CIAC in response was that the control of the reservation was lodged with the council and that these agencies had no role to play in intra tribal conflicts (e.g., Pac to Carney 4/21/1982, Pac to Velky 7/25/1985).

Third Party Comments on Political Processes. The State of Connecticut's April 2002 comments described the conflicts as factionalism and stated that while this "may reflect some political activity on the part of the two factions, it is hardly evidence of real political authority" (State 4/16/2002, 114). The State's view is that given such conflicts, the petitioner cannot be said to have exercised "political authority." The State notes that the groups have frequently sought the help of external authorities to resolve the conflicts. The comments also state that there was little evidence concerning "political activities of the broader group" (State 4/16/2002, 115). Finally, it refers to a "lack of political tradition" (State 4/16/2002, 128).

The comments incorrectly characterize past acknowledgment findings as saying that factionalism qualifies as evidence of political authority and influence only if there is a system for resolving disputes (State 4/16/2002, 15). Past findings, e.g., Tunica-Biloxi and Miami of Indiana, have characterized factionalism as a conflict between two groups within a single political system. This did not mean that there was a means of settling disputes -- systems termed factional are sometimes noted for the intractability of the conflicts.

In its discussion, the State notes that the regulations provide that one form of evidence for political processes is "internal conflicts which show controversy over group values, goals, properties, policies, processes and/or decisions." The State notes that this form of evidence is not listed as a form "sufficient in itself."

While conflict is not sufficient evidence in itself under the regulations, the conflicts here, occurring over an extended period of time (1967 to 1995), with detailed evidence concerning the significant political issues at stake as well as the number of participants, provide significant evidence for political processes. There is good evidence of broad participation by a large proportion of the members of all major family lines, as described above. The inability to resolve the conflicts is not evidence that political processes do not exist within the meaning of the regulations. That one or another party has sought to have external authorities intervene, or more precisely declare their side to be the legitimate leadership, does not preclude a finding that significant political processes exist within the petitioner. The regulations do not require that a petitioner's political processes be autonomous of external political authorities, with the exception that they must be autonomous of another Indian entity.<sup>182</sup> The regulations do not require an Indian political entity be autonomous of non-Indian governments.

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<sup>182</sup> Autonomous is defined in the regulations as "the exercise of political influence or authority independent of the control of any other Indian governing entity" (§ 83.1).

*Evidence for Community, 1967 to the Present.*

The preceding section focused on political events and processes from 1967 until approximately 1999, because the available information provided substantial data concerning both political processes and, indirectly, about kinship and community as well. Other evidence concerning community from 1967 to the present is discussed below, as a single unit of time. However, the applicability of this information to the petitioner after 1996 must be viewed in the context that between that point and the present, a substantial number of individuals with no demonstrated connection has been added to the membership list. At the same time, a substantial number of families that were involved in the group, and the events described above, either did not enroll after STN re-enrolled its membership after 1995 (see above) or withdrew from membership (see discussion of SIT and the Cogswell group, above).

To demonstrate community from 1967 to the present, including modern community, the petitioner's reports describe as evidence the holding of political meetings, the practice of what are described as traditional crafts, the current geographic settlement pattern, work parties on the reservation, external recognition of the group by government agencies and newspaper reports, and the continued existence of social networks. The formal political meetings do not in themselves show significant social contact or political relationship. Holding meetings *per se* has not been accepted as evidence of community in previous findings, because any kind of organization can show meetings (but see below discussion of Schaghticoke political processes, including meetings, as evidence for community). No substantial evidence has not been submitted which directly describes the maintenance of social networks outside of family sublines, although they are indicated by the political processes. The evidence in the record does not show that work parties have been frequent, and in particular that they involved more than a few people and drew broadly from the membership. Though a few individuals do some crafts, such as beadwork, there was no showing that the described crafts were a distinct cultural tradition of the Schaghticoke or that the activities involved more than a few individuals. There was no description of the claimed "frequently arranged informal community gatherings" (STN Pet. Anthropological Report 4/1997, 165, 181). External identifications *per se*, such as many of those described by the petitioner, do not necessarily provide evidence that a community or substantial political system exists. Specific identifications which are descriptive and knowledgeable do provide such evidence.

The evidence that contacts have been maintained within the family sublines is of fair quality. The patterns of shifting political alliances demonstrated by the political conflicts, which indicate there was political mobilization to a significant degree based on family sublines, provide indirect evidence of contacts within such sublines.

Each subline traces back to a common ancestor multiple generations back. There wasn't good interview data to directly describe the degree to which they formed social as opposed to genealogical units, i.e., that individuals actually defined them as united, but political participation and alignments tended to follow these kinship lines. What direct evidence concerning social community that there was indicated that individuals drawn from within the same subline probably maintained some contact with each other. Certain there is good evidence for this, before the present generation of adults.

Generally, the membership and participation lists before 1996 appear to be self-limiting, that is, while various sectors or sublines are present or absent in a given instance, e.g., Cogswell-Kilsons, they all appear to be drawing from the same pool, a very limited subset of the descendants even of the Schaghticoke in 1900. There is some apparent further narrowing between the late 1960's or early 1970's and later. A few Jessie Harris descendants were early participants but do not show up later. The non-Cogswell descendants of Julia Kilson, through her daughters Helen Riley and Frances Smith have only constituted a very small portion of the membership, although there are a large number of descendants. However, some of the descendants of Helen were quite active, and one is now a member of the SIT, in opposition to the current STN.

A letter to STN members in 1995 describing enrollment procedures to be voted upon at the next membership meeting, as an amendment to the constitution, gave the reason for the recommended criterion as "This would more accurately track actual membership in the tribe and respond to BAR's comment in the TA letter" (STN Council to STN Members 8/29/1995). This suggests that the intended enrollment was not to be based purely on descent, but was to be a more limited group of people that appeared to have some social connection with each other. The proposal sent to members in advance of the meeting proposed the criterion as descendant of Gideon Mauwee or descendant of someone on the Federal census of the reservation in 1900, but the provision adopted at the meeting called for the 1910 reservation census to be used (Minutes 10/1/1995).

### *Discussion of the Present STN*

Overview. The documentary record submitted by the petitioner contains few documents concerning the period from mid-1998 to the present. No minutes or newsletters were submitted for this time period. Specific information about community is discussed above as a combined section concerning 1967 to the present.

The current STN membership list (August 30, 2001) does not have addresses for a substantial number of members. The geographic pattern of residence now is broader than the traditional one, extending well over to New Haven and Bridgeport. There is no evidence that this geographic pattern is the result of a continuing tribal tradition, as the petitioner asserts, rather than simply the result of past historical migrations. Only one individual of those on the current STN membership list for whom there were addresses had a Kent address, and that was a post office box.

From the available evidence the only present residents on the reservation are Alan Russell, his sister Gail Harrison, and Russell Kilson and their immediate families. This may reflect the effects of conflicts and a moratorium on further housing development until completion of the acknowledgment process rather than an unwillingness to move onto the reservation. Russell, Harrison and Kilson were former residents (pre-1960) who were able to resume reservation residence in the early 1970's and who have resisted all attempts to remove them since. Trudi Lamb, who established reservation residence in 1982, is not presently resident there. Stated figures of the number of current residents vary from six to 11 residents, but all appear to refer only to the three main resident figures and their families (Indian Country Today 10/27/2001, Velky to Sarabia 4/30/1998).

Conflict over the reservation continues in the present. The chairman, Richard Velky, was placed under a court order in 2001 forbidding him to approach within 400 feet of the house of Alan Russell. The order resulted from an October 7, 2000, physical confrontation on the reservation (Indian Country Today 10/27/2001). The STN in 2001 filed legal action against one of the reservation residents, seeking an injunction against removal of timbers from an area around his house (Register Citizen 8/23/2001).<sup>183</sup>

Genealogical Connections Within the Current Leadership and their Descent from the Schaghticoke Reservation Population in 1910. The current leadership of the STN consists of four officers (chief, vice-chairman, secretary, and treasurer and five council members. They are: Richard L. Velky, Michael Pane, Betty Kaladish [Elizabeth May Velky], Joseph C. Velky, Jr., Catherine Velky [Catherine Elizabeth Harris], Toni Hoffman [Toni Jean Pane], Dean Pomeroy, Erin Lamb [Erin Allyson Lamb-Meeches], and Anthony Crone (STN letter 1/5/2001). Richard L. Velky and Betty Kaladish are full brother and sister, the children of council member Catherine Harris Velky, the daughter of Howard Nelson Harris who was on the Schaghticoke Reservation in 1910 (a Harris family descendant). Joseph C. Velky, Jr. is the son of Richard's brother, Joseph, Sr., and Anthony Crone is the son of Richard's sister, Pauline Sandra Velky (a.k.a. Paulette Crone-Morange). Toni Jean Pane Hoffman and Michael Pane are full brother and sister, and Dean Pomeroy is Toni Hoffman's son; they descend from Grace E. Harris Storm who was on the 1910 census and who was the sister of Howard Nelson Harris. The Panes are second cousins twice removed to Richard Velky. Their common ancestor was James Henry Harris who died in 1909 and is buried on the reservation. Erin Lamb is the great-great-granddaughter of George H. Cogswell who was on the Schaghticoke Reservation in 1910 and his deceased wife, Sarah Bradley (a Kilson-Bradley descendant). Pauline/Paulette does not appear to have any genealogical connections to the other officers and council members.

The Descendants of Joseph D. Kilson. One hundred eleven of the present STN membership are descendants of Joseph D. Kilson, a 19th century reservation resident, who was born in 1829, and who was married to another Indian, Nancy Kelly. Kilson was killed in 1871, but his widow remained on the reservation until at least 1900.<sup>184</sup> Two of his adult daughters were working away from the reservation in 1880 and it is from them that the 110 descendants on the current STN membership descend.

The enrollment of numerous descendants of Joseph Kilson beginning in 1996 contrasts sharply with the enrollment practices before 1996. Based on the current evidence, these Kilson descendants, who appear on the membership lists only in 1996 and afterwards, have not had significant involvement with the rest of the membership, past or present since 1920, and possibly

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<sup>183</sup> According to a newspaper account, the suit and the responses to it have raised issues as to who is entitled to bring action concerning the reservation and whether the Federal acknowledgment proceedings are pertinent to the litigation (Register Citizen 10/22/2002).

<sup>184</sup> Nancy Kilson was shown as a reservation resident on the 1900 census, but not on the 1910 census. She appears again on the 1920 census, shortly before her death.

earlier.<sup>185</sup> A review of the descendancy charts of the Joseph Kilson subline indicates that most of the members of the ancestors of those current enrolled, from the beginning of the 20th century forward, were resident in the New Haven area or otherwise at a significant distance from Kent. Of the current members from this subline, 90 are the children of Ida Kilson. Ida Kilson was born in Kent, in 1866, but essentially all of her descendants in the next two generations were born in the New Haven area. This pattern is consistent with a lack of maintaining contact with the other Schaghticoke.

There is no record involvement of the Joseph D. Kilson descendants with the STN, nor of social contact with the Schaghticoke family lines discussed here, before 1996. Some descendants are listed in documents concerning Schaghticoke meeting in 1996, and increasing numbers appear in the two subsequent years. They are listed as being on the membership and attending meetings. There was no other data concerning what their participation in the organization may have been and no specific data concerning social relationships with the other families in the STN since their enrollment.

The number of Joseph Kilson descendants enrolled from 1996 to 1998 corresponds with the increase in enrollment noted in 1996 to 1998 (see above).

A submission by the Cogswell family commenting on the STN asserts these individuals were "recently recruited," providing a list of specific names (Kilson Descendants post-1990). STN meeting minutes discussing the enrollment processes begun in 1995 include a reference "that Kilson family members have been located and they are currently putting together their genealogical documentation for submission and review," a possible reference to the Joseph Kilson descendants (Minutes 1/21/1996).

A supplementary STN report on community between 1890 to 1950 provides no information concerning social relations between members of this subline and other Schaghticoke descendants. The report appears to assume, based on their presence on the present STN membership list, that they had been maintaining tribal relations all along (Austin 3/19/2001c).

### *Nature of the State Relationship*

The parameters for evaluation of evidence in cases where a state has maintained an unbroken relationship with a petitioner, including the existence of a reservation and oversight, since colonial times, were set by the AS-IA in the final determinations for Eastern Pequot and Paucatuck Eastern Pequot, which concluded to acknowledge the two petitioners as the historical Eastern Pequot tribe:

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<sup>185</sup> George Kilson, a brother of Ida Kilson, was a reservation resident between approximately 1938 and 1940, but apparently had only recently moved there. It was reported by the State in 1940 that "For the past year or more he has been on the Reservation more than formerly (1940)." The account stated he had "spent most of his life tramping about the Housatonic Valley" (CT genealogical chart Kilson 1-5-3, CT submission 11/12/2002). George Kilson died in 1942, had no children, and is not mentioned in interviews.

There is implicit in this state-tribal relationship a recognition of a distinct political body, in part because the relationship originates with and derives from the Colony's relationship with a distinct political body at the time the relationship was first established. Colony and State laws and policies directly reflected this political relationship until the early 1800's. The distinct political underpinning of the laws is less explicit from the early 1800's until the 1970's, but the Eastern Pequot remained non-citizens of the State until 1973. The State after the early 1800's continued the main elements of the earlier relationship (legislation that determined oversight, established and protected land holdings, and exempted tribal lands from taxation) essentially without change or substantial questioning throughout this time period (EP FD 2002, 14; PEP FD 2002, 16).

In this instance, there are substantial periods of time, from the early 1800's until the late 1960's, when the State did not deal with or identify formal or informal leaders of the Schaghticoke, nor consult with members concerning issues which concerned the entire group. In the 1930's, the State declared affirmatively that there were no leaders recognized by the group. The state relationship here differs materially from that in the case of the Eastern Pequot petitioner, where there were recognized leaders with whom the state or state-authorized officials dealt. In that instance, the relationship was different in a material aspect, and in addition, there was evidence for community and political processes to which the specific relationship between the State and the Eastern Pequot provided added evidence.

Colonial Origins of the State Relationship. The somewhat different circumstances of the establishment of the Schaghticoke reservation have been covered in the historical overview. The variations are not germane to the colonial Schaghticoke tribe's recognized status: rather than the Colony buying land for the tribe, the colony reserved from sale for the tribe's use some of the public lands it was opening for settlement. There can be no question, however, that by acts in 1735 and 1752, the Colony of Connecticut established the reservation for the antecedents of the current petitioner, and that the Colony and the State have maintained this reservation to the present day.

State Relationship in the 19<sup>th</sup> Century. Subsequent to the establishment of the Schaghticoke Reservation (1735/1752) and the formalization of the oversight relationship (1757), the legislative framework which determined the relationship between the State of Connecticut and the Schaghticoke was, in its basic outline, with minor modifications, the same as that which governed the Colony and State's relationship with Eastern Pequot (see EP FD 2002, 64-78; PEP FD 2002, 66-80) and is not repeated here. Jurisdiction over Indian Tribes in Litchfield Co. was transferred from the Litchfield Superior Court to Litchfield Court of Common Pleas in 1883 by legislation, Public Acts, Ch. 110 (Principal Public Laws 1941, [3]; Appendix B of unidentified item). This was not a substantial differentiation in the nature of the state relationship, but just a transfer of jurisdiction from one subordinate court to another.

State Relationship in the 20<sup>th</sup> Century. The jurisdiction of the Litchfield County Court of Common Pleas over the Schaghticoke was continued in the 1902 General Statutes of Connecticut

(General Statutes 1902, Chapter 242. Indians. Article 4419. Overseers of Indian Tribes).<sup>186</sup> Until 1925, the State of Connecticut, through the Litchfield County Court of Common Pleas, held the Schaghticoke's land in trust and held the Schaghticoke's funds in trust. During the period from 1900 through 1925, the State appropriated money specifically for the Schaghticoke tribe (CT Senate 1915, 248; CT Senate 1917, 161; CT Senate 1918, 258).<sup>187</sup> For the period between 1900 and 1925, three sets of comments at legislative hearings provide some insight into the State's view of its responsibilities:

MR. VINCENT of Kent: There is a remnant of a tribe of Indians over at Kent. They are wards of the State to a certain extent. Their funds are at pretty low ebb. They have only now an income from \$1500. They have foreclosed on some of their lands, probably bad investments. It is administered by an indian [*sic*] agent appointed by the Superior Court of Litchfield County. He makes a report to the Judge. I think four years ago Judge woodruff [*sic*] prepared a bill like this and it was passed two years ago again. We ask that the state make the same appropriation for the coming two years, - \$200. A year. I do not suppose there will be anyone here to oppose it. There are half a dozen houses and some of the remnant of the tribe are there. This keeps them when they are sick. They have a doctor and they give them some supplies and when they die they bury them. I trust you will pass that appropriation. I think it is all right and they need it . . . They are not town paupers but really are state paupers. It is \$200. a year (CT Gen. Ass. Appropriations Hearings 1919, 237-238).

SCHATICOLE [*sic*] INDIANS - H.B. 424 (Stone)

Hearing before Committee on Appropriations held February 23, 1921.

Senator Hall presiding.

MR. WADHAUS: That is a bill that provides medical attendance to the tribe in Kent, administered by the Judge of the Court of Common Pleas. They are a remnant of some of the best tribes in Connecticut, landed there many years ago. There is a provision in the law which allows the Court of Common Pleas to provide medical attendance for any who need it.

MR. WADSWORTH: How many are there?

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<sup>186</sup>The General Statutes of Connecticut. Revision of 1902 in Force July first, 1902 . . . Published by Authority of the State (Hartford Press, the Case Lockwood & Brainard Company, 1902). Chapter 242. Indians. Article 4419. Overseers of Indian tribes. "The superior court in any county, except the county of Litchfield, in which a tribe of Indians resides, shall annually appoint an overseer of such tribe; and the court of common pleas for the county of Litchfield shall annually appoint an overseer of any tribe of Indians residing in that county." Marginal note: 1821, 1855, 1860, 1876, 1883, Rev. 1888, article 22 (General Statutes of Connecticut 1902, 1063).

<sup>187</sup>House Bill No. 335, Entitled, "An Act making an appropriation for the Schoghticoke [*sic*] Tribe of Indians," providing for an appropriation of six hundred dollars "for the support care and education of the Schoghticoke tribe of Indians" (CT Senate 1915).

"[House Bill No. 266.] [131.] An Act Making an Appropriation for the Schaghticoke Tribe of Indians. . . The sum of four hundred dollars is appropriated to be paid to the overseer of the Schaghticoke tribe of Indians and used for the maintenance, support, care and education of said Indians under direction of the judge of the court of common pleas for Litchfield county. Approved April 15, 1919" (CT Gen. Ass. 3/19-20/1918).

MR. WADHAMS: I don't know. Not very many. I wouldn't want to be questioned too close.

REPRESENTATIVE STONE: We are asking for an appropriation of \$400. That has been allowed for several years, as I understand it. Mr. Eaton is more familiar with it than I am. The overseer of the tribe presented this to me and wanted me to introduce it.

SENATOR HALL: How many left of the tribe?

MR. STONE: I asked that the other day. He said throughout the State probably somewhere near a hundred with some indian [*sic*] blood. They are mostly self-supporting unless they are sick. If they become sick they fall back on this indian [*sic*] reservation and this is to look out for them.

MR. OSBORN: How many on the reservation?

MR. STONE: I think only three or four. One old man there eighty years old and a younger man nearly seventy. There are several houses, some very comfortable" (CT Gen. Ass. Appropriations Hearings 1921, 230).

H.B. No. 4: (Mr. Giddings) An ACT MAKING AN APPROPRIATION FOR THE SCHAGHTICOKE INDIANS.

Hearing before the Appropriations Committee, February 7, 1923.

Representative [*sic*] Keith presiding.

F.C. GIDDINGS, KENT, CONN.: this is the usual bill that goes through every session asking for the appropriation for the care of the Schaghticoke tribe of Indians. It is an appropriation for \$400. Which covers two years. That has been sufficient to take care of them. There are not many there at present although there is one that requires total care and another one that will be a total charge in a short time. I think the appropriation is very small but they are getting by with it.

MR. WILLIAMS: Where did you say it was located ?

MR. GIDDINGS: In the Town of Kent. It is a Schaghticoke Indian Reservation (CT Gen. Ass. Appropriations Hearings 1923, 105).

None of the comments made at the above-noted legislative hearings referred to any tribal leadership or indicated that either the State, the legislators, or the overseer dealt with tribal leaders in requesting these appropriations.

The Schaghticoke tribe (as "any tribe of Indians residing in Litchfield county") was transferred to direct State oversight under the Connecticut State Park and Forest Commission (SPFC) in 1925, ten years before the other Connecticut tribes were transferred back to direct State supervision.

1925. PUBLIC ACTS, Ch. 203. SECTION 1. The state park and forest commission is authorized to act as overseer of any tribe of Indians residing in Litchfield county, and said commission shall annually settle its account of the affairs of such tribe with the comptroller, and its biennial report to the governor shall state the amount and condition of the fund of such tribe, an estimate of the value of the lands of such Indians, the income annually received and appropriated and expended by it for their benefit, specifying the items furnished and received,

and also the number and condition of such tribe. The state park and forest commission, as such overseer, shall have the care and management of the lands and money of such Indians and cause the same to be used for their best interests, and the rents, profits and income thereof applied to their benefit; and is authorized to sell or exchange any real or personal property belonging to any member of such tribe of Indians (Principal Public Laws n.d, [3-4]; Appendix B of unidentified item).

At that point, it was confirmed that the land of the Schaghticoke reservation was held in trust by the State (CTSPFC Report 1926, 24). The 1925 SPFC Report, which included a brief history of the Schaghticoke, also stated that, “[t]he Schaghticoke Indians have never received the rights of citizenship, except as acquired by the issue of marriage with citizens” (CTSPFC Report 1926, 24). For further discussion of the 20<sup>th</sup> century citizenship status of Connecticut’s Indians, see the discussion in the final determinations for Eastern Pequot and Paucatuck Eastern Pequot (EP FD 2002, 62-64; PEP FD 2002, 63-65). There is no evidence in the record that the status of the Schaghticoke was distinguished from this.

While the Schaghticoke were under SPFC supervision, the discussions in the legislature in regard to the appropriations took the following tone:

H.B. No. 149 (Templeton) Structural Equipment, Schaghticoke Indian Reservation.  
MR. TEMPLETON:

Years ago the Legislature annually made an appropriation to take care of these people. Some time ago it was turned over to the Park Department, and there has not been a thing done for them. We have a few Indians left. We have an obligation, and we feel that they are badly off, the condition the buildings are in. We are asking for a small appropriation so that they can live under cover. There are only about 15 [?] of them, and we would like to do something about it.

....  
MR. FILLEY:

As Mr. Templeton said, the Legislature for many years made a small appropriation for the care of these Indians. I think \$1,500 for a two year period, and the Park Commission was made Trustee of these Indians. The demands on the appropriation have been very great due to the amount of sickness among these so-called Indians. They live on the reservation, and they have lived there for some time. We have checked up on them, and we hope, if no additions are made from the outside, we will have enough. This past year the Health Officer of Kent advised us that one of the houses was not fit for habitation, and that we should fix it up. As our money had been used for sickness, we had no money. Our estimate is \$2,500 to put these buildings in shape, so that they can live there.

....  
MR. TEMPLETON:

What do you think? They have been condemned by the Board of Health, one or two of them.

SENATOR DALY:

I agree that the house are in bad shape. If they are wards of the State, as I see the picture, if we are going to take care of these people, let us take care of them or else give them up, because the less care you take of them, the higher the medical bills on the other end. If they are wards of the State, as I see it, I certainly should put the houses in shape.

.....  
SENATOR DALY:

Based on experience, there would not be. To treat this seriously, we ought to be at least humane, and the houses certainly are in a most delapidated [sic] condition. If we are going to accept these people as wards, we should treat them decently or else give them up. I suppose it is impossible for us to give them up, and if we are going to take care of them, let us fix them up. They are on the other side of the river, and, so far as I know, they are a quiet and orderly crowd, are they not, Mr. Templeton ?

MR. TEMPLETON:

Yes, sir. After all, we have them there, and they had this reservation and owned it for years and years, and we were very glad to put them into the hands of the Park Commission, thinking we would have a better chance for an appropriation. I think we should have \$4,000 for the two years . . . (CT Gen. Ass. Appropriations Hearings 1937, 570-572).

A 1939 newspaper article also indicated that discussion of "a bill allowing the expenditure of the balance of a \$2,000 appropriation to the Schaghticoke Indian reservation at Kent" in the State Legislature had involved a "number of facetious [sic] remarks" started by Representative Tonkanow of Meriden (War Whoops Resound 4/13/1939).

In a 1939 opinion generated by the assertion of non-Schaghticoke Franklin E. Bearce that Connecticut's Indians should not be required to obtain fishing and hunting licenses, the Assistant Attorney General of the State commented generally that: "The Indians themselves, when off their reservation, or when they have severed their tribal relations or become citizens of the United States are subject to the laws of the State in which they reside. (Corpus Juris 31, Pages 531, 532)" (Pallotti to Hunter 5/18/1939, 1). He continued by stating: "Whatever the status of the Indian tribes may have been in the early days of this commonwealth by virtue of treaties or laws, it is apparent that we do not have at the present time any Indian tribal organizations. Their political and civil rights can be enforced only in the courts of this State, and they are as completely subject to the laws of this State as any of the other inhabitants thereof" (Pallotti to Hunter 5/18/1939, 1).

The SPFC annual reports, and reports submitted after 1941 by the Office of the Commissioner of Welfare, detailed the status of the Schaghticoke funds (for example, CTSPFC Report 1941, 37; CT Dept. of Public Welfare 3/29/1948) and the State published lists (for example, CTSPFC Report 1940, 30) or statistical enumerations (CT Commissioner of Welfare 6/30/1943) of residents of the reservation. In 1936, the SPFC minutes indicated that the Commissioner had submitted and that the SPFC had adopted a list of Schaghticoke members that included only those

residing on the reservation and two who did not (unlike the Eastern Pequot and Ledyard Pequot, for which the majority on these lists were non-resident).<sup>188</sup>

Commissioner Peale submitted lists of names recognized by former overseers as members of the tribes, as follows: . . . Schagh. 10 resident, 2 non resident. . . . These detailed lists are filed with the Commission as of Dec. 1935, and were ADOPTED [capitalization in original] by vote as comprising all known members of these tribes on that date. Commissioner Peale also reported on procedure to be followed in adding to these lists, or in granting admission of non-residents to the reservation and while the substance of this report was informally approved, final action was delayed for redrafting the form (CTSPFC Minutes 2/5/1936).

The minutes contain no information regarding the difference in procedure as to the distinction made by the SPFC in Schaghticoke membership and that of the two Pequot tribes. However, the genealogical studies undertaken by SPFC employees during the period after 1935, for all the Connecticut tribes, extended beyond the Schaghticoke reservation residents and included a majority of non-resident tribal members (Williams Notebook c.1941).

Following the 1925 legislation, the State made annual appropriations for the benefit of the Schaghticoke (see, for example, Appropriation of 1925, Schaghticoke Indian Reservation Fund. \$500 assigned for fiscal period 1925-1927. Expenditures for medical attendance and funeral expenses, insurance premium for five houses, household supplies, interest on Cronkite note; CTSPFC Report 1926a, 59; CTSPFC Report 1940, 30). Generally, from 1915 through the 1950's, the State appropriated more money, more regularly, for the Schaghticoke than for the other state-recognized tribes.

When the Schaghticoke were transferred to State jurisdiction in 1925, the SPFC continued the existing overseer, Charles Chase, in office (CTSPFC Minutes Summary 1925). This is parallel to the action of the SPFC when the State's other recognized tribes were transferred from the Superior Courts to the CTSPFC in 1935, at which time the SPFC continued the existing Eastern Pequot overseer in office.

In 1950, in response to an inquiry from the Department of Welfare, the Connecticut Attorney General issued an opinion to the effect that:

Since the reservation of each tribe was set aside for the use of the particular tribe, I am of the opinion that there is inherent in your broad powers the descretion [*sic*] to decide that a member of any tribe may erect buildings for the purpose of occupancy upon the lands of the that tribe.

2. The same consideration leads me to conclude, however, that a member of one tribe cannot be allowed to dwell upon land set aside for the use of another tribe" (Halstedt to Squires 5/24/1950, 1).

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<sup>188</sup>Specifically, the report provided an Eastern Pequot figure of 16 on the reservation, 12 elsewhere in Connecticut, and 15 in other states (CTSPFC Minutes 2/5/1936).

After citing to the 1824 statute, the opinion continued: "It therefore appears that the lands comprising the Indian reservations of Connecticut do not belong to the various tribes, but are merely set aside for their use and benefit so long as there shall be an Indian to reside thereon, after which these lands will revert to the state" (Halsted to Squires 5/24/1950, 2). In spite of that limitation, the opinion added one comment acknowledging the tribal nature of the groups:

There appears to be no set rule for the establishment of eligibility into membership of any tribe of Connecticut Indians. It is the opinion of the writer that the present Indian statutes give sufficiently broad powers of management to the overseer to permit him to follow the system of eligibility used by the federal government, which is probably ascertainable by inquiry of the Bureau of Indian Affairs, Washington, D. C. (Halsted to Squires 5/24/1950, 3).

At a 1951 legislative hearing, a statement was presented Albert C. Hoover, Acting Director, The Public Welfare Council, in favor of Senate Bill 502, "An Act Concerning Indians." This hearing was conducted before the Joint Legislative Committee on Judiciary. The bill, introduced by Senator Lowell, had been prepared by the Public Welfare Council as a result of its study of the state welfare laws made under the provisions of Special Act No. 615, of 1951. The issue under study was: "What could be done about relieving the Commissioner of Welfare and the Welfare Department of the requirement that he serve as overseer of the Indians." The proposal was that the land be returned to the Indians (based on the 1872 Mohegan precedent). Schaghticoke was listed as one of the reservations on which Indians (7) were resident in 1951-52. The statement also mentioned the Schaghticoke Fund; 400 acres of land, and four houses. Hoover's testimony made reference to Interior Secretary McKay saying that the federal government should make a start toward full citizenship and full responsibilities for the Indians still on federal reservations and analyzed possible problems with expense to the Towns in providing relief for paupers reviewed (Hoover 1951; CT Gen. Ass. Hearing 1951).

On March 25, 1961, there was a legislative hearing on "H.B. 2421 (Reps. Fisher and Harris), THE MANAGEMENT OF INDIAN RESERVATIONS." Representative Fisher of Oxford, speaking as the "Chairman of the Subcommittee of the Interim Committee on Public Welfare that worked on the problem concerning the Indian Reservations in Connecticut" stated:

The present law provides only that the Commissioner of Welfare shall act as overseer of all tribes of Indians residing in the state, and the Attorney General has ruled that this section does not give the Welfare Commissioner the authority to establish regulations for the administration of these reservations . . . . And we visited these reservations and we tried to talk with all the people who were in residence at the time (CT Gen. Ass. Hearing 3/25/1961, 277).

Fisher referred to "vocal public reaction" that:

. . . did indicate to us that there was a general concern on the part of the people of Connecticut for the welfare of the Indians. And the committee felt that one of the (inaudible) responsibilities was to be sure that we were protecting what rights these Indians have, and I actually think that we have bent over backwards in this

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legislation to do this . . . . It should be remembered that Indians in Connecticut have full citizenship privileges and they reside on these reservations only by their own choice . . . . (CT Gen. Ass. Hearing 3/25/1961, 278).

There is one major distinction between the relationship that Connecticut had with the Eastern Pequot in the 20<sup>th</sup> century prior to the establishment of the CIAC and that which it had with the Schaghticoke. In the case of the Schaghticoke, the record contains no evidence that there was a state-recognized Schaghticoke tribal leader (such as Atwood Williams from 1933 onwards for the Eastern Pequot) prior to the establishment of the CIAC in 1973. The submissions available for the proposed finding also do not contain any evidence that either the SPFC or the overseers whom it appointed consulted with the residents on the Schaghticoke reservation in regard to its management (CTSPFC Minutes 3/13/1935; CTSPFC Minutes 7/8/1936; CTSPFC Minutes 9/13/1936; CTSPFC Minutes 11/8/1936; CTSPFC Minutes 1939), nor on the appointment of a new overseer (CTSPFC Minutes 2/10/1932). The one instance in the SPFC records that indicated that someone had contacted the State in regard to repairs of a reservation residence did not name a Schaghticoke member as the contact (CTSPFC Minutes 9/12/1928).

Neither do either the SPFC or the Department of Welfare records submitted contain any evidence that there was a leader designated by either the reservation residents specifically or the Schaghticoke as a whole for purposes of dealing with the State. Rather, the State dealt directly with individuals. It did not indicate any awareness of the existence of a tribal leader, even when corresponding with those individuals who, such as Howard N. Harris, the petitioner asserts to have been leaders (CTSPFC Minutes 3/14/1934; Squires to Harris 9/5/1950; Squires to Harris 9/26/1950). One of the few letters inquiring about the condition of and prospects for the reservation prior to the establishment of the CIAC was from a member of the Harris family, but not from Howard Nelson Harris, and was an enquiry on behalf of and about the possible rights of one family rather than on behalf of the tribe (Kayser to Barret 4/14/1961).

The other state-recognized tribes in Connecticut were, by legislation, also placed under the jurisdiction of the SPFC in 1935. A 1936 report by the SPFC listing leaders and overseers of all the State tribes noted for leader under Schaghticoke: "None recognized by tribe" (CTSPFC Minutes 3/11/1936). By comparison, the listing for the Eastern and Western Pequots included the name of a leader "recognized by the tribe."

From approximately 1949-1954, there is evidence that the State was aware of the ICC claim advanced by the Schaghticoke under the leadership of Franklin E. Bearce (Eelewathum Swimming Eel). Bearce himself asserted that the State was also aware of other issues that he raised, such as housing on the reservation (Bearce to Russell 6/29/1949). No independent confirmation of his assertion has been located in the evidence submitted for the proposed finding. Such a letter from Clayton Squires to the Schaghticoke was not in the material submitted by either the petitioner or the interested parties. BIA researchers searched the material obtained by FOIA from the State of Connecticut in 1996-1998 and did not locate such a letter.

The State was aware that Bearce himself was not a Schaghticoke (CTSPFC Minutes 1934, 248; Squires to Houston 10/25/1954). The response of the Connecticut Department of Welfare to the United States Department of Justice in 1954 specified this clearly, while also indicating that the

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State clearly was aware that the Schaghticoke membership extended beyond the very limited number of reservation residents (CT Welfare Comm. to Morton 6/1/1954, Attachment).<sup>189</sup>

After the establishment of the CIAC in 1973, the State identified tribal leadership, in the form of an elected council and chairperson. Since 1973, the State has increasingly consulted with that leadership in regard to the management and control of the reservation. As of 1973, however, the State still reserved the decision-making power to itself. Although the Schaghticoke reservation had been used for powwows and other meetings from the 1930's through the 1960's, on April 17, 1973, a Connecticut official wrote to Irving A. Harris stating that: "The use of one of the buildings on the reservation as a meeting house has not been raised with us previously. However, the dwellings on the reservation are for residential purposes and therefore the use of them for that purpose would not be appropriate" (Meheran to Harris 4/17/1973). This limitation does not accord with Connecticut's statements in regard to reservation use made in an affidavit submitted for the Eastern Pequot and Paucatuck Eastern Pequot final determinations (EP FD 2002, 158-159).<sup>190</sup>

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<sup>189</sup>See the letter from the Assistant Attorney General of Connecticut to Clayton Squires, responding to his inquiry of December 13, 1949, in regard to seven questions on Connecticut Indian legal status. This letter stated that the overseer may determine who has the right to reside on a reservation, who shall be permitted to reside in a vacant property, that an Indian's building on a reservation does not become part of their estate, and that the State had no set rule for establishment of eligibility for membership, and therefore the writer was of the opinion that the law gave sufficiently broad management powers for the overseer to "follow the system of eligibility used by the Federal government, which is probably ascertainable by inquiry of the Bureau of Indian Affairs, Washington, D. C." (Halstedt to Squires 5/24/1950).

<sup>190</sup>The State submitted an affidavit, dated July 27, 2001, from Edward A. Danielczuk (*State of Connecticut August 2001, Ex. 60*). The document is retrospective rather than being contemporary evidence. In it, Danielczuk states that in the 1960's and early 1970's, he worked for the Connecticut Welfare Department as a supervisor in the Resource Department, with one of his responsibilities being "to oversee the State's four Indian Reservations" (Danielczuk 7/27/2001, 1). Danielczuk stated:

9. I was not aware of any organized political activity by members of these groups or of any political leadership of these groups. I did not engage in, and was not aware of any other State official or employee having engaged in, any effort to prohibit or obstruct political or other organized activity by persons qualified to use the reservations. Although I am not aware of any elections that were held, we would not have taken any action to prevent such activity, and we did not prevent those who were qualified to use the reservation to conduct [*sic*] a meeting there. Reservation residents were always free to meet off the reservation as well (Danielczuk 7/27/2001, 2).

Danielczuk continued:

If residents on the reservation wanted to have a meeting there with persons they said were members of their group who may not have met the 1/8 blood requirement and who lived off the reservation we would have no problem with that and I don't see how I could deny that request. However, as far as I can recall, this never came up with any of the Connecticut Indian groups (Danielczuk 7/27/2001, 2-3).

10. Permission from the State was required for use of the reservation. Persons qualifying as Indian tribal members by demonstrating one-eighth Indian blood were readily granted such

(continued...)

### *Governing Documents*

**The Current Governing Document.** The petitioner submitted a copy of the revised constitution that was adopted in October 1997. The cover letter accompanying the constitution noted “The change in the criteria for voting Schaghticoke Tribal membership no longer excludes members who live outside of Connecticut” (STN 3/11/1998). The certification for adopting the new constitution was signed by the group’s secretary Betty Kaladish and attested by the chief, Richard L. Velky. Ms. Kaladish noted that the constitution had been adopted by a vote of 57 to 21 at the October 5, 1997, meeting. The preamble to the 1997 constitution states that group formerly known as the “Schaghticoke Tribal Nation of Kent, Connecticut” will now be called the “Schaghticoke Tribal Nation.”

There are significant differences between the descriptions of how the group determines its membership and governs itself found in the 1997 constitution and those in the previous governing document, the 1995 (revised) constitution which was submitted as a part of the petitioner’s April 1997 submission. The petitioner also submitted copies of constitutions dated 1991, 1987, 1980<sup>191</sup> and 1973 as previous governing documents.<sup>192</sup> However, the major differences between some of the constitutions were made with the adoption of amendments, not by the formal adoption of “new” constitutions. For example, the 1987 constitution has a lot of revisions from the 1980 document, but there is no record in the minutes of a vote to adopt a new constitution. The minutes from 1991 reveal that some amendments were passed, but again there was no record that a new constitution was adopted. The 1995 “revised” constitution is apparently a re-typing of the earlier constitution, including amendments back to 1987, but once again there is no evidence in the council minutes of a vote to adopt a new constitution. The 1987, 1991, and 1995 documents are very similar documents, except the 1995 constitution includes descent from someone on the 1910 census as evidence for membership. (See the discussion below for additional information and Appendix II for a section-by-section comparison of the various constitutions.)

Some of the sections in the new 1997 constitution clarify language in previous governing documents; other sections describe the role and powers of the chief, the council, and other officers, as well as the rights of the general membership, in greater detail. The following discussion focuses on the 1997 and 1995 constitutions, since they are the documents by which the

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<sup>190</sup>(...continued)

permission. Persons living on the reservation were always free to invite guests to their homes (Danielczuk 7/27/2001, 3).

<sup>191</sup>The petitioner included a copy of the Schaghticoke Indian Tribe’s December 15, 1980, letter to the membership which included a copy of “the Schaghticoke Tribal Constitution (discussion on amendments/April meeting)” which were presented at the December 7, 1980, meeting. The constitution is three pages long, but section 1 of the amendments is missing and the last line on the last page ends mid-sentence. It appears that this is not a complete copy of the 1980 document.

<sup>192</sup>The April 1997 submission included what appears to be a draft of this constitution, but is titled “By-laws ...January, 1973.” The outline for the document is almost the same, but it looks like a draft or “cut and paste” version of the document, with lines repeated and parts of paragraphs missing or blocked out (STN Constitution, 1973).

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group governed itself at the time the petition went on active consideration, but also highlights any changes between the current and previous governing documents that explain differences in membership policies. The 1997 constitution also states that existing ordinances and resolutions that do not conflict with the provisions of the new constitution will remain in effect.

### Purpose.

Both the preamble and Article I of the 1997 constitution outline its purpose. The language in the preamble officially changes the group's name to "the Schaghticoke Tribal Nation" and although it is similar in some ways to previous constitutions, it also spells out its intent to protect the integrity of a sovereign tribe, rather than the rights of "Schaghticoke descendants." Whether the language used here is a matter of semantics or of a real distinction between the members of the petitioning group and other descendants cannot be determined by merely reviewing the changes in the governing documents. The preamble states that they are establishing this constitution:

recognizing the need to unify our people for the purpose of preserving the heritage of our ancestors, our culture, our history, our language, our native lands and our sovereign right to live free and protect the true spirit and political integrity of the Tribe, to maintain peace and order through the establishment and administration of justice, to preserve, secure and exercise all the inherent sovereign rights and powers of an Indian Tribe, promote and pursue the cultural and religious beliefs of Tribal ancestors and to promote our right for [sic] economic self sufficiency, . . . (STN Constitution 1997, 1).

Article I of the 1997 constitution states that the purpose "is to provide the government of the Tribe with the power to protect and promote the interests of the Tribe" and that it "sets forth the powers and duties granted by the members of the Tribe to their government" (STN Constitution 1997, 2). By focusing on governance, this article varies greatly from the broad statement in the preamble and previous constitutions that the purpose was "to promote and advocate a better understanding toward the Schaghticoke Indians, and to preserve their arts, crafts, culture and tradition" and to "protect their ancient property rights, treaty rights, agreements, executive orders, and their lands and finds and to do any and all lawful matters and necessary decisions . . . for the best interest and protection of all descendants of the Schaghticoke Indians" (STN constitutions Article II, 1995, 1991, and 1987 and "Objectives" in 1973).

### Jurisdiction/Territory.

Article II in the 1997 constitution also extends the group's jurisdiction, which had previously been defined as "the land within the Schaghticoke Reservation and such other lands as may hereafter be added thereto under any law of Connecticut or the United States" (STN constitutions Article II, 1995, 1991, and 1987), to "its members and all lands hereafter acquired by or on behalf of the Tribe or held by the United States, the State of Connecticut, the State of New York, or any other State for the benefit of the Tribe" (STN Constitution 1997, 2). This redefining of the Schaghticoke as a group with ties or rights to lands beyond the reservation whether defined by the original 18th century boundaries or the current boundaries, to unnamed areas of Connecticut and New York, as well as possibly to other states, is a significant change in the constitution. It

apparently changes the group's focus from the historical reservation to a larger territory,<sup>193</sup> with Article II concluding that the tribal government "will have jurisdiction over all persons, property, lands, air space, resources and all activities occurring within the boundaries of the reservation or on other lands within the jurisdiction of the Tribe" (STN Constitution 1997, 2). This broader definition of jurisdiction also relates to the requirements for membership, which have also changed through the years from those in the 1973 constitution to the present one.

#### Membership.

To better understand the membership requirements in the 1997 constitution, it is perhaps easier to begin with the 1973 constitution and come forward in time, noting the changes in each governing document.

The 1973 constitution briefly stated that "an authentic descendant of the Schaghticoke Tribe" is one who can use birth certificates or other legal records to show that he/she is "directly related to an Indian who is genealogically recorded as a Schaghticoke Indian by the State of Connecticut" (STN 1973, 1). Aside from the assumption that the State records/charts were reliable, this provision showed two key things: First, membership could be determined by being "related," which could reasonably include cousins or more distant relations who could prove their descent from someone who had been identified as Schaghticoke on some early historical record, as well as direct descendants, such as the children or grandchildren of someone who was a member in 1973. It left open the possibility that Schaghticoke descendants who had not maintained social or political associations for several generations with the reservation or other Schaghticoke descendants could become members.<sup>194</sup> The 1973 constitution also stated that an "authentic member" who contributed at least one dollar each year "may become a member upon approval of the Board of Directors" (STN 1973,1). The constitution also defined two categories of members: corporate members who were authentic descendants over age 16 (the voting age), and "associate members" were the spouses of the Schaghticoke descendant. Associates could participate, but could not vote, although the constitution also stated that "associate members contributing annually at least one dollar may become a member upon approval of the Board of Directors."

Second, this provision implies that the group relied on the State for the evidence of who was Schaghticoke, based on charts compiled in the 1930's to 1950's. It may be that the provision referred to the overseer's reports, genealogical records created/maintained by the welfare department, or other historical documents; however, the wording is unclear. It may also imply that the group itself had little say on who was Schaghticoke, but that the State determined who was eligible for the benefits due the Schaghticoke Indians.

The 1980 constitution stated that the membership shall consist of "all persons whose names appear on the Schaghticoke tribal rolls as of December 9, 1979" or "all persons who can prove

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<sup>193</sup>The new emphasis may also be based on the perception that the Indians who came together at Schaghticoke in the Moravian era were from a number of communities in western Connecticut and eastern New York.

<sup>194</sup>In actuality, the membership lists prepared in the early 1970's, do not include such persons. See the analysis of the November 18, 1972, January 1, 1974-December 31, 1974, and October 10, 1975, lists.

direct matrilineal or patrilineal descendancy from any persons listed by the state of Connecticut at any time as a Schaghticoke Indian”and that the applicant will have to provide proof to the council (Schaghticoke Indian Tribe Constitution 1980, 1).

The amendments that appear in the 1987 and 1991 versions significantly changed the definition of the membership, first by eliminating the State of Connecticut as the source for proof of descent, and limiting the descent requirement narrowly to those with “Direct matrilineal or patrilineal descendancy form the first Chief and Founder of Schaghticoke Gideon Mauwee”(SI of Kent Constitution 1987 [and 1991], Article IV, Sec. 1a), who lived from about 1687 to 1760 and was a key figure in the Moravian era at Schaghticoke. He had several children and lived with a significant number of other Schaghticoke Indians on the reservation.<sup>195</sup> Given the number of Indians at Schaghticoke in Moravian era (1743 to 1770), and their kinsmen or others who were named in the overseers reports in the early 1800’s, it is highly likely that there are many individuals whose ancestors either lived at the reservation or were otherwise treated by the State of Connecticut as Schaghticoke Indians, but who are not known to be descendants of Gideon Mauwee. Thus, they would not have met the group’s own definition of its membership in these two documents. For example, this provision would have excluded from membership the many descendants of Jeremiah Cogswell who did not marry known Mauwee descendants. George H. Cogswell was the only grandchild of Jeremiah’s known to have married into a Mauwee line (Sarah Bradley, whose grandmother was Parmelia (Mauwee) Kilson). George’s siblings and his father Jabez’ sibirgs apparently did not marry Mauwee descendants.

Likewise, this provision and the petitioner in general, appears to have accepted the statements on the State of Connecticut genealogy charts that Rachel, Parmelia, and Abigail Mauwee, who were “thought to be” or the “probable” daughters, and Truman Bradley who was “said to be” a son of Eunice Mauwee (1756/1760 to 1860), were the links in the “direct matrilineal or patrilineal descent” from Eurice to her grandfather, Gideon Mauwee.<sup>196</sup> However, there is conflicting

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<sup>195</sup>See the Historical Background section of this report for additional analysis of the Schaghticoke community in Gideon Mauwee’s era, and that of his children and grandchildren.

<sup>196</sup>State Chart: Mauwee 1-1-10: Eunice Mauwee, Jan. 1765 to Feb. 15, 1860, Children “(probable) but the order of their births is uncertain\* Elihu, John, Martha, Pamela, [*sic*] Charity, Lavinia, Abigail, Rachael, Truman (Bradley) ?” (\*attached note: “The father (or fathers, probably more than one) of these children is not certain. It is said that Truman Bradley was a half brother to Abigail and Rachael. . . .” [followed by the oft-quoted obituary recounting her descent from a chief])

State Chart: Kilson 1: Alexander Kilson, wife “Pamelia Morway\*” [*sic*] “Full Blood” (\*attached note: “Pamelia Morway was probably Mauwee or Mauwehu, a daughter of Eunice”)

State Chart: Bradley 1: Truman Bradley, wife Julia M. Kilson; “son of Eunice Mauwee” (attached note: “Truman Bradley was said to be a full blood Indian, probably Pequot. He had many Pequot characteristics, was often ugly and quarrelsome. Truman is said to be a son of Eunice Mauwee and a half brother to Rachel and Abigail (Harris)”)

State Chart: Cogswell 1: Jeremiah Cogswell, wife Mary Ann Chickens (Full Blood) (attached note: “this name was spelled several different ways, among them Cotsure - Cocksure - Corkscrew - Cocksell - Cogswell”)

State Chart: Cogswell 1-1: Jabez Cogswell, 1807; wives Maria Hamblin and Marcia Heddig (attached note: “Jabez Cogswell was probably a full blood Indian: it is also probable that he is the same man who was sometimes called “Cocksure” or “Coksure” Cogswell. His first wife Maria Hamblin was part Negro and probably part Indian. His second wife, Marcia Heddig was at least part Indian. It is possible that Jabez and Maria

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evidence for these presumed linkages that may be based in part on an assumption that everyone on the reservation called Mauwee was a child or grandchild of Eunice, and in turn descended from Gideon Mauwee.

Although the language of the constitutional provision was narrow, the evidence clearly shows the membership did not descend solely from Gideon Mauwee, but from a number of Schaghticoke Indians with close ties, either by blood, marriage, or geography, to the reservation population in the overseer era of the early 1800's. Neither was Gideon an isolated Indian, living among non-Indians.

The 1995 constitution re-introduced a broader base for establishing descent, adding "or direct matrilineal or patrilineal descendancy from any person identified on the 1910 U.S. Federal Census as Schaghticoke Indian," as one of the ways for determining descent from the historical Schaghticoke tribe. The BIA assumes that "identified as Schaghticoke" means the Indians who were living on the reservation at Kent in 1910, but were identified as "Pequot." However, this provision did not limit the 1910 Federal Census reference to the reservation at Kent, but appears to include anyone, anywhere who was identified as "Schaghticoke."<sup>197</sup> This provision was retained in the 1997 constitution.

The 1995 constitution introduced the section that stated: "any person requesting Schaghticoke Indian recognition" [meaning membership in the group] must submit a written request and the "necessary notarized documentation" to the council. The applicants are required to: (a) have direct matrilineal or patrilineal descent from Gideon Mauwee or direct matrilineal or patrilineal descent from "any person identified on the 1910 US Federal Census as a Schaghticoke Indian," (b) provide sufficient proof in the form of birth certificates or other legal documents which the council will meet to review, and (c) a mandatory genealogy chart "then be completed with information attached to chart" which will be held by the STN official responsible for genealogical records. It also stated that the applicant must include a photograph (STN Gen Report 1997, 37; STN Constitution 1995, Art. IV, Sec. 1a-c; STN Constitution 1997, Art. III, Sec. 2a-d).

There are some ambiguities with the language in this article that make it unclear as to the group's actual practices or requirements for membership. First, the 1910 census does not identify the petitioner's ancestors as "Schaghticoke Indians." The Indians residing on the Schaghticoke Reservation were identified as "Pequot" in that census.<sup>198</sup> Second, if the petitioner has other

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<sup>196</sup>(...continued)

(Hamblin) had two children older than George, one of which may have been Jabez, Jr.")

State Chart: Harris 1: Henry Harris, wife Abigail Mauwee (attached note: "Henry Harris was probably a full blood Pequot who came to the Schaghticoke Reservation for a visit and stayed. It is claimed by some that Abigail Mauwee and her sister Rachael were his plural wives and that James was Abigail's child and Charles was Rachael's. At any rate they all lived together. He was known as "Pann", "Tinner" or "Tin Pan Harris")

<sup>197</sup>See the Genealogical Analysis of the 1910 Census section of this report for the analysis of the ancestry of the residents on the reservation in 1910 and their descent from the historical tribe.

<sup>198</sup>If the petitioner actually uses 1910 residency on the Reservation as the identification of Indians as  
(continued...)

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ancestors, who were living off-reservation in 1910, but who were identified specifically as Schaghticoke Indians by the census enumerator, the petitioner needs to specify who those ancestors were and where they were living.

The 1997 constitution introduces a new section on resignation and dis-enrollment under the topic of membership. The 1995, 1991, 1987, and 1980 constitutions allowed that voting rights could be suspended, but made no mention of dis-enrollment or resignations of members. However, Art. III, Sec. 2f of the 1997 constitution states that a member is enrolled for life, but can resign or have his/her membership revoked or terminated "pursuant to some other provision hereof." Terminated members may appeal that decision; however, once a member has submitted the written resignation to the chief or a council member, it cannot be withdrawn (STN Constitution 1997, Art. III Sec. 2-3). The August 2001 membership list included the names of ten individuals who had resigned between December 1999 and December 2000.<sup>199</sup>

The first letters of resignation were from Gary Ritchie and his three-year old daughter dated December 18, 1999, followed by his sister Brenda in March 2000 (cite). In May 2000 three members of the Eades family resigned, they were Ritchie's second cousins. Two other cousins resigned later in 2000 (Bonnie and George Johnson). All of these members were from a branch of the Truman Bradley- Julia Kilson family that does not have a Cogswell ancestor. On the other hand two of Ritchie's cousins, who are related through the Kilson connection, Theodore and Truman Cogswell resigned by letters dated December 19 and 29, 2000. Their actions were accepted by the council at meetings in May and June 2001. In October 2001, the petitioner sent evidence that Truman Cogswell's two daughters Robin and Donna had resigned (cite).

The 1997 constitution also states that the council make the rules governing confirmation of new members and that the membership will be confirmed by a majority vote of the council (STN 1997, Art. III, Sec. 1 and Sec. 2c). It is not clear if this provision refers to some formal process for confirming membership in a council meeting or at an annual meeting, or if it means that the council intends to set new membership requirements.

Membership: Age and Voting Rights.

The 1973 constitution stated that "corporate members" are "authentic descendants" who are over age 16, and that they have the right to vote in the group's elections, but does not specifically mention if minor children are included as members. The 1980 constitution limited voting to members who were age 18 or older, but made no other age limits for membership. None of the subsequent constitutions restrict membership to adults, but they do revert to the language in the original 1973 constitution by stating that all members who are age 16 or older are "voting members" (STN constitutions 1987, 1991, 1995, 1997).

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<sup>198</sup>(...continued)

Schaghticoke, then the constitution needs to be amended to clarify the petitioner's intent to use the 1910 population of the Schaghticoke reservation, who were identified as "Pequot Indians," as a basis for establishing descent from the historical tribe. Thus far, the BIA has not found any of the petitioner's off-reservation ancestors identified as "Schaghticoke."

<sup>199</sup>These last two individuals resigned after the August 2001 membership list was submitted to the BAR. Council action was taken on October 2, 2001 (cite letter in BAR admin file-post scanning).

Aside from age, one other issue affected the voting population of the Schaghticoke petitioner, that of residence. Neither the 1973 nor the 1980 constitutions mention any residency restrictions on voting members. In fact, there was a 1984 council resolution allowing any member who lived within 50 miles of the reservation to serve on the council (STN Resolution 1, 8/26/1984). This change then allowed members who lived in New York to serve on the council, where previously councilmen had to be a resident of Connecticut to serve. Although the resolution does not state that out-of-state members can vote, it implies that members did not have to be residents of Connecticut in order to vote, otherwise, candidates from New York could not vote for themselves, although they could serve. Thirty-two members signed the resolution, including at least two people who lived in New York. The 1987, 1991, and 1995 documents all cite additional restrictions that voting members must be permanent residents of Connecticut and "in good Tribal standing" (STN Constitutions 1987, 1991, 1995, Art. V, Sec. I). "Good standing" is not defined.

The 1997 constitution simply states that all members who are 16 or older will be eligible to vote, and the cover letter from the group's genealogist explains that the revised constitution no longer excludes members who do not reside in Connecticut from voting (STN Constitution 1997, Art. X, Sec. 6). The 1987 and subsequent constitutions allowed absentee voting by persons who were handicapped or physically unable to attend the meeting, or in the military, which was a change from the 1973 and 1980 constitutions that did not allow for proxy or absentee voting.<sup>200</sup> The 1997 constitution implies that it may go a step further by stating that the council may adopt an ordinance permitting absentee voting, but until that time, it is restricted to members in the military or handicapped and unable to attend the meeting, provided the ballot is received not less than three days prior to the election (STN constitution 1997, Art. X, Sec. 8).

Amending the Constitution. The 1997 and each of the previous governing documents have provisions for amending the document provided that notice of the proposed action (proposed by either a majority of the council or by a petition signed by the membership) was given prior to the annual (or a special) meeting (STN Constitution 1997, Art. XVII; and constitutions 1995, 1991, 1987, Art. XIII). The 1973 and 1980 constitutions allowed amendments to be adopted if two-thirds of the voting members present voted for the proposed amendment (STN 1980 Art XI, and 1973 un-numbered provision). However, the requirements changed significantly with the 1987 and succeeding constitutions by stating that amendments could be proposed by a majority vote of the council or by a petition signed by one-third of the voting members and that the amendment would be adopted by a majority vote of the voting members present at the annual meeting. Thus, amendments to the constitution could be adopted with only a very small percent of the group's actual membership participating in the action (a simple majority of those present at the meeting). Not only has the group amended the constitution, but it has adopted 6 constitutions in 24 years time.

Minutes of several meetings in 1997 show that the council accepted proposed amendments to the constitution (STN 1997 Minutes 6/18/1997, 9/2/1997, 9/4/1997, 9/8/1997, 9/16/1997). The October 5, 1997, council meeting accepted the "amendment sheet dated October 4, 1997 to be

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<sup>200</sup>At the 1986 annual meeting the council rejected a motion to allow all college students living out of state to vote by proxy, but allowed those in the military and physically disabled members to vote by absentee ballot, provided the ballot was received 20 days in advance of the election (STN Minutes 10/5/1986).

added to the proposed amended constitution,” but the sheet was not attached and the topic covered by the amendment was not discussed/revealed in the minutes of that meeting (STN 1997 Minutes 10/5/1997).

Enrollment Process. The 1997 constitution states that one of the duties of the secretary is to determine the manner of keeping the membership records and to certify membership “from time to time,” but that the “possession of all genealogical records supporting membership in the Tribe will be kept confidential and remain in the possession of the Tribal Genealogists (or “such other person as may from time to time be designated by the Tribal Council)” (STN Constitution 1997, Art. VII, Sec. 2c). It also provides that all of the ordinances and resolutions previously enacted by the council will continue in effect as long as they are consistent with the new constitution (STN Constitution 1997, Art. XVIII). Therefore, the enrollment procedures, described either in previous governing documents, in resolutions, or revealed in the minutes of meetings appear to be still in use.

#### Description of the Petitioner’s Enrollment Procedure.

The genealogical report supplementing the petition, prepared by Kathleen April in 1997 includes sections on the membership requirements, and referred to Article IV of the 1995 constitution for procedures. It also included a section entitled “Tribal Roll Management procedures for Schaghticoke Indian Recognition During FA Process/ 1996-1997.” This document stated that two members of the group, the “tribal administrator” and secretary/genealogist and the group’s genealogical consultant were to have access to the current membership applications and to the Schaghticoke ancestor files, but that the denial of membership and appeal process were to be administered by the administrator and secretary/genealogist and the council.

A document dated January 14, 1997, listed the office and administrative procedures “during FA process” (STN April 1997, un-numbered page, but 40). This phrase seems to imply that the group may have had a different process before the one now being practiced, or that it may implement a different set of procedures should the group be acknowledged. It is not clear from the ordinances or minutes of previous meetings that the group had any formal procedures. Part I of the procedures for Schaghticoke membership states that in order to be placed on the “base roll” each member had to trace to the 1910 Federal Census. The seven “steps” listed included submitting a long form birth certificate with an official raised seal, and other documents supporting the genealogy such as clear, legible copies of marriages, divorce, and death records. The procedures document addresses the need to track name changes, specifically if biological children have different names than the Schaghticoke parents. All individuals 18 and over are required to submit their own genealogical documentation and an ancestry chart, or give written consent to “another Schaghticoke member to act on their behalf.” The document does not put a limit on who can submit an application for another party. For example, a strict reading of the procedure would allow anyone who was 18 to give consent to any other member to act on their behalf, not just a parent or legal guardian. Adopted children will not be considered for membership, “only the biological children of the Schaghticoke parent(s) will be considered” (STN April 1997, un-numbered page, but 40). Applicants will be notified if there is insufficient evidence and will be given an opportunity to provide the appropriate documentation. The last item in the list of seven steps says that the charts and documented membership applications will be filed in the group’s archives, but that “names and outline of ancestry will be submitted to the Tribal Council

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for final determination.” It will then be the council’s responsibility to notify the member that the application was accepted.

The minutes of a March 26, 1997, council meeting at which clerk Linda Manning and genealogist Kate April submitted to the council a membership list of 150 names “who met the criteria outlined in the Articles of Constitution, Article IV” and that another 15 members need to submit their photos and complete their genealogies. They also reported that numerous members were notified that they were lacking the proper documentation. The council then discussed the possibility of closing the rolls “as we near federal recognition.” The results of that discussion was not reported (STN Minutes 3/26/1997).

Part II of the enrollment procedures “During [the] Federal Acknowledgment (FA) Process” lists two additional steps: “Second step is to connect to ancestors on the 1880 Federal Census” and “Third step is to connect to ancestors of Gideon Mauwee’s followers of the Schaghticoke Tribe in the Housatonic River Valley.” These requirements are not contained in the constitution and are very confusing. The procedure lists “steps” as if they are a sequence of events that occur after the council has voted on and accepted the applicant. If so, what is the purpose of these steps if the applicant has already met the requirements for membership? It is not clear if these two steps are meant to be alternate methods of proving descent from the historic tribe for those who do not meet the criteria set in the constitution. For example, if an applicant can prove that he descends from someone who was on the Schaghticoke reservation in 1880, or from one of the Schaghticoke Indians identified in the Moravian records, i.e. “Gideon Mauwee’s followers,” but the same applicant did not have an ancestor who was identified as Schaghticoke in 1910, would the applicant still be eligible for membership under the provisions of these steps? Neither of these two steps provide any guidelines for types of evidence that are acceptable to prove the connection to ancestors.

There is no explanation as to why the 1880 census was used as the milestone for establishing descent from the historical tribe instead of the 1900 census, the overseers’ reports, or Schaghticoke petitions in the mid-1800’s. However, the 1880 census is the first Federal census to list some of the descendants of Joseph Danielson Kilson living on the reservation, although his widow was living there in 1900.

The statement “ancestors on the 1880 Federal census,” is very broad. Descent from any individual on the 1880 census (Indian, non-Indian, or Schaghticoke Indian) in any part of the United States would fulfill the requirement. However, it has not been implemented this way. If the group intends that applicants must trace to individuals who were living on the Schaghticoke reservation in 1880 or to other Schaghticoke ancestors who were living elsewhere, the wording of this provision falls short of that intent. The requirement does not state if it is the member’s responsibility to provide the evidence or if it is the duty of the group’s administrator, Secretary/genealogist, and consultant to verify the lineage to 1880.

The third step in the procedures, “to connect to ancestors of Gideon Mauwee’s followers of the Schaghticoke Tribe in the Housatonic River Valley,” is equally broad and confusing. Gideon Mauwee died in 1760. The Moravian records list the Christian Indians at Schaghticoke in the mid-1700’s, who were contemporary to Gideon Mauwee, and might be considered as the

“followers of Gideon Mauwee.” However, neither Gideon’s ancestors, nor the ancestors of his followers are known. It would be a nearly impossible task to prove a connection to the ancestors of the Indians who were at Schaghticoke in the mid-1700’s. It is possible that this third step misstates the requirement, and that the intent of the step is to have applicants show that they connect to their ancestors who were among Gideon Mauwee’s followers, i.e., were named in the records of the Indians at Schaghticoke compiled by the Moravians, or were the descendants of Gideon Mauwee’s followers.

Part III of the procedures, “Office filing steps,” for membership applications states that the genealogist will verify and cite reference sources, determine the authenticity of the records, and notify applicant of any deficiencies (STN April 1997, [40]). Applications that meet the group’s criteria will be color coded and entered into the computer genealogical program and the resulting “Family sheets and Ancestry outlines will be printed and filed. . . .” The office procedures also outline the steps for denying an application and the appeal process, but do not state the process for notifying the council when an applicant has met the criteria. However, the petitioner also briefly describes the administrative procedures for evaluating membership applications in the narrative of the 1997 genealogical report (STN Gen Report Supplemental 1997, 38). Here it states that the Secretary/Genealogist and the group’s administrator are responsible for reviewing documentation and applications for membership and for determining voting privileges. If an applicant’s papers are in order, the applicant’s name is placed in a pending membership list for the council’s vote. Apparently, if the genealogist and administrator have questions about the applicant’s documentation, they discuss it with the applicant and then present it to the council for a vote. Applicants who are accepted by the council are then added to the official membership list and assigned an identification number (STN Gen Report Supplemental 1997, 38, [40]).

The previous governing documents were less explicit or silent on the procedures for verifying membership. Neither the 1973 nor the 1980 constitutions define a process for determining membership. They do not make mention of genealogy charts or types of proof, although the 1980 constitution stated that the applicant should present proof to the council, which at its next meeting would declare the person a member (STN Constitution 1980, Art. III, Sec. 1b(1)). The documents submitted for the 1970’s do show that there was some kind of process for determining membership, even though it was not specifically stated in the governing document. For example, minutes from February 24, 1974, show that Claudette Bradley explained the membership list and distributed a list of corporate members from 1973,<sup>201</sup> and stated that “150 copies will be printed if some ones [*sic*] name doesn’t \_\_\_\_\_ [illegible] appear then they haven’t completed a card” (Minutes 2/24/1974). This is the first indication of how the group determines the membership or maintains its records: the council looks at the list for completeness and the members or applicants fill out some kind of a “card.” No sample of the card was attached here, but may be elsewhere in the documents. It appears that the 150 copies would be distributed to the corporate membership, probably for corrections and up-dates, but the minutes are not very explicit.

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<sup>201</sup>The list of corporate members includes some of the names on the typed list dated November 18, 1972 (Members 11/18/1972a). There may be some missing pages from the hand-written January 27, 1973, minutes, especially the complete list of November 1972 (Minutes 1/27/1973).

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The petitioner's documentation included at least two examples that show its apparent reliance on descent from Gideon Mauwee as key to membership in the group. One was a letter written in 1994 from the STN secretary to a man in Lebanon, Connecticut who was looking for assistance in tracing his ancestry "to its Schaghticoke origins." He did not specifically state that he wanted to join the STN, only that he wanted to verify his reported Indian ancestry. Ms. Manning, the petitioner's genealogist, responded as if the man was an applicant for membership, writing that he must supply certified copies of birth or death certificates for "the individuals who are of American Indian blood" and that he must have "direct matrilineal or patrilineal verification to the name of Mawhe-Mawehu-Mauwee. This may require the documents of four or five generations" (STN Manning letter 1/9/1994). This implies that in 1994, membership in the STN was allowed for descent from anyone bearing the name Mauwee, not just from Gideon Mauwee alone.

In July 1994 the secretary reported an incident that had occurred at the STN offices which she concluded with the following statement: "I don't think any of us should ever forget, we all came from one kind man that had almost 500-600 men, women and children that followed him,<sup>202</sup> . . . everyone is family here . . ." (STN Manning letter 7/11/1994). This statement seems to summarize the commonly accepted tradition that "everyone" at Schaghticoke was a descendant of Gideon Mauwee, the revered leader who died in 1760, without mentioning the fact that there were other Schaghticoke Indian ancestors who created additional ties to the broader Schaghticoke population [not just one man] in the Gideon's era and in the subsequent generations.

In October 1997, the group's genealogist and secretary/genealogist submitted a list of 51 names of people who had satisfied the criteria for membership. They summarized that there was a total of 220 members, and that [another] 15 were still pending that need photos (STN Minutes 10/1/1997). At the October 5, 1997, meeting there was a lot of discussion about the proposed constitution. Non-voting members, primarily individuals who did not submit genealogies or photos, objected to those requirements and to the proposed constitution, including the provisions for documenting the genealogies and appealing council decisions (including Irving Harris and Theodore and Truman Coggsell). Members voted 57 to 21 in favor of accepting the amendments (STN Minutes 10/5/1997). At the Nov. 4, 1997, meeting another 19 members were added to the list, having satisfied the criteria for membership (STN Minutes 11/4/1997). As can be seen by comparing the various subsequent membership lists, these amendments to the constitution did not drastically change the make up of the group by excluding previously enrolled members.

Although there is very little in the record that describes previous enrollment procedures, several of the council minutes in the 1970's referred to one person's membership applications. It was not until 1981 that the council minutes offered a little insight into how the group applied the provisions of the 1980 constitution, stating that: "Necia Hopkins re: tribal membership, council to review procedures for membership request and documents submitted by Necia Hopkins. Ms. Hopkins will be invited to appear at council meeting in April" (STN Minutes 11/18/1981). At

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<sup>202</sup>This number is not valid. There is no evidence in the record that there were anywhere near 500 Schaghticoke Indians at any time in the group's history. See the historical report for more information on the residents in the Moravian Era.

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least in this one instance, the council appears not only to have reviewed the documents, but to have interviewed the applicant.

In 1982 the group's secretary sent a letter requesting that members fill out an individual history charts so that she could continue to update the membership records. "I am rewriting our lists of members into individual charts. This is a more efficient way of keeping track of all our families and each new child born to a family can be automatically added on." The letter included a copy of an individual history sheet with blanks for the name and birth date of the member's spouse and children as well as the member's father, mother, and siblings (STN 1997, #389).

The 1987, 1991, and 1995 amendments to the constitution stated that mandatory genealogy charts be completed and documentation attached, which would be held by the "tribal member responsible for genealogical records" (STN constitutions 1987, 1991, 1995, Art. III, Sec. 1c). Thus it appears that the current practices, described in the 1997 Genealogical Supplement evolved through time; the result of the group needing to maintain consistent standards and forms to show that the members meet the group's own criteria for membership as well as satisfy the requirements of the Federal Acknowledgment Process.

### Dual Membership.

The 1997 constitution states that the petitioner will not consider anyone whose name appears on the official roll of any other tribe "or community of American Indians or Alaska Natives" to be eligible for membership in the STN, even if they do meet the criteria for membership described above (STN Constitution 1997, Art. III, Sec. 2g). This section does not distinguish between a federally recognized tribe, another petitioner for acknowledgment, or a state recognized Indian tribe or community that may have an "official roll."

Given that Gideon Mauwee's descendants, or Schaghticoke reservation residents in 1910, for that matter, may have descendants who are also descendants of other New England tribes and may be members of one of the federally recognized tribes in Connecticut or elsewhere, or one of the many petitioners for Federal acknowledgment, including the other Schaghticoke group, there may be several people who meet the STN's membership requirements, but who would be denied membership in the STN because of the provision described in Section 2 of Article IV. This section makes no provision for determining whether the individual's name is on another membership list. It is not clear whether the STN relies on the applicant's stating that he/she is not on any other list, or the STN genealogist checks with other groups or tribes for dual enrollees.

The issue of dual membership was not mentioned in the 1973 constitution, but was addressed in each of the subsequent governing documents, showing that the petitioner consistently rejected the idea of dual enrollment. However, there is no evidence at this time that any of the members of this group are enrolled in any federally recognized tribe.

### *Membership Lists*

August 30, 2001, STN Membership List. The petitioner sent a copy of its membership listed dated August 30, 2001, with a cover letter signed by Linda M. Gray, the group's genealogist/clerk. The cover letter says "330 members are numerically listed;" however, there are

10 names on the list who are noted as “resigned” and 3 who are noted as “deceased.”<sup>203</sup> The actual number of living adults and children appears to be 317. The petitioner did not include a letter signed by the group’s governing body certifying that this membership was accurate and complete, as required by the regulations. However, at the BIA’s request in a letter dated October 4, 2002, the STN Council corrected this technical error by submitting the necessary certification in a letter dated October 14, 2002. The BIA also requested random samples of the petitioner’s membership files (BIA to Velky 10/4/2002). The petitioner responded to the BIA’s request, with a letter signed and certified on October 14, 2002, by the governing council. The BIA received this certification of the August 30, 2001, membership list and 33 sample membership files on October 16, 2002. These documents will be provided by the Department to the parties and amici in the litigation under paragraph (e) of the court’s order (BIA to Velky 10/4/2002).

The August 30, 2001, membership list includes fields for the individual’s identification number (“ID #” begins with #2001),<sup>204</sup> current legal last name (maiden name is in parenthesis in this column), first name, middle name, “lineage,” address, city, state, and birthdate. The lineage column contains only one name in each instance; either Harris (144 times), Kilson (122 times), and “Coggswell” (51 times).<sup>205</sup> The petitioner’s membership list identifies the members by the three major family names associated with the Schaghticoke, not by their descent from Gideon Mauwee, or by the name of the ancestor on the 1910 Federal Census.

The August 30, 2001, submission also included printouts of pedigree charts and family group sheets for 37 new members of the group. These ancestry and family sheets did not include the individual’s membership number or the married name of adult women. The BIA compared the names on these sheets to the 2001 membership list and found that membership list identified the married women by their new surname (with maiden name in parenthesis). The new members have identification numbers 2291 to 2330 (including numbers for two members identified as “resigned.”) Not all of the new members represent children born since the 1997 list was created: six were names of children born in 1997 or later and six names were names of children born between 1980 and 1996, who were under 16 at the time the 1997 membership list was compiled. The remaining 25 new members on the 2001 list were all adults (over 16 years of age, the voting age for members of this group) in 1997, including two people who were born in the 1920’s.

Of the 37 new members, 16 were Harris descendants, 18 were Kilson descendants, and 3 were Coggswell descendants. Twenty-two of the new members reside in Connecticut, but the remaining

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<sup>203</sup>Eight of the names that resigned were Kilson descendants (and are now on the SIT membership list) and two were Coggswells. No Harrises resigned. See the Administrative History section of the report for additional information. One person from each of the three families were listed as deceased since the date of the last membership list.

<sup>204</sup>The format and identification numbers for three membership lists dated November 22, 1994, April 11, 1997, and March 30, 1998 are consistent with format and identification numbers on the August 30, 2001, list, which was used for this report’s analysis of the petitioner’s current membership.

<sup>205</sup>Some members of the Coggswell family spell the name with two “g”s, others with only one. The BIA uses the ‘Coggswell’ through out this report when addressing the historical family as a whole, but the ‘Coggswell’ spelling if it is in a direct quote or used by the living family member.

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15 names are scattered in eight other states (RI, 2; MA, 1; ME, 4; NH, 2; NJ, 2; TX, 2; NY, 1; and GA, 1).

The August 30, 2001, submission also included a list of 34 incomplete membership applications. The list is of names only, no birthdates, lineages, or addresses are included; therefore, it is not possible to 'attach' the names to any other families who may be members. On the other hand, almost all of the surnames and maiden names do appear in the group's membership list and most of the names can be tentatively linked to other known members whose family names appear on the membership list or in the Family TreeMaker® (FTM) genealogy program. However, there appears to be two families, 7 individuals with the same surname and 3 other individuals with another surname, that do not appear in the FTM genealogy program or on the group's membership list. As in the list of members, each of these potential members (with the two noted exceptions) appear to descend from either the Cogswell, Harris, or Kilson lines.

November 13, 1998, STN Membership List. In a letter dated November 13, 1998, the STN explained additions to the previous membership lists. The council, Richard Velky, Michael Pane, Betty (Velky) Kaladish, J.C. Velky, Jr., Erin Lamb, Dean Pomeroy, Catherine (Harris) Velky, Toni (Pomeroy) Hoffman, and Anthony Crone,<sup>206</sup> stated that they accepted the "following number of members to be added onto the Schaghticoke tribal roll effective today, November 13, 1998: 296." The total number was broken down to show how many new members were accepted on the following specific dates: 150 on March 26, 1997; 20 on April 9, 1997; 51 on October 1, 1997; 19 on November 4, 1997; 2 on December 11, 1997; 6 on March 10, 1998; 12 on May 12, 1998; 23 on August 6, 1998; 8 on September 22, 1998; and 8 on November 13, 1998. This notice also named three individuals who died in the same time period.

The November 13, 1998, membership list<sup>207</sup> included the names, addresses, birthdates, and lineage (Harris, Cogswell, or Kilson) of 297 members (STN Tribal Roll (Additions) 11/13/1998). The first 169 names and ID numbers matched the names and numbers on the previous membership list dated April 4, 1997 (STN Tribal Roll 4/11/1997).<sup>208</sup> According to the petitioner's designation of descent (lineage) on the November 13, 1998, roll there were 132 Harrises, 127 Kilsos, and 38 Cogswells in the membership.

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<sup>206</sup>Everyone on the council at this time, except Erin Lamb, related to Richard Velky: Michael Pane and Toni Pane Pomeroy were his second cousins-once removed, Dean Pomeroy was his second cousin-twice removed, Betty Kaladish was his sister, J. C. Velky, Jr., and Anthony Crone were his nephews, and Catherine Harris Velky was his mother. All were descendants of James Henry Harris. Erin Lamb was a descendant of George H. Cogswell, Truman Bradley and Julia Kilson.

<sup>207</sup>The date on the heading of the actual membership list reads "3/1/1999," which appears to be the date the membership list was actually printed, rather than the date the document was certified. The BIA received the November 13, 1998, letter and attached membership list on March 4, 1999. Since the totals on the cover letter match the information in the "3/1/1999" membership list, we assume that it is actually the same list that was certified by the council in the November 11, 1998, letter, despite the fact that the date on the membership list post-dates the certification. To avoid further confusion, the BIA will refer to the document certified by the council as the 11/13/1998 membership list [STN Tribal Roll 11/13/1998].

<sup>208</sup>The one exception was member #2170 on the 1997 membership list but was #2169 on the subsequent lists. The individual who was identified as #2169 in 1997, appears as #2208 on subsequent membership lists.

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March 11, 1998, STN Membership List. A cover letter dated March 11, 1998, and signed by Linda M. Gray, the petitioner's genealogist, summarized the updated information in the "Genealogical Addendum" to the April 1997 petition. Included in the submission was an updated membership list, revised constitution, a list of potential members [applications had not been verified], and the maps showing the geographic distribution of Schaghticoke descendants over two centuries. She explained that the individual's membership number was entered into "Fact #8" in the Family TreeMaker® (FTM) genealogy program, but with this caveat:

Please notice that even though a Schaghticoke descendant is part of the Schaghticoke Genealogy it does not mean that the membership criteria spelled out in the constitution, Article III, Section I and II has been met. The Tribal Roll Management Procedures submitted in the April, 1997 petition submission remain in place. There are 186 voting members and 60 children who have followed the procedures set out by the Tribal Council and the Tribal Genealogist, Linda M. Gray (STN Pet. Criterion 83.7(e) 3/11/1998).

The submission also included the group's membership list with 246 members: "adults as well as children that were unanimously voted on for acceptance by the Schaghticoke Tribal Council as of March 10, 1998" (Cover Sheet STN 3/11/1998). However, the submission did not include the certification, signed by the governing body, as required by 25 CFR §83.7(e)(2).

The March 1998 submission also included a list of 120 names (but no ages, birthplaces, or addresses) of "People requesting Schaghticoke membership which require verification as of March 11, 1998" (Gray 3/11/1998, Gray 3/11/1998a). At least four names on this list previously appeared on the April 9, 1997, list of applicants who needed documents to complete their files. Perhaps as many as 32 names later appear on the group's membership list dated August 30, 2001. However, because some of the surnames and given names on the list are very common, and because the list does not include middle names or birthdates, it is not possible to make a more accurate comparison to the current membership list.

The petitioner did not submit the membership files with birth certificates or other evidence to verify each applicant's descent, perhaps due to an understanding that the BIA would review those files during a site visit while the petition is on active consideration. Some of the notes sections of the petitioner's genealogy program refer to documents by volume and page number found in the town halls (Kent, New Milford, Cornwall, etc.) or some other source used to verify the birth or death date and parentage of individuals [primarily those born before the 1950] or now deceased. However, references were not cited for each individual, in particular, there were no such citations for individuals born in the 1950's and later.

On October 4, 2002, the BIA requested that the STN send copies of the membership files of the members of the council and a random sampling of all other files. The council complied and the BIA received copies of thirty-three STN membership files on October 16, 2002, including the files of adults, children, and some individuals who resigned from the STN. Each file contains a photograph of the applicant, photocopies of the member's birth certificate, pedigree charts printed from the FTM genealogy program, as well as individual history charts and ancestry charts that were used prior to the computer era, and marriage records, birth and death certificates (civil or

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church), obituaries, and other reliable sources that readily demonstrate the member's descent from the Schaghticoke Indian ancestors. Each file also includes a certificate stating the individual's roll number and the date the enrollment was authorized by the council as a "legally enrolled member of the Schaghticoke Indian Nation." Some of the files also contained miscellaneous letters and other records, including a copies of the "Notes" section from some FTM files. The cover letter to this submission stated that the secondary materials were not included since they are cited in the FTM program. These random samples confirm that the petitioner has followed its procedures for documenting the individual's descent from the Schaghticoke ancestors.

### *Petitioner's Genealogical Submissions*

The petitioner's "Genealogical Report Supplementing the Petition" dated April 1997 includes an overview of how the group's Family Tree Maker™ (FTM) database was compiled. According to the petitioner, "1400 connected individuals were entered into the pedigree database" (STN April 1997, 43): for the most part relying on the Moravian Baptismal Catalogues, land records and petitions to the Connecticut General Assembly for the 18th century family lines; town vital records, overseers accounts and reports, church records, and local histories for the 19th century family lines; and "the Tribal Ancestry charts produced by the members and the State constructed genealogies" for the 20th century families (STN April 1997, 43, 44). According to this report, the group's Secretary/Genealogist used two sets of ancestry charts as a "foundation" for the 20th century genealogies: ancestry charts created as the members "updated their genealogies and met Tribal requirements for voting privileges" and the ancestry charts created by the State of Connecticut which were possibly developed either in the 1950's or in the 1970's<sup>209</sup> (STN April 1997, 46). The petitioner states that vital records in the town halls at Kent, Cornwall, Warren, Sharon, etc. were reviewed to verify the lineages and that notes from these records were added to the Facts or notes fields in the FTM (STN April 1997, 51). The BIA review of the samples of the petitioner's membership files show that they contain copies of primary records such as the birth and marriage records, etc. to verify the "foundation" laid out on the ancestry charts.

The petitioner noted that some lines, such as Bunker and Carter/Skickett/Wilmott, from the 18th or 19th centuries were entered into the FTM, but that they disappeared from the Schaghticoke records by 1910. On the other hand, the petitioner did not enter the Kehore, Suckernux, Sherman, Rice, Parot, Pann, Roberts, and Penni lines mentioned in the public records and overseers reports in those early years because the lines "have not been determined," and [n]o one has claimed descendency [*sic*] from these lines" (STN April 1997, 43).

The April 1977 report also included an explanation of the sources used to document birth, death, and marriage dates and other key facts about the individuals and families entered into the genealogical database (STN April 1997, 44). It includes the petitioner's summaries of the overseers' accounts from 1801 to 1924 and the censuses from 1870 to 1910, transcriptions of the

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<sup>209</sup> Mr. Ed Sarabia, Indian Affairs Coordinator for Connecticut told the Schaghticoke petitioner that he thought the State compiled the charts in the 1970's, but there are no dates, sources or authors on the charts. A December 1956 report from the Connecticut State Welfare Division of Resources and Reimbursement stated: "genealogies of tribes are maintained to prevent imposters from availing themselves of the privileges of the reservations" (STN April 1997, 46).

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tombstones in the cemetery on the Schaghticoke Reservation, and a section entitled "Selected Family Profiles and Key Ancestors." This section of the April 1997 report contains summaries of the lives of Gideon Mauwee, Warrups Chickens, and Eunice Mauwee as well as articles entitled "19<sup>th</sup> Century Day Laborers, Colliers & Basket Makers by Trade & Tradition" and "Twentieth Century Tenacity." This volume also contains a table of contents for two other volumes: the "Tribal Membership Notebook" and "Genealogy Reference Notebook" and a copy of the bibliography for the historical and genealogical reports (STN April 1997).

A letter dated April 11, 1997, signed by Linda M. Manning, the group's secretary/genealogist described "How the genealogical research has been gathered, researched and completed" for the membership list (Manning to Anon. 4/11/1997). She states that she compiled the ancestry charts "retrieved from the State of Connecticut" and the "ancestry charts from which our elders and tribal members who know of their family lines" and with the help of the genealogist Kate April, who entered the information into the Family Tree Maker program, verified the descendency by going to various town halls to gather primary documentation (Manning to Anon. 4/11/1997).

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## APPENDIX I

### Analysis of the Schaghticoke Indian Tribe (Petition # 239) Membership List

The BIA received a copy of Schaghticoke Indian Tribe (SIT) petition materials, including a membership list, on October 15, 2002. The BIA looked at the membership list of this group in order to determine whether any of the SIT were also on the current or previous STN membership lists or were otherwise involved with the STN petitioner.

The membership list was in two formats; "Table 2" included the individuals' full name, birthdate, mother's name, fathers, name, addresses, other pertinent information, and a "clan name." The five clan names designate which Schaghticoke ancestor the individual descends from: Fisher Bradley,<sup>210</sup> Mary Ett Kilson, Nancy Chickens, Elsie V. Harris, or Jabez Cogswell. The information on the membership list was sufficient to determine in most cases if the individual was on the current petitioner's membership list, or had been previously involved with the petitioner. Of the 73 names on this SIT list, 10 were listed as "pending" and the fields for birthdates, parents, etc. were blank, although they all list "Attuck," or Jabez Cogswell, as the "clan name." None of those ten names were on the current STN petitioner's membership list, nor were they on the March 11, 1998, list of applicants for membership in the STN that needed verification (Gray 3/11/1998). At this time the BIA cannot assume that they have any connection with the STN petitioner, except possibly through descent from Jabez Cogswell who was born in 1808.

Nine individuals named Trueheart or Jenkins claim descent from Jabez Cogswell. None of these names appear in the STN petitioner's membership lists, but were all on a document in the petition materials concerning the "Schaghticoke Indian Tribe of Kent Connecticut-Cultural Preservation, Inc.:" dated January 1999 (Jenkins Tribal Roll 1/1999 in FAIR). This document states that anyone can be a member as long as they descend from Georgia Anna Seely Marshall, Elizabeth Marshall Trueheart, and individuals who appear to be her children or grandchildren named Trueheart, Jenkins, Jones, Meldrum, and Whitaker. These same surnames are on the October 5, 2002, SIT membership list. The oldest person in this family cluster was born in 1919 and listed her mother as Elizabeth Marshall. The STN's genealogical data base shows that one of Jabez Cogswell's granddaughter, Georgia Anna Seely married a Charles Marshall. The BIA only assumes that this is where these ten SIT members connect to Jabez Cogswell. It may be 10 pending applications cited above are related to the Jenkins and Trueheart families.

Four names on the SIT membership list claim Schaghticoke descent from Nancy Chickens (ca. 1800-1836) through two of her great-granddaughters born in the early 1900's. No one from this branch of the Chickens family (Offutt and Stewart), which also has a Cogswell connection, but not through Jabez, appears in the STN petitioner's current membership list. All four of these individuals are listed as "Cogswell Family" members in a letter to the STN council in 1996 (Cogswell Family to STN Council 1/15/1996), and appear to be associated with the Cogswells

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<sup>210</sup>One reference in the STN records stated that "Fisher Bradley" was the father of Truman Bradley who married Julia M. Kilson; however, there is no evidence in the STN records of a man by that name, nor did the STN petitioner list "Fisher Bradley" in its genealogical program as the father of Truman. At this time, the BIA does not know who Fisher Bradley is.

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who resigned from the STN in 2000-2001. The remaining names on the SIT membership list appear to have much closer connections to the STN petitioner.

Twenty names on the SIT October 5, 2002, list claim descent from Elsie V. Harris: they include Alan Russell and his sister Gail Russell Harrison, their half-sister Marjorie Russell Overend, and the children and grandchildren of these three siblings. However, there are seven other individuals on this SIT list who also claim descent from Elsie V. Harris, through a woman named Glenna Russell (married to Norman McDonald) who is their mother or grandmother. Glenna Russell, who was probably born in the 1920's or 1930's, is not in the STN's genealogical program or in the materials entered into FAIR, and the BIA is not able to connect these seven individuals to other Russell descendants of Elsie Harris at this time. These same seven names appear on the list of "Incomplete Membership Applications" that accompanied the STN's current membership list (Gray 3/11/1998). On the other hand, Alan Russell and Gail Harrison were on the STN's 1994 membership list, but not on the 1998 or subsequent membership lists, or on the list of incomplete applications.

There are 18 descendants of Truman Bradley and Julia Kilson, all from the non-Cogswell branch of the family, who are on this list. They include the eight Ritchies, Eades, and Johnsons who resigned from the STN 1999-2000 (STN Tribal Roll 8/30/2001), and some of their siblings, children, nieces or nephews, and cousins. At least three names in this family line are also on the STN petitioner's membership list: Paul Eades, Olivia Pennywell and Shirley Johnson.

Five individuals surnamed Kilson on this list are the descendants of Mary Ett Kilson through her son Earl Stevensn Kilson. They represent part of one branch of Earl's family; that of Russell Kilson, his son and three grandsons. None of these names appear on the current STN petitioner's membership list, although Russell Kilson has resided on the reservation and has been an officer in the STN.

Russell Kilson (Mary Ett Kilson descendant) and four members of the Elsie V. Harris family, Alan Russell, Gail Russell Harrison, and two of her children, were on the STN's November 22, 1994, membership list (STN Tribal Roll 11/22/1994).

This review of the SIT membership list finds that about 50 names on the SIT membership list have been on STN membership lists and/or involved with the STN petitioner, either in the recent past, or at present. This represents about 16 percent of the STN's membership as of August 2001 (50 of 317). However, it represents about 25 percent of the STN membership prior to the post-1996 influx of new members, primarily made up of Joseph D. Kilson descendants (50 of 202).

APPENDIX II

Comparison of the Schaghticoke Tribal Nation's Constitutions

This table compares the language in amendments to the constitutions as seen in 1997, 1995, 1991, 1987, 1980, and 1973 regarding purpose, objectives, jurisdiction, membership, dual membership, voting, meetings, the council, residency on the reservation, and amendments. [TC is "Tribal Council" in this document]

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Name</b>	Preamble: as of this constitution, the name of <b>this Tribe</b> : Schaghticoke Tribal Nation	A-I: The name of <b>this Tribe</b> shall be: The Schaghticoke Tribal Nation of Kent, Connecticut, Inc.	A-I: The name of <b>this Tribe</b> shall be: The Schaghticoke Tribal Nation, Kent, Connecticut	A-I: The name of <b>this Organization</b> shall be: The Schaghticoke Indians of Kent, Connecticut, Inc.	A-I: "We shall be known by our traditional name:" Schaghticoke Indian Tribe, "the same tribe as that referred to in Connecticut state legislation as "the Schaghticoke Tribe of Kent"	The Schaghticoke Indians of Kent, Connecticut, Inc.
<b>Objectives</b>	A-I, the purpose of the constitution "is to provide the government of the Tribe with the power to protect and promote the interests of the Tribe" and that it "sets forth the powers and duties granted by the members of the Tribe to their government"	A-II: promote and advocate a better understanding toward Schaghticoke Ind, preserve crafts... traditions; defend and protect their ancient property rights, treaty rights, agreements, exec. Orders, and their lands and finds; do all lawful matters and necessary decisions ...for the best interest and protection of all descendants of the Schaghticoke Ind.	A-II: promote and advocate a better understanding toward Schaghticoke Ind, preserve crafts... traditions; defend and protect their ancient property rights, treaty rights, agreements, exec. Orders, and their lands and finds; do all lawful matters and necessary decisions ...for the best interest and protection of all descendants of the Schaghticoke Ind.	A-II: promote and advocate a better understanding toward Schaghticoke Ind, preserve crafts... traditions; defend and protect their ancient property rights, treaty rights, agreements, exec. Orders, and their lands and finds; do all lawful matters and necessary decisions ...for the best interest and protection of all descendants of the Schaghticoke Ind.	Preamble: "We the people of the Schaghticoke Tribe, ... in order to formally establish our tribal organization and codify formerly customary tribal law, to conserve and develop our common resources and to promote the welfare of ourselves and of our desc., do ordain and estab. This constitution.	Promote and advocate a better understanding toward Schaghticoke Ind, preserve crafts... traditions; defend and protect their ancient property rights, treaty rights, agreements, exec. Orders, and their lands and finds; do all lawful matters and necessary decisions ...for the best interest and protection of all descendants of the Schaghticoke Ind.

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Terri- tory</b>	Jurisdiction extends to: "its members and all lands hereafter acquired by or on behalf of the Tribe" in Connecticut, New York, or any other State for the benefit of the Tribe"	A-III: land within the Schaghticoke res. boundaries and such other lands as may hereafter be added thereto under any law of the Ct or the US	A-III: land within the Schaghticoke res. boundaries and such other lands as may hereafter be added thereto under any law of the Ct or the US	A-III: land within the Schaghticoke res. boundaries and such other lands as may hereafter be added thereto under any law of the Ct or the US	A-II: land within the Schaghticoke res. boundaries and such other lands as may hereafter be added thereto under any law of the Ct or the US	Does not mention the reservation or any particular territory/jurisdiction
<b>Mem- bership</b>	A-III: Determination of Membership	A-IV: Schaghticoke Indian Recognition - Procedure	A-IV: Schaghticoke Indian Recognition - Procedure	A-IV: Schaghticoke Indian Recognition - Procedure	A-III: Membership	Membership
<b>Mem- bership</b>	Sec. 1. Council to make the rules . . . submit written request for to the "Tribal genealogist," along with certified documentation	Sec. 1. Any person requesting Schaghticoke Ind recognition must submit in writing and provide to the council the necessary notarized documentation	Sec. 1. Any person requesting Schaghticoke Ind recognition must submit in writing and provide to the council the necessary notarized documentation	Sec. 1. Any person requesting Schaghticoke Ind recognition must submit in writing and provide to the council the necessary notarized documentation	Sec. 1. The membership shall consist of the following persons: a.: all persons whose names appear on the Schaghticoke tribal rolls as of Dec. 9, 1979	An authentic descendant of the Schaghticoke Tribe of Indian is a person who can prove through a birth certificate or other legal record

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Mem- bership</b>	Sec. 2. Membership is limited to (a) direct matrilineal or patrilineal descendency (or any combination of either) of Gideon Mauwee, or direct descent from any person id'ed as Schaghticoke on the 1910 Federal Census, "Adoption will not [be a link in] chain of descendency"	Sec. 1.a.: "Direct matrilineal or patrilineal descendency from the first recorded chief 'Gideon Mauwee' or direct matrilineal or patrilineal descendency from any person identified on the 1910 U.S. Federal Census as a Schaghticoke Ind."	Sec. 1.a.: "Direct matrilineal or patrilineal descendency from the first Chief and Founder of Schaghticoke 'Gideon Mauwee'"	Sec. 1.a.: "Direct matrilineal or patrilineal descendency from the first Chief and Founder of Schaghticoke 'Gideon Mauwee'"	Sec. 1.b.: all persons who can prove direct matrilineal or patrilineal descendency from any persons listed by the state of CT at any time as a Schaghticoke Ind.	[1] that he or she is directly related to an Indian who is genealogically recorded as a Schaghticoke Indian by the State of Connecticut.
<b>Mem- bership</b>	Sec. 2 b.: certified copies, with raised seal there on, of birth certificates or other legal documents	Sec. 1.b.: If sufficient proof and docs provided, the council will meet to review the presented gen records, [i.e. birth certs or other legal docs.]	Sec. 1.b.: If sufficient proof and docs provided, the council will at its next meeting, recognize that person as Schaghticoke Ind. (If denied see process of repeal) (i.e. birth certs or other legal docs)	Sec. 1.b.: If sufficient proof and docs provided, the council will at its next meeting, recognize that person as Schaghticoke Ind. (If denied see process of repeal) (i.e. birth certs or other legal docs)	Sec. 1.b.1.: Upon presentation by any person of such proof, the council shall at its next meeting declare that person to be a member of the Schaghticoke Indian Tribe, with all rights and privileges pertaining to membership.	[2] An "authentic descendant" who contributes at least \$1 annually may become a member upon approval of the Board of Directors.

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Mem-ber-ship</b>	<p>Sec. 2 c.: submit a genealogical chart showing the descent of the applicant, "all documents and the genealogical chart will be held by the Tribal Genealogist"</p> <p>Sec. 2 d.: recent photo of each applicant; Sec. 2e.: membership will be determined by a majority vote of the council</p>	<p>Sec. 1.c.: it is mandatory that the genealogy chart then be completed with info attached to chart. This will be held by the "tribal member responsible for genealogical records." must provide a picture that will be attached to the chart. "This applies to voting members only" [the picture or the whole gen chart?]</p>	<p>Sec. 1.c.: it is mandatory that the genealogy chart then be completed with info attached to chart. This will be held by the "tribal member responsible for genealogical records." must provide a picture that will be attached to the chart. "This applies to voting members only" [the picture or the whole gen chart?]</p>	<p>Sec. 1.c.: it is mandatory that the genealogy chart then be completed with info attached to chart. This will be held by the "tribal member responsible for genealogical records." must provide a picture that will be attached to the chart. "This applies to voting members only" [the picture or the whole gen chart?]</p>	<p>[no specific mention of gen charts or types of proof, but Sec. 1.b. "all persons who can prove" [descent] from someone that the state of CT id'ed as Schaghticoke And 1.b.1.: upon presentation of such proof</p>	<p>[3] Corporate membership consists of authentic descendants who are over 16 years of age, 18 corporate members equals a quorum [4] An associate member is the spouse of a Schaghticoke descendant. Associates can participate in all the meetings,. "Associate members contributing annually at least one dollar may become a member upon approval of the Board of Directors."</p>
<b>Mem-ber-ship</b>	<p>Sec. 2.f.: Enrolled for life, but can resign his/her membership, or can have membership revoked or terminated "pursuant to some other provision hereof"</p>	<p>voting rights may be suspended, but no mention of dis-enrollment or resignations</p>	<p>voting rights may be suspended, but no mention of dis-enrollment or resignations</p>	<p>voting rights may be suspended, but no mention of dis-enrollment or resignations</p>	<p>voting rights may be suspended, but no mention of dis-enrollment or resignations</p>	
	<p>Sec. 3: Resignation is made by written request to the chief or member of the council, once submitted, it cannot be withdrawn, Sec. 2h.: appeal process for those who have had their membership terminated or revoked</p>					

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Dual Membership</b>	A-III-Sec.2g.: no one whose "name appears on the official roll of any other tribe or community of Am Ind or Alaska native" shall be considered for membership, even if they meet the other criteria	A-IV-Sec.2: no one whose "name appears on the official roll of any other tribe or community of Am Ind or Alaska native" shall be considered for membership, even if they meet the criteria in sec. 1	A-IV-Sec.2: no one whose "name appears on the official roll of any other tribe or community of Am Ind or Alaska native" shall be considered for membership, even if they meet the criteria in sec. 1	A-IV-Sec.2: no one whose "name appears on the official roll of any other tribe or community of Am Ind or Alaska native" shall be considered for membership, even if they meet the criteria in sec. 1	A-IV-Sec.2: No one whose "name appears on the official roll of any other tribe or community of Am Ind or Alaska native" shall be considered for membership, even if they meet the criteria in sec. 1	No mention of dual membership in the by-laws
<b>Voting</b>	A-X Sec. 6.:all members who are 16 or older will be eligible to vote (no longer excludes non-CT residents from voting)	A-V-Sec.1.: all members age 16 or older are voting members. Each member has one vote, must comply with the membership requirements, be a permanent res. of CT and in "good Tribal standing"	A-V-Sec.1.: all members age 16 or older are voting members. Each member has one vote, must comply with the membership requirements, be a permanent res. of CT and in "good Tribal standing"	A-V-Sec.1.: all members age 16 or older are voting members. Each member has one vote, must comply with the membership requirements, be a permanent res. of CT and in "good Tribal standing"	A-IV: All members of the tribe who are 18 years of age or older shall be voting members. Each member shall have 1 vote,	Corporate members have the right to vote, but an associate member cannot vote

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
Absent-ee ballots	A-X Sec. 8.: Absentee voting may be permitted by ordinance adopted by the council, until then, absentee voting is permitted for those members in the military or handicapped and physically unable to attend the mtg. Provided the ballot is received not less than 3 days prior to the election.	Sec. 2.: Absentee ballots may be accepted if person is handicapped or enlisted in the military, provided they comply with <u>Art. III [?]</u> and <u>Art. IV Sec.2.a.1-4</u> describes the procedures for absentee ballots being cast, and returned and received no later than the Sat. before the election	Sec. 2.: Absentee ballots may be accepted if person is handicapped or enlisted in the military, provided they comply with <u>Art. III [?]</u> and <u>Art. IV Sec.2.a.1-4</u> describes the procedures for absentee ballots being cast, and returned and received no later than the Sat. before the election	Sec. 2.: Absentee ballots may be accepted if person is handicapped or enlisted in the military, provided they comply with <u>Art. III [?]</u> and <u>Art. IV Sec.2.a.1-4</u> describes the procedures for absentee ballots being cast, and returned and received no later than the Sat. before the election...	A-IV.: no votes may be cast by proxy or absentee ballot.	Voting by proxy is not allowed. If at least 3 corporate members request it, a vote will be by ballot.

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<p><b>Revoking voting powers</b></p>	<p>A-III-Sec. 4: A member who defames, libels, or slanders the tribe, or vandalizes the Res may have voting rights suspended or revoked and may have fines imposed, but only after a full hearing by the council</p>	<p>A-VI-Sec. 1. If a voting member is found to “discredit the tribe and their decision for operating and functioning as a unified body,” [commit] acts of vandalism to the res. or tribal property/ equipment, injure or harass another member; the council can revoke their membership. With the approval of the whole membership, the council can seek \$ compensation for damages. Sec. 2.: minors and guests are the responsibility of the member. Sec. 3.: The decision can be appealed, and the voting membership at the appeal will make the final decision</p>	<p>A-VI-Sec. 1. If a voting member is found to “discredit the tribe and their decision for operating and functioning as a unified body,” [commit] acts of vandalism to the res. or tribal property/ equipment, injure or harass another member; the council can revoke their membership. With the approval of the whole membership, the council can seek \$ compensation for damages. Sec. 2.: minors and guests are the responsibility of the member. Sec. 3.: The decision can be appealed, and the voting membership at the appeal will make the final decision</p>	<p>A-VI-Sec. 1. If a voting member is found to “discredit the tribe and their decision for operating and functioning as a unified body,” [commit] acts of vandalism to the res. or tribal property/ equipment, injure or harass another member; the council can revoke their membership. With the approval of the whole membership, the council can seek \$ compensation for damages. Sec. 2.: minors and guests are the responsibility of the member. Sec. 3.: The decision can be appealed, and the voting membership at the appeal will make the final decision</p>	<p>Does not address revoking a member’s voting power, only removing someone from office [Art. VI, sec. 1-3]</p>	<p>No mention of revoking voting rights or dis-enrolling members</p>

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
Meetings	<p>A-IX-Sec. a: Council meetings to be held the 1<sup>st</sup> week of every 3<sup>rd</sup> month, beginning 2 months after the constitution is adopted, if no quorum is available or if the date is inconvenient, the mtg will be rescheduled; the chief or 5 council members may request a special meeting;</p> <p>A-IX Sec. 2: Annual meeting for the general membership 1<sup>st</sup> Sunday in Oct. at 11 am at the Res., but may be rescheduled if there is a death of a council member or immediate family member, but notice will be posted on Res. or if enough time, mailed; Sec. 2 b: special meetings for the membership may be called by the chief, a majority of the council, or at least 1/3 of the voting membership, Quorum will be those in attendance</p>	<p>A-VII-Sec. 1.: annual meeting the first Sun. in Oct. at the Res. [it is an outside meeting so if the weather is bad, the mtg. Will be postponed &amp; council will notify the voting members of next meeting; to be within a month. Sec. 2: regular council meeting will be at the discretion of the council, 5 members present to be a quorum; Sec. 3.: special meetings of the tribe held upon request of the council and/or at least 1/3 of the voting members, with at least 2 weeks advance notice, and such notice sent to all voting members, or (b) special council meetings called at the discretion of the chairman; council will send notices to any interested member who provides a SASE **both special meetings say "Quorum will be</p>	<p>A-VII-Sec. 1.: annual meeting the first Sun. in Oct. at the Res. [it is an outside meeting so if the weather is bad, the mtg. Will be postponed &amp; council will notify the voting members of next meeting; to be within a month. Sec. 2: regular council meeting will be at the discretion of the council, 5 members present to be a quorum; Sec. 3.: special tribal meetings held upon request of the council and/or at least 1/3 of the voting members, or (b) special council meetings at the discretion of the chairman; council will send notices to any interested member who provides a SASE **both special meetings say "Quorum will be those in attendance."</p>	<p>A-VII-Sec. 1.: annual meeting the first Sun. in Oct. at the Res. [it is an outside meeting so if the weather is bad, the mtg. Will be postponed &amp; council will notify the voting members of next meeting; to be within a month. Sec. 2: regular council meeting will be at the discretion of the council, 5 members present to be a quorum; Sec. 3.: special meetings held upon request of the council and/or at least 1/3 of the voting members; with at least 2 weeks advance notice, and such notice sent to all voting members, or (b) special council meetings called at the discretion of the chairman; council will send notices to any interested member who provides a SASE **both special meetings say "Quorum will be those in attendance."</p>	<p>A-VIII-Sec. 1.: annual meeting shall be on last Sunday in June at the res; Sec. 2.: regular council meetings to be on the 3<sup>rd</sup> Sunday of each month, unless council votes other wise &amp; they must notify the voting members. Sec 3.: special council meetings called at chrnm's discretion or written request of 1/3 voting mmbrrshp; "Due notice shall be given in each instance." Sec. 4, the principle reason for the special meeting must be stated in the notice, tho other topics may be discussed; sec. 5, all mtgs will be at the Res, unless otherwise stated in the notice</p>	<p>Annual meeting will be on the last Sunday of June at a place to be chosen by the board of directors. The president may call other meetings, as can 3 directors or 6 corporate members.</p> <p>Meetings of the Board of Directors shall be called by the president and 2 weeks before the annual meeting. 2/3 of the board constitutes a quorum to transact business. The president will act as chairman of the board of directors, and in his absence, the ranking vice-president shall act in his stead. [vice-president was not listed in the section on the election of a board of directors, but one is listed in the section "Officers"]</p>

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
Coun-cil	<p>A-V: government is vested in the council until the Council establishes a Judicial Dept. Then the gov. will be vested in the Legislative dept, consisting of the council and tribal administration and the Judicial Dept. "Tribal Admin will be subordinate to the TC"</p> <p>A-VI: the council is the legislative body and will have 9 members; staggered terms of office: 2 seats 6 yrs; 2 seats 7 yrs, 2 seats 8 yrs, 2 seats 9 years, then all seats will be for 4 years.; 5 council members = quorum</p> <p>A-X Sec. 5: Qualifications, at least 25 yrs old, has attended at least 3 of preceding 4 general membership meetings, and never convicted of a felon;</p> <p><b>A-XIV introduces and Elders Council, of not more than 5 members, of an age to be set by the TC, that</b></p>	<p>Art. IX: language is the same as in the 1991 version</p>	<p>Art. IX: Officers of this Tribe" [same as 1987] will be elected by the TC at the first mtg following the election &amp; hold office until successors are appointed [language 'Board' and 'Organization,' &amp; 'corporation' are now removed, and replaced with 'council' and 'tribe']</p> <p>Officers: President (chief), etc. and duties remain the same as in the 1987 constitution</p>	<p>Art. IX: "Officers of this Organization" will be the Pres (chief), vice-pres, sec, treas, and other officers the board may see needed. Officers elected by the Board of Directors; any voting member can nominate a candidate, including him/herself; elections every 2 years, ballots will be tallied at the end of the voting &amp; 8 with the highest # of votes will be seated for 2 yr. Term (Sec. 2 has a conflict, it says the tribal votes will elect a pres./chief who will serve until death, disability, resignation or recall. He/she will have "general charge, oversight and direction of the property and business of the corporation." "he and TC may make application to the Gov. of state and proper authorities in Wash. DC on behalf of the descendants of the Schaghticoke Indians on matters pertaining to their good"</p>	<p>Governing body is the council, elections at the annual mtg.; nine nominees with the highest # of votes will be the council, TC will choose the chrmn, vice-chrmn, sec, and treas. [same person can be se/treas.] &amp; can appoint or employ officers or committees as may be needed [a description of how the terms will stagger] No limit to the # of terms you can serve; the TC elected on Dec. 9, 1979 shall serve until the 1981 annual mtg.</p>	<p>Board of Directors consists of 6 board members and the President and Secretary-Treasurer of the Association. "The persons so elected shall hold office until their successors are elected" [by ballot at the annual meeting]</p> <p>Separate section: "Officers" names a president [who is also the Executive officer of the Corp.], vice-president, secretary-treasurer, and "such other officers as the Board' sees necessary. Officers to be elected by the board of directors at their first meeting after the annual meeting. Officers will serve "until their successors are appointed unless sooner removed by the Board"</p>

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<p><b>Powers of the TC or officers</b></p>	<p>A-V: organization of tribal government: A-VI: TC (the legislative body) to have 9 members, terms of office, code of ethics, removal/suspension, recall, vacancies; A-VIII powers of the TC as the legislative branch: itemizes 32 duties, including protect, regulate, use and dispose of land in its jurisdiction, manage economic affairs, lease tribal lands, "if involves more than 10 acres on the traditional res... need approval of eligible voters;</p>	<p>Art. IX: Sec.1: the property and affairs shall be under the control and mngmnt of the TC, who has authority to do any and all acts necessary or proper for the Tribe to carry on and to mng its affairs; Officers: pres (chief), V-P, Sec. &amp; Treas. Will be elected from the members of the TC at 1st meeting after the election; Sec. 2 Chief serves until death, resignation, disabled,, permanently leaves the state or recalled by the tribe; and lists duties of all officers</p>	<p>Art. IX: Sec.1: the property and affairs shall be under the control and mngmnt of the TC, who has authority to do any and all acts necessary or proper for the Organization to carry on and to mng its affairs officers pres (chief), V-P, Sec. &amp; Treas.; basically the same as in 1980</p>	<p>Art. IX: Sec.1: the property and affairs shall be under the control and mngmnt of the TC, who has authority to do any and all acts necessary or proper for the Organization to carry on and to mng its affairs officers pres (chief), V-P, Sec. &amp; Treas.; basically the same as in 1980</p>	<p>Art. IX: power of the TC: the TC has the control and mngmnt of the property and affairs of the STI; can adopt rules for its own government and for transaction of business; can adopt regs and ordinances for the management of the tribe's affairs, property and trust; sec. 2: can apt. a rep to the CIAC [yearly job] Sec. 3: can appt. an Indian Housing Authority under the state and Fed. Provisions. "TC has the power to lease tribal land to the Ind. Housing Authority..."</p>	<p>[Duties of Officers and Board] President: "general oversight and direction of the property, affairs and business of the Association" He and the board may apply to the governor or Federal authorities on "behalf of the descendants of the Schaghticoke Indians on matters pertaining to their good and care" and exercise other authority that usually belongs to officers of a corporation</p>

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<p><b>Residency on Reservation</b></p>	<p>A-XIII-Sec. 1.:All lands within the jurisdiction of the tribe will remain tribal property and will not be divided by allotments to individuals, etc. Sec. 2.: Assignments of land for private use may be made by the TC, in conformity with ordinances which may be adopted. Once assignments are made, they cannot be revoked without good cause; title is not vested in the assignee. Sec. 3.: A comprehensive land use ordinance will be adopted after the constitution is adopted, with provisions re timber management, wildlife, cattle and other natural resources management. <b>BIG CHANGE from 1987 NO mention of current residents rights, NO process defined for applying for land</b></p>	<p>Construction on Res. Sec.1: Residency on the Schaghticoke Res. is restricted to voting members, their spouse, and children, eligibility restricted tot he voting members of the tribe and pursuant to State Statute 47-64A. (Article IV must be complied with prior to tribal decision.). Sec. 2: "Construction on res must be requested in writing to the TC with a layout of such request. A special meeting of the tribe will be called for tribal approval." Se. 3: "Anyone who violates these rules is subject to tribal penalization and/or court process" Sec. 4: A housing committee will be appointed and will report to the TC recommended law for res residency. The TC can present a draft of its own and the recommendations</p>	<p>Construction on Res. Sec.1: Residency on the Schaghticoke Res. is restricted to voting members, their spouse, and children, eligibility restricted tot he voting members of the tribe and pursuant to State Statute 47-64A. (Article IV must be complied with prior to tribal decision.). Sec. 2: "Construction on res must be requested in writing to the TC with a layout of such request. A special meeting of the tribe will be called for tribal approval." Se. 3: "Anyone who violates these rules is subject to tribal penalization and/or court process" Sec. 4: A housing committee will be appointed and will report to the TC recommended law for res residency. The TC can present a draft of its own and the recommendations of both parties will be submitted to the tribe for approval.</p>	<p>Art. XII: Residency and Construction on Res. Sec.1: Residency on the Schaghticoke Res. is restricted to voting members, their spouse, and children, eligibility restricted tot he voting members of the tribe and pursuant to State Statute 47-64A. (Article IV must be complied with prior to tribal decision.). Sec. 2: "Construction on res must be requested in writing to the TC with a layout of such request. A special meeting of the tribe will be called for tribal approval." Se. 3: "Anyone who violates these rules is subject to tribal penalization and/or court process" Sec. 4: A housing committee will be appointed and will report to the TC recommended law for res residency. The TC can present a draft of its own and the recommendations of both parties will be submitted to the tribe for approval.</p>	<p>Art. X: "Until the annual Tribal meeting in June 1981, residency on the Schaghticoke reservation is restricted to voting members of the tribe, their spouse and children." Sec. 2: The TC at the Dec. 1980 mtg will appoint 6 voting members of the tribe who are not on the TC to serve as a committee to "write comprehensive housing regulations for the Schaghticoke Reservation." the TC will appoint one of its members as chrmm of this committee, with voting power only in case of a tie. The comm. Is authorized to seek legal aid from CT Legal Services. Sec. 3: The comm. Will report to the TC at the April mtg, with recommended law for res. residency. The TC may present a draft of its own, but must submit the committee's recommend at the tribe's June [annual] mtg.</p>	<p>Does not mention residency on the reservation</p>

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Amendments</b>	<p>A-XVII, may be proposed by submitting the prop'd modifications to the election board or if no election board, to the TC with: (a) a resolution in which at least 5 TC members have voted in favor of the proposal, or (b) a petition signed by at least 1/3 of the eligible voters Sec. 2: the election board will then call a special amendment election and the proposed language of the amendment will appear on the ballot Sec. 3: if at least 55% of the eligible voters are present to vote, and a majority of those present vote for the amendment, it will be considered adopted</p>	<p>Art. XIII, may be proposed by a majority vote of the TC, by a petition signed by at least 1/3 of the voting members: Amendments will be adopted by a majority vote of the voting members present at the annual Mtg. Sec. 2: the Constitution cannot be changed, amended without previous notice to voting members and the vote of the majority present. The revisions of the Constitution will become effective immediately at the annual mtg on Nov. 1, 1987</p>	<p>Art. XIII, may be proposed by a majority vote of the TC, by a petition signed by at least 1/3 of the voting members: Amendments will be adopted by a majority vote of the voting members present at the annual Mtg. Sec. 2: the Constitution cannot be changed, amended without previous notice to voting members and the vote of the majority present. The revisions of the Constitution will become effective immediately at the annual mtg on Nov. 1, 1987</p>	<p>Art. XIII, may be proposed by a majority vote of the TC, by a petition signed by at least 1/3 of the voting members: Amendments will be adopted by a majority vote of the voting members present at the annual Mtg. Sec. 2: the Constitution cannot be changed, amended without previous notice to voting members and the vote of the majority present. The revisions of the Constitution will become effective immediately at the annual mtg on Nov. 1, 1987</p>	<p>Art. XI: Amendments to this Constitution may be proposed by a majority vote of the TC, or by a petition signed shall be adopted by a vote of 2/3 of voting members present at an annual meeting or special meeting.</p>	<p>The by-laws can be amended, altered, or repealed, or any new by-laws adopted at any meeting where a quorum is present, by a 2/3 vote of the corporate members present, provided that notice of the proposed action was given at the call of the meeting.</p>

Proposed Finding, Schaghticoke Tribal Nation

Art/Sec	1997 Constitution	1995 Constitution	1991 Constitution	1987 Constitution	1980 Constitution	1973 Articles/Constitution
<b>Judicial Dept</b>	A=XV introduces a Judicial Dept. with a tribal court and court of appeals and other lower courts as deemed necessary by the TC. Jurisdiction is over all cases and controversies within Jurisdiction. Of the tribe, whether civil or criminal; lists the powers, composition, appointment of judges, terms of office, etc					
<b>Election Board</b>	A-X Sec. 3 Introduces an election board, appointed by the TC at least 90 in advance of a general election; all must be members and eligible voters; duties, procedures, structure, and compensation to be included in the election ordinance					

### APPENDIX III

#### Genealogical Analysis of the 1982 Schaghticoke Council

The council members or officers who attended this meeting and voted on the resolution were closely related to each other: Trudie Ray Lamb is a first cousin to Claude Grinage, first cousin once removed to Claudette Grinage Bradley, and fourth cousin once removed to Jeff Kilson. Gail Russell Harrison and Alan Russell are full sister and brother and Marjorie Russell Overend is their half sister. Sandra Tani March and Joseph Tani are brother and sister.

Trudie and Claude [and his daughter Claudette] are direct descendants [great-grand children] of George H. Cogswell, aged 69, who lived on the Schaghticoke Reservation in 1910. None of George H.'s four adult children who were alive in 1910 resided on the reservation, nor were any of his grandchildren residing on the reservation at that time. George H.'s deceased wife, Sarah Bradley was a granddaughter of Alexander Kilson (b. 1796) and Parmelia Mowray [\*\*\*which is assumed to be Mauwee] (b. 1798). Therefore, Trudie Ray Lamb is related to Jeff Kilson through their 3<sup>rd</sup> great grandparents: Alexander and Parmelia Kilson.

Jeff Kilson's grandfather, Earl S. Kilson, was a 12 year old boy living with his sister in the house of their grandmother, Mary Ett Kilson Jessen (age 59) on the Schaghticoke Reservation in 1910. Mary Ett was the daughter of Alexander Value Kilson who was buried on the reservation in 1907, and who was the brother of Julia Kilson, ancestress of Trudie Ray Lamb.

The third family group represented in the 1980 council was that of Gail Russell Harrison, her brother Alan Russell, and her half-sister, Marjorie Russell Overend are the children of William Herbert Sheldon Russell, who was a 13 year old boy in 1910, living with his mother Elsie V. Harris and step-father, Allen J. Russell on the Schaghticoke Reservation.<sup>211</sup> William Herbert Sheldon Russell was twice married; first to Clara Holland, mother of Marjorie, and second to Nellie Zanewic, who later married Russell Milton Kilson. Therefore, Gail and Alan Russell are also related by marriage to Councilman Jeff Kilson who is the son of Russell Milton Kilson and his first wife. The Russells are also related to Sandra Tani March and Joseph March; they are second cousins once removed. Grace Harris Storm and Elsie Valentine Harris Russell were the children of James Henry Harris. All three women were living on the Schaghticoke reservation in 1910. Sarah F. [maiden name Williams, Snyder, or Collins] Harris, widow of James Henry Harris, is recorded living between the households of her daughters Grace E. [Harris] Storm and Elsie V. [Harris] Russell.

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<sup>211</sup>The 1910 census states that Elsie was married for 5 years and that she was the mother of 4 children; 3 of whom were living. William age 13, and Leonard age 9, are identified as the stepsons of Allen Russell and Herbert, age 5 as the son of Allen. This accounts for the three living children of Elsie. Irwin Dwy, son of Elsie and under a month old at the time of the 1900 census, was b. June 1, 1900 and died of cholera on August 25, 1900. This would account for the one deceased child of Elsie V. Russell on the 1910 census. Therefore all of the children born to Elsie were accounted for as of the 1910 census. It does not seem likely that she would have two sons named William, each born on December 12th 1897 and 1899 . . . though clearly not impossible. The age of William Russell in 1910 coincides with the age of the William Dwy age 2 (b. 1897) on the 1900 census. It seems clear that William was indeed the stepson of Allen J. Russell and that he is one in the same as the William on the earlier census, who was probably either William Bishop or William Dwy. The BIA does not see that there were really two separate boys named William.

The petitioner identifies the mother of Elsie Valentine Harris as Sarah Williams and the mother of Grace Harris as Sarah F. Snyder. However, it appears that Williams and Snyder were names for the same woman. Both have the same first name, both were born in Amenia, NY, at about the same time, 1856 and "abt 1855," and there is no separate death date for a "Sarah Williams." The child, Elsie (child of Sarah Williams and James Henry Harris) was born in 1879 in Kent, right between the birth years of William E. (b. 1877) and Lois [Lote] (b. 1880) Harris, children of James Henry Harris and Sarah F. Snyder. In 1910, the Sarah F. Harris (age 54) indicated on the census that she was the mother of 12 children, 9 of whom were living.<sup>212</sup> The birth and death records cited in the petitioner's account for 11 children born to James Henry Harris and Sarah F. Snyder, three of whom were deceased before 1910 (see remarks in FAIR). Sarah F. on the census may have given birth to another child, not named or not recorded and deceased before 1910, thus raising her total number of children to 12. However, if Elsie was the 12th child, she would also be the 9th one still living. That Elsie was the daughter of Sarah F. seems to be confirmed by the fact that James, Sarah, and son Willie, age 2, and daughter Elsa, age 1, were on the 1880 census at Schaghticoke (U.S. Census 1880f). The 1900 census also showed Sarah F. Harris as the mother of 12, with still 9 living (U.S. Census 1900) with daughter Elsie Dwy living in the same household.

While it is not impossible for a man to have children by two different women in the same time period, it also more reasonable in this case to say that the same woman, named Sarah, was known by different last names: Williams, Collins, and Snyder. It could be that some of the later informants may not have recalled the correct maiden name of Sarah, the wife of James Henry Harris.

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<sup>212</sup>This is a very sloppy '9,' and could be an '8,' but since three of Sarah F.'s children died before 1900, and none between 1900 and 1910, it seems more logical that there were nine living children. However, there is one record abstracted in the petitioner's FTM database that may indeed account for the additional deceased child. According to the petitioner's notes, Francis Harris, the daughter of "Henry Harris" and "Sarah Snider," who died on July 29, 1890, age 15. The petitioner has attached Sarah Snider as a second wife of Henry (Tin Pan) Harris. The following quotation is the information in the petitioner's database on this child.

KA: LMM Copied from Twn of Kent Records. Vol 5 p.211  
d. July 29, 1890 Francis Harris, 15, f, white F- Henry Harris, Warren  
Cause: consumption, brain fever M- Sarah Snider,

NB: Blk Binders Deaths 1890-1903 p3  
d. July 29, 1890 Francis Harris, 15y F, Red, 90% Indian  
f- Henry Harris Wassaic, NY  
m-Sarah Snider, Wassaic, NY  
Wassaic is between Dover and Amenia.

Kate April's abstract of the town records identifies the child as white, and "15" but does not say if the record says 15 days, months, or years. However, the "Blk Binders" which seem to be an annotated [author not stated] abstract of the town records, state that the child was 15 years old, "red, 90% Indian." The Blk Binders are more specific about the birth places of the mother and father of this child, claiming they were both born in Wassaic, but does not offer an explanation for this change. Since both sources quoted above are abstracts of other records, neither has great credibility. Neither are supported by other evidence in the record. For example, there is no five year old child in the Harris household in 1880. There is no 5-year old Francis (male or female) Harris, Collins, Williams, or Snyder in Litchfield County, Connecticut or Upstate New York in 1880, who could be this child. One possible explanation is that this was an infant, possibly 15 days old, the child of James Henry Harris and Sarah F. Snyder who died in 1890, and therefore would not have been on the 1880 census. The only reason for clarifying the identify of this child is to help confirm that Elsie V. Harris was the daughter of Sarah F. Snyder and James Henry Harris.