

Summary under the Criteria for the

Proposed Finding

on the

Golden Hill Paugussett Tribe

Prepared in response to a petition submitted to the Assistant Secretary - Indian Affairs for Federal acknowledgment that this group does not exist as an Indian Tribe.

Approved: January 21, 2003  
(date)

Aurora McMartin  
Acting Assistant Secretary - Indian Affairs

Proposed Finding

GOLDEN HILL PAUGUSSETT TRIBE

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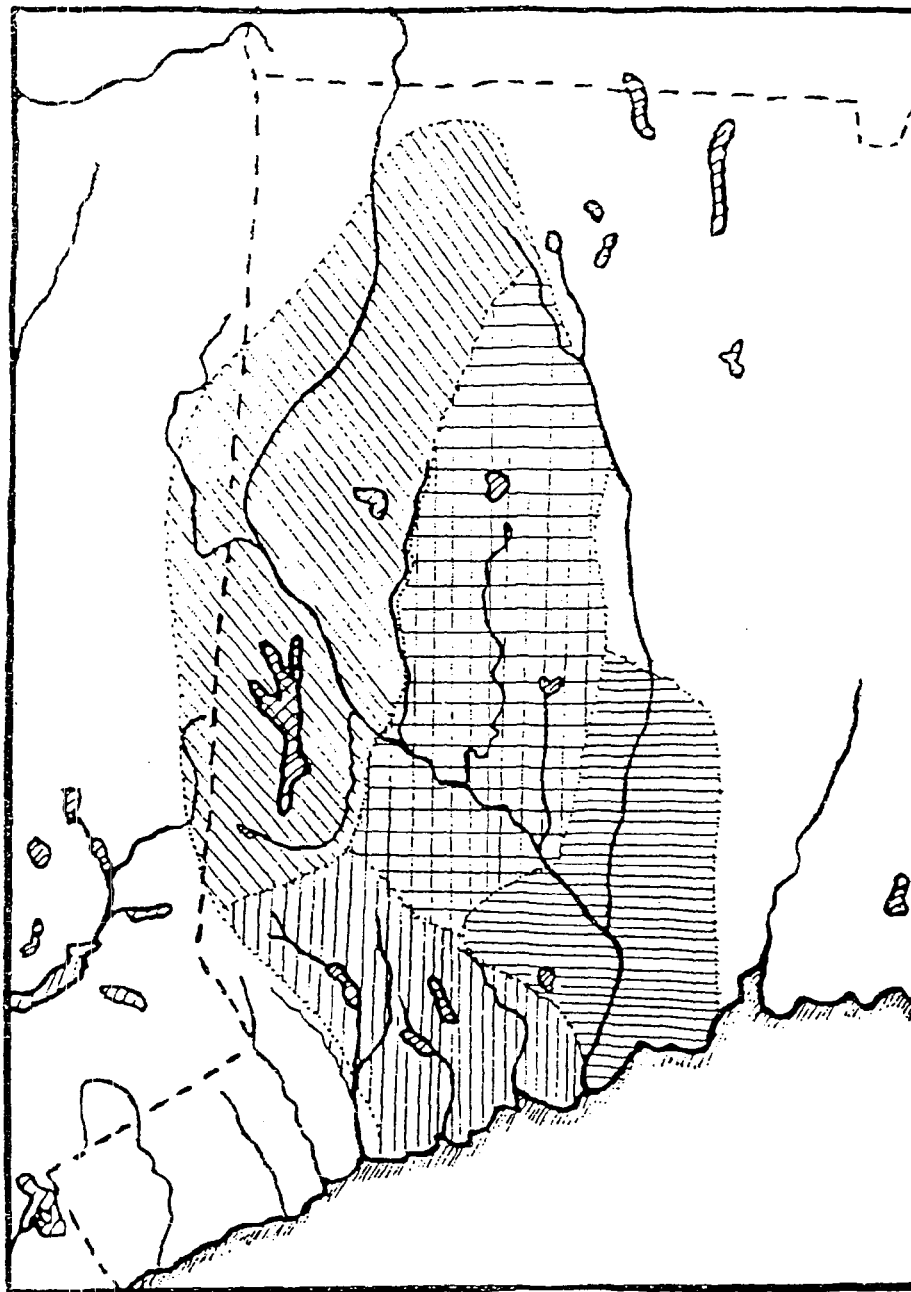
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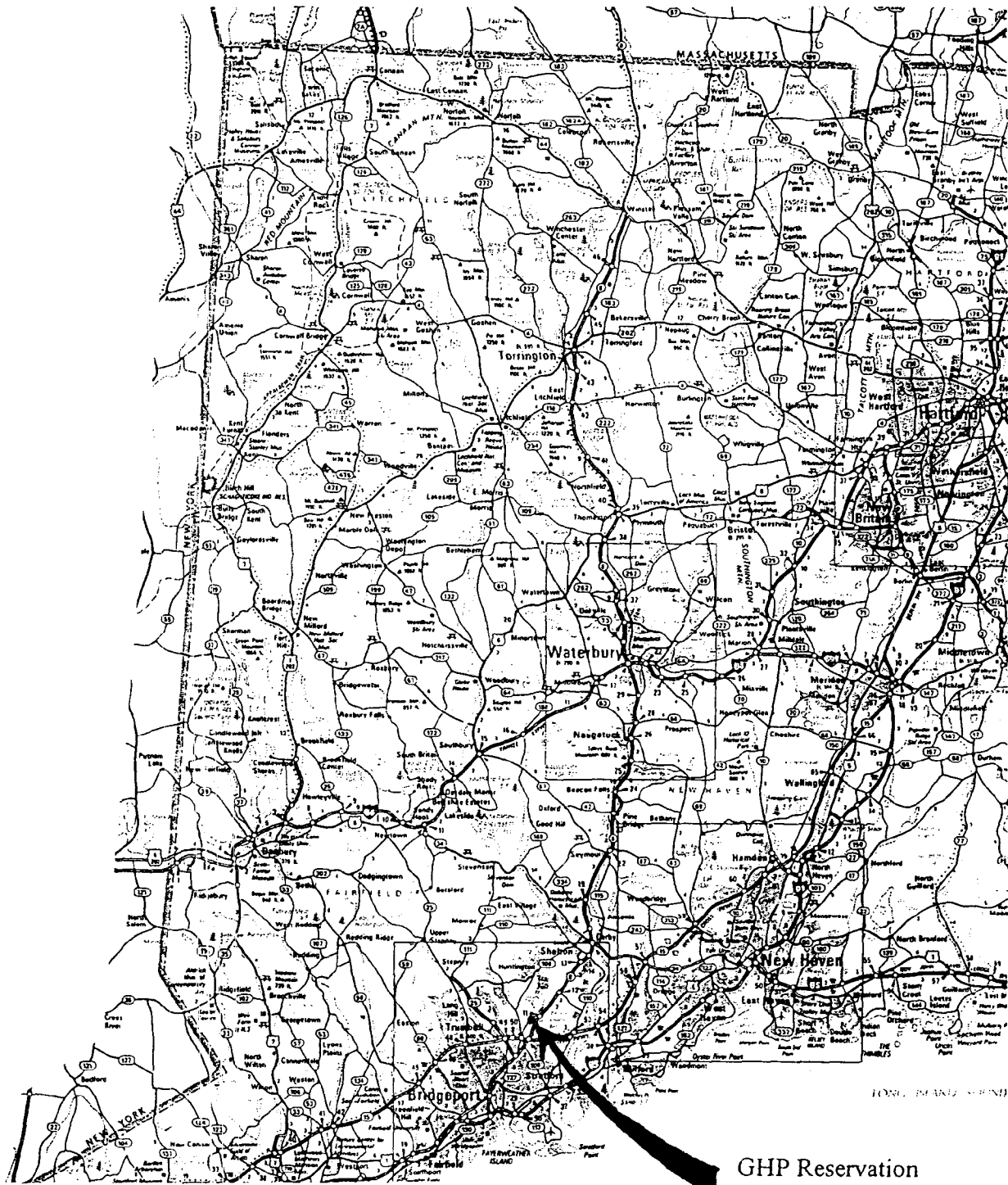
AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs
BIA	Bureau of Indian Affairs
CFR	<i>Code of Federal Regulations</i>
CIAC	Connecticut Indian Affairs Commission
CDEP	Connecticut Department of Environmental Protection
FD	Final Determination
FR	<i>Federal Register</i>
GHP	Golden Hill Paugussett
IBIA	Interior Board of Indian Appeals
OD	Obvious deficiencies letter issued by the BIA
PF	Proposed Finding
SPFC	Connecticut State Park and Forest Commission
TA	Technical assistance letter issued by the BIA
U. S.	United States



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

The four Paugussett tribes and their territories about 1630

From: Wojciechowski, Franz Laurens, 1992, *Ethnohistory of the Paugussett Tribes: An Exercise in Research Methodology*. De Kiva, Amsterdam, The Netherlands. Figure 6, page 40



GHP Reservation  
Trumbull, CT

Contemporary Map of Western Connecticut

From: Rand McNally, 2002, *The Road Atlas 2002*.

Summary under the Criteria for the Proposed Finding  
on the  
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**INTRODUCTION**

The Assistant Secretary - Indian Affairs (Assistant Secretary, or AS-IA) has issued this proposed finding in response to the petition received from a group known as the Golden Hill Paugussett Tribe (GHP) located in Trumbull, Connecticut. The GHP is seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83).

The acknowledgment regulations under 25 CFR Part 83 establish the procedures by which Indian groups may seek Federal acknowledgment with 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 the group meets the seven criteria in section 83.7 of the regulations. Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

The time periods for the evaluation of documented petitions are set forth in the acknowledgment regulations in section 83.10. In this case, however, the time periods for issuing the proposed finding were superseded by a December 14, 2001, settlement agreement in the United States District Court for the District of Connecticut. This agreement, entered December 14, 2001, established time lines for submission of materials to the Department of the Interior (Department) and deadlines for submitting comments, and issuing a proposed finding. The agreement does not modify the regulatory time periods following the issuance of the proposed finding and does not modify the criteria or the standards required to demonstrate that the criteria are met.

Publication of the Assistant Secretary's proposed finding in the *Federal Register* initiates a 180-day comment period during which the petitioner and any other interested party, informed party, and the public may submit arguments and evidence to support or rebut the evidence relied upon in the proposed finding. Such comments 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. Interested or informed parties must provide copies of their submissions to the petitioner. The regulations, 25 CFR 83.10(k),

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provide petitioners a minimum of 60 days to respond to any submissions on the proposed finding received from interested and informed parties during the comment period.

At the end of the period for comment on a proposed finding, the Assistant Secretary shall consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the response period. The petitioner and interested parties shall be notified of the date such consideration begins.

After consideration of the written arguments and evidence rebutting or supporting the proposed finding and the petitioner's response to the comments of interested parties and informed parties, the Assistant Secretary shall make a final determination regarding the petitioner's status. A summary of this determination shall be published in the *Federal Register* within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins.

After publication of the final determination, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures in section 83.11 of the regulations. A request for reconsideration must be made within 90 days of publication of the final determination. Unless a request for reconsideration is filed pursuant to section 83.11, the final determination will become effective 90 days from its date of publication.

### *Administrative History*

The GHP submitted a letter of intent to the Department on April 13, 1982, to petition for Federal acknowledgment as an Indian tribe. In 1992, the GHP sued the State of Connecticut (State) in Federal district court for land claims arising under the Indian Trade Nonintercourse Act, 25 U.S.C. 177. In the suit, the GHP sought the return of lands in Bridgeport, Connecticut, which they alleged the State had sold without the consent or approval of the United States as required by the Act. In addition, the GHP filed two land claim suits against individuals and entities in possession of land that is the subject of those suits.

The district court ruled in 1993 that the GHP lacked standing to bring a claim under the Indian Trade Nonintercourse Act without a showing it existed as an Indian tribe. The court held that although Federal recognition was not a prerequisite to filing a Nonintercourse Act claim, tribal existence was a prerequisite, and the proper forum to determine tribal existence was the administrative process for acknowledgment under 25 CFR Part 83. The court declined to make a determination of tribal existence itself, stating the interest in requiring exhaustion of the administrative remedy afforded by the acknowledgment process was particularly strong, given the expertise of the Department, and because the "multifaceted question of tribal recognition is best considered in terms of flexible fact-finding procedures of agencies not limited by Article III"

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(*Golden Hill Paugussett Tribe of Indians v. Weicker*, 839 F. Supp. 130, 134 (D. Conn. 1993)).<sup>1</sup>

On April 12, 1993, the GHP submitted a documented petition to the Bureau of Indian Affairs (BIA). The BIA conducted a formal technical assistance (TA) review of the petition, and on August 26, 1993, sent the first obvious deficiency (OD) letter to the petitioner. The petitioner responded to the first OD letter on April 1, 1994. The BIA then provided the petitioner a second TA review, under the revised regulations at 25 CFR Part 83, which became effective March 28, 1994. Both TA letters addressed the problem of the claimed descent of the petitioning group from one person, William Sherman, instead of descent from a historical Indian tribe.

On November 10, 1994, the GHP responded to the second TA letter by providing additional documentation and instructed the BIA to place the petition on active consideration. On November 21, 1994, the BIA placed the GHP on the “Ready, Waiting for Active Consideration” list, and informed the group preparatory genealogical processing would begin. During this period, the BIA decided to process the GHP petition under 25 CFR 83.10(e), the section in the 1994 revised regulations which permits a negative proposed finding based on the evaluation of only one criterion if the evidence reviewed prior to active consideration “clearly establishes that the group does not meet the mandatory criteria in paragraphs (e), (f), or (g).” The BIA elected to follow this procedure because it believed there was little or no evidence to demonstrate the GHP group met the criterion in 83.7(e), descent from a historical Indian tribe.

On June 8, 1995, the Department published a proposed finding for the GHP in the *Federal Register*, which declined to acknowledge the group existed as an Indian tribe (60 Fed. Reg. 30430). In the proposed finding, the Department found the evidence clearly established the GHP did not meet the mandatory criterion 83.7(e), descent from a historical Indian tribe. The 180-day comment period, under 83.10(j), closed December 5, 1995. The BIA received a number of letters during the 180-day comment period, in support of or opposed to the proposed finding. After the close of the 180-day comment period, the GHP had 60 days under the regulations to respond to the third-party comments, and did so in a timely fashion.

Following the public comment period and response by the GHP, the AS-IA prepared a final determination on September 16, 1996 (61 Fed. Reg. 50501). The AS-IA concluded the GHP failed to satisfy criterion 83.7(e), descent from a historical Indian tribe, because the evidence did not establish a “reasonable likelihood of the validity of the facts relating to that criterion” (25 CFR 83.6(d)). The AS-IA found the petitioner did not demonstrate by this reasonable likelihood standard, using evidence acceptable to the Assistant Secretary, that the ancestor through whom

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<sup>1</sup>On appeal, the Second Circuit remanded to the district court and directed it to stay the GHP’s action. The Second Circuit allowed the BIA 18 months (or until April 28, 1996) in which to reach a decision on the tribal status of the GHP. After that date, the GHP was permitted to reapply to the district court for a ruling on the merits (*Golden Hill Paugussett Tribe of Indians v. Weicker*, 39 F.3d 51, 60-61 (2<sup>nd</sup> Cir. 1994)).

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the GHP claimed descent had ancestry either from the historical Golden Hill Paugussett or from any other identified historical Indian tribe.

The GHP filed a request for reconsideration of the final determination with the IBIA on December 26, 1996, pursuant to 25 CFR 83.11(b)(2). Another group, the Golden Hill Paugeesukg Tribal Nation (Requester), also requested reconsideration, claiming to be the actual governing body of the petitioning group.

After reviewing the materials and accepting submissions from the GHP and interested parties (the Department remained neutral in the proceedings, providing documents requested by the IBIA and expressing views on "interested party" status), the IBIA on June 10, 1998, issued a decision (*In Re Federal Acknowledgment of the Golden Hill Paugussett Tribe*, 32 IBIA 216, 1998). The IBIA conditionally affirmed the AS-IA's final determination not to acknowledge a government-to-government relationship with the GHP. After holding a supplemental proceeding to ascertain whether any new evidence existed which had not already been considered by the Department, the IBIA indicated it would refer five issues to the Secretary. The IBIA also provided the GHP with an opportunity, which it declined, to submit certain additional documents as possible new evidence.

On September 8, 1998, the IBIA affirmed the decision not to acknowledge the GHP as an Indian tribe and referred "five allegations of error" to the Secretary (33 IBIA 4, 1998). The GHP raised the first four of the following five issues, and the Requester the fifth. The IBIA detailed the issues in its June 1998 decision (page 229), as follows:

- (1) BIA placed the burden of proof on petitioner, despite the provisions of 25 C.F.R. 83.10(e)(1);
- (2) BIA adopted a "one-ancestor" rule without following rule making procedures and improperly relied on that rule in the final determination;
- (3) BIA declined to hold a formal meeting, despite the requirement of 25 C.F.R. 83.10(j)(2);
- (4) BIA considered materials submitted by third parties despite a statement in the rule making preamble indicating third-party materials will not be considered until a petition for acknowledgment is placed on active consideration, 59 Fed. Reg. 9283, and because the limited review process, under which the final determination was made in this case, was undertaken prior to active consideration 25 C.F.R. 83.10(e);

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and

- (5) BIA considered petitioner's petition for Federal acknowledgment without requiring it be certified by the governing body of the Golden Hill group.

On December 22, 1998, the Secretary, without passing on the merits, requested the AS-IA to address the five issues the IBIA had referred back for further consideration and to provide a reconsidered determination in accordance with the applicable regulations. On May 24, 1999, the AS-IA issued a reconsidered decision and an order vacating the BIA's September 26, 1996, final determination declining to acknowledge the GHP, and ordering that the GHP petition be evaluated under all seven mandatory criteria. The May 24, 1999, decision also ordered BAR to suspend active consideration of the petition until the GHP made additional submissions. In October 1999, GHP made additional submissions, which the group did not properly certify until December 1, 1999, whereupon BIA resumed its active consideration.

On April 3, 2001, the GHP filed a complaint pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 555, 701 et seq., to have the court compel the Department to establish a date by which it would issue a new proposed finding under all seven mandatory criteria and a final determination. In December 2001, the parties agreed to a date by which a new proposed finding would be published, after which time consideration of the petition is to be governed by the regulations. On September 17, 2001, the State submitted comments in response to the submissions of the petitioner, which the BIA received on September 20, 2001. On June 14, 2002, the petitioner submitted a response to the comments of the State. The BIA received the documents on June 17, 2002.

After assigning a research team to evaluate and prepare recommendations on the GHP petition on July 8, 2002, the Department began consideration of the evidence for the proposed finding on July 22, 2002. The AS-IA is to issue the proposed finding on January 21, 2003.

**CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)**

Evidence for this proposed finding was submitted by the GHP and third parties, and obtained through some very limited independent research by the staff of the BIA, Branch of Acknowledgment and Research (BAR). This proposed finding is based on the evidence available, and, as such, does not preclude the submission of other evidence during the comment period that follows publication of this finding. Such new evidence may result in a modification or reversal of the conclusions reached in the proposed finding. The final determination, which will be published after the receipt of any comments and responses, will be based on both the

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evidence used in formulating the proposed finding and any new evidence submitted during the comment period.

Although the AS-IA directed certain “Changes in the Internal Processing of Federal Acknowledgment Petitions” be made, the directive provided that the BIA researchers should continue to conduct a review of petitions in accordance with the professional standards of their disciplines, and to prepare their “report and recommendation for the decision makers ” (65 Fed. Reg. 7052).

The scope of the review of a petition for a proposed finding, as directed by the AS-IA, “shall be limited to that necessary to establish whether the petitioner has met its burden to establish by a reasonable likelihood of the validity of the facts that it meets all seven regulatory criteria.” The acknowledgment regulations state that the petitioner must present “thorough explanations and supporting documentation in response to all of the criteria” ( 83.6(c)). In defining the duties of the Department, the regulations state the “Department shall not be responsible for the actual research on behalf of the petitioner” ( 83.5(c)). The AS-IA therefore advised the BIA, in conducting its review of petitions, it was “not expected or required to locate new data in any substantial way,” and that the appropriate remedy for deficiencies and weaknesses in the petition is for the petitioner and third parties to present additional evidence during the comment and response periods (65 Fed. Reg. 7052).

*Executive Summary under of the Proposed Finding’s Conclusions.* The proposed finding reaches the following conclusions under each of the mandatory criteria under 25 CFR Part 83:

The petitioner meets criterion 83.7(a). The GHP petitioning group and its antecedents have been identified as an American Indian entity on a substantially continuous basis since 1900. The available identifications apply to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner’s current membership claims descent. The available identifications do not pertain to the portion of the group’s members, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. The record provided does not demonstrate that a Golden Hill group and a Turkey Hill group ever combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observers at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900.

The portion of the petitioner’s membership claiming descent from the historical Golden Hill Indians meets criterion 83.7(b) up to 1823, when the State-appointed overseer took the last known census of the historical group, but does not meet it from 1823 to the present. For the time

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since 1823, GHP has not provided sufficient evidence to establish that a predominant portion of the petitioning group has comprised a distinct, continuous community. Between 1824 and around 1850, the group appears to have lost its social cohesion and ceased to exist as a distinct community. For the period since around 1850 to around 1973, the available evidence indicates the group was little more than a small, single family composed of individuals who claimed to be descended from the historical Golden Hill group. For the period since 1973, in which the group expanded somewhat in membership, GHP has not provided sufficient evidence that a predominant portion of the group has had social interaction. Most of the evidence of social community for the modern period seems to be limited to a small group of members, at times only a handful of individuals, who were or are closely related.

The petitioner cannot use the carryover provision of 83.7(c)(3), which allows the petitioner to use evidence from 83.7(b)(2) to demonstrate political authority. There is no evidence to demonstrate that more than 50 percent of the group lived in an area exclusive or nearly exclusive to the group. Neither is there any evidence to demonstrate that 50 percent or more of marriages occurred between group members or that 50 percent maintained distinct cultural patterns or participated in distinct social institutions encompassing most members. The petitioner is encouraged to submit more information which might allow the group to utilize this provision in the regulations.

Therefore, the petitioner does not meet criterion 83.7(b).

The portion of the petitioner claiming descent from the historical Golden Hill meets criterion 83.7(c) up to 1802, when the overseer sold the last sections of the State reservation with the historical group's approval, but does not meet it from 1802 to the present. For the period since 1802, GHP has not provided sufficient evidence to establish that either the claimed historical tribe or its direct antecedents have maintained political authority or influence over their members as an autonomous entity. From 1824 to around 1850, the available evidence indicates the historical Golden Hill's known survivors lost political influence. Indeed, particularly for the early 1850's to around 1973, the available evidence indicates the petitioner's antecedents were little more than a small, single family composed of individuals who claimed to be descended from the historical Golden Hill tribe. There was no recognizable Indian entity or individuals who functioned as leaders within a group political process. Since 1973, the available evidence indicates the leadership has been limited to a small number of family-appointed leaders, or part of a small family group, who do not appear to have a significant bilateral relationship with the rest of the membership.

Therefore, the petitioner does not meet criterion 83.7(c).

The State has recognized a Golden Hill entity from colonial times to the present. Within the general parameters of Connecticut's laws regarding State-recognized tribes, the specifics of its tribal dealings differed from group to group. The historical Golden Hill had a State reservation

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from colonial times to 1802. The State established the group's present 1/4 acre reservation, located in Trumbull, not the original reservation land area of Bridgeport, in 1933. From the early 1800's to the 1970's, however, the State did not identify or deal with specific leaders of the group.

While continuous State recognition with a continuous reservation from colonial times to the present can provide additional evidence to be weighed in combination with other specific evidence, State recognition in itself is not sufficient evidence to meet criteria 83.7(b) and (c). The particular relationship of the State to the GHP group, in combination with existing direct evidence for community and political process that is so limited, is not sufficient evidence to demonstrate that these two criteria are met.

The petitioner meets criterion 83.7(d). GHP has presented a copy of its governing document and its membership criteria.

The petitioner does not meet criterion 83.7(e). The GHP submitted a membership list dated October 1, 1999, which named 216 individuals. GHP has not provided sufficient evidence acceptable to the Secretary that its 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.

The GHP group asserts that its present membership descends from "the Golden Hill Paugussett tribe from the Paugussett communities and reservation lands in Trumbull and Orange, Connecticut." According to the GHP, approximately 32 percent of its members descend from "William Sherman, a member and leader of the Golden Hill Paugussett community in the 19th Century," and the remaining 68 percent descend "from Levi Allen and Delia Freeman/Myrrick (*sic*)," claiming that "Levi Allen and Delia Freeman/Myrrick's daughter, Eliza Franklin, was identified by the State Overseer of the Turkey Hill Paugussett community as a Turkey Hill Indian." The GHP, however, has not provided sufficient evidence to demonstrate these three individuals descend from any historical Indian tribe, or that the two tribes claimed ever amalgamated.

In addition, GHP's current membership list, dated October 1, 1999, is not properly certified, and in many circumstances does not provide the member's full name, date of birth, and current place of residence as required by the regulations. No evidence has been submitted for at least 68 percent of the membership to indicate that the individuals have applied for membership or even know they are on the membership list.

Therefore, the GHP does not meet the requirements of 83.7(e)(2).

The petitioner meets criterion 83.7(f). The GHP membership is composed principally of persons who are not members of any acknowledged North American Indian tribe.

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

Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law. The petitioner has failed to meet criteria 83.7(b), (c), and (e). Therefore, the proposed finding concludes the GHP petitioner does not exist as an Indian tribe.

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**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 to the present, the petitioner's claimed antecedent group, generally called the "Golden Hill Indians" until the mid-1970's, and the "Golden Hill Paugussett" since that time, has regularly been identified as an Indian entity. The available identifications apply to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner's current membership claims descent. The available identifications do not pertain to the portion of the group, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. For criteria 83.7(b) and 83.7(c), the available record does not demonstrate that a Golden Hill group and a Turkey Hill group ever combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observer at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900.

Precedent has defined identification of a petitioner as an Indian entity on a "substantially continuous" basis to comprise at least one identification per decade, usually from but not limited to any of the five possible forms of evidence listed in the regulations. In this case, identifications of the Golden Hill antecedents of the petitioner since 1900 occur in multiple forms of evidence. Because the regulations only require the petitioner to establish by a reasonable likelihood of the facts to meet the criterion, the following does not summarize every document submitted. Instead, it introduces the major forms of evidence demonstrating where the GHP portion of the petitioner does and does not meet the criterion.<sup>2</sup>

1900-1909

There was an identification of a "Golden Hill tribe of Indians" for this period.

The petitioner submitted a State statute as a possible identification for 1902 (Connecticut

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<sup>2</sup>For more detailed descriptions of the individual items, see the accompanying discussion under the Description and Analysis (cited as Description) for criterion 83.7(a).

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Statutes, Revision of 1902, Title 35, Chapter 242, Section 4422). This statute, a re-codified version of a 1876 law re-codified in 1888, was contained under the chapter titled "Indians." A section of the statute was called "Golden Hill tribe of Indians." The law concerned the sale of "property of said tribe" by "the overseer of the Golden Hill tribe of Indians" located in Fairfield County, Connecticut, which at this time would have been the Superior Court, to cover the support of "any member of said tribe" who might become a pauper in the county of Fairfield.

This proposed finding accepts as a reasonable likelihood, absent a showing to the contrary, that this second re-codification of a law originally passed in 1876 was a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner claims descent. The petitioner and third parties are encouraged to respond to this conclusion by submitting additional evidence or arguments relating to this identification during the comment period on this proposed finding. Such supplementary evidence may create a different record and a more complete factual basis for the final determination. It would also be in the petitioner's interest to provide further evidence that external observers identified it as an Indian entity between 1900 and 1909.

#### 1910-1919

There was an identification of a "Golden Hill tribe of Indians" for this period.

The petitioner submitted a 1918 State statute as a possible identification (Connecticut Statutes, Revision of 1918, Title 48, Chapter 276, Sec. 5170). This law was contained under the Chapter entitled "Aliens and Indians" and again re-codified the law originally passed in 1876. A section of the statute was titled "Golden Hill tribe of Indians." It allowed the sale of land to support paupers in cases "where the income received by the overseer of the Golden Hill tribe of Indians," which at that time would have been the Superior Court of Fairfield County, "for the lands or money belonging to that tribe shall be insufficient for their support."

This proposed finding accepts as a reasonable likelihood, absent a showing to the contrary, that this third re-codification of a law originally passed in 1876 was a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner claims descent. The petitioner and third parties are encouraged to respond to this conclusion by submitting additional evidence or arguments relating to this identification during the comment period on this proposed finding. Such supplementary evidence may create a different record and a more complete factual basis for the final determination. It would also be in the petitioner's interest to provide further evidence that external observers identified it as an Indian entity between 1910 and 1919.

#### 1920-1929

There was an identification of a Golden Hill entity for this time period. It is a letter, dated

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August 30, 1929, written by Arthur J. Hull, an attorney in Bridgeport, Connecticut, to E. A. Judd, presumably a local official with the Fairfield County government, regarding the collection of property taxes from George Sherman, a resident of the Trumbull reservation and an ancestor of some members of the petitioning group. The letter refers to “members of the Golden Hill tribe.”

The petitioner is also encouraged to provide further evidence that external observers identified it as an Indian entity between 1920 and 1929.

### 1930-1939

There were several identifications of a Golden Hill entity by the State for this decade.

In 1930, the State passed another law that directly referred to the “Golden Hill tribe” (Connecticut Statutes, Revision of 1930, Title 51, Chapter 272, Section 5059). A re-codification of the 1918 legislation, the law allowed the sale of “Golden Hill” land to support paupers in cases “where the income received by the overseer of the Golden Hill tribe of Indians,” which at that time would have been the Superior Court of Fairfield County, “for the lands or money belonging to that tribe shall be insufficient for their support.”

This proposed finding accepts as a reasonable likelihood, absent a showing to the contrary, that this fourth re-codification of a law originally passed in 1876 was a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner claims descent. The petitioner and third parties are encouraged to respond to this conclusion by submitting additional evidence or arguments relating to this identification during the comment period on this proposed finding. Such supplementary evidence may create a different record and a more complete factual basis for the final determination.

From 1935 to 1941, the State Park and Forest Commission was in control of Indian affairs in Connecticut. In 1939, the head of the Commission specifically identified the Golden Hill entity during legislative hearings on Indian reservations (Stenographer’s Notes of Public Hearings before the Joint Standing Committee on State Parks and Reservations, Hearings on H.B. 347).

There were also an official State report and a letter from the Connecticut Attorney General regarding ownership of the Golden Hill property in Trumbull, both of which directly identified the group (Report on the Golden Hill Tribe of Indians to the State Park and Forest Commission, by Albert M. Turner, Secretary, May 1, 1939; Francis A. Pallotti, Attorney General, and Joseph P. Smith, Assistant Attorney General, to Albert M. Turner, Secretary, State Park and Forest Commission, May 25, 1939). Additionally, several newspaper articles described a Golden Hill entity (“Court Names Overseer for Golden Hill Indians,” *Bridgeport Post*, July 17, 1933; “Indian Reservation in Nichols Dedicated by Indian Chiefs with Ceremony Yesterday,” *Bridgeport Post-Telegram*, October 4, 1933; “Indian Claims Trumbull Site,” *Thames Star*, February 9, 1939; “Kin of Indian May Use His Land,” *Thames Star*, February 10, 1939; “Nichols Would Get Rid of

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Indian Reservation," *Bridgeport Post-Telegram*, February 17, 1939).

### 1940-1949

There were two Federal identifications of a Golden Hill entity in reports compiled by a Library of Congress researcher, William H. Gilbert, and published by the Government Printing Office. In 1941, responsibility for the State's Indian reservations shifted to the Office of the Commissioner of Welfare, which generated several records identifying the Golden Hill reservation and its occupants during the decade (Clayton S. Squires, Director of State Aid, State Commissioner of Welfare, to Murray Reich, July 24, 1941; State Welfare Report on Indian Assets, Including Golden Hill Tribe, July 1941 to June 1943; Clayton S. Squires, Director of State Aid, State Commissioner of Welfare, to Samuel Tedesco, September 4, 1946).

### 1950-1959

There were yearly reports and correspondence from the Connecticut Welfare Department identifying the Golden Hill reservation and its occupants (Indian Records, State Commissioner of Welfare, 1953-1959; Herbert Barrell, Chief, Division of Resources and Reimbursements, State Welfare Department to Arthur Levy, Jr., Friedman and Friedman, October 15, 1959).

### 1960-1969

Records of the Connecticut Welfare Department identifying the Golden Hill reservation and its occupants continued (M. B. Bauer, Chief, Bureau of Business Administration, to Herbert Barrell, Chief, Resources and Reimbursement, August 22, 1960; Joseph R. Lynch, Supervisor, Reimbursement D.O. #3 Bridgeport, to Robert F. Richardson, Asst. Chief, Resources and Reimbursement, November 15, 1960; Herbert Barrell, Chief, Resources and Reimbursement to Joseph R. Lynch, Reimbursement Supervisor, November 21, 1960; Herbert Barrell, Chief, Resources and Reimbursement to Katherine B. Cherry, Librarian, Federal Housing Administration, November 25, 1960; John Gleeson, Supervisor Reimbursement, to R. Richardson, Asst. Chief, R & R, July 6, 1961). The State also passed a law specifically identifying the "Golden Hill reservation in the town of Trumbull, assigned to the Golden Hill tribe" (Public Act No. 303, "An Act Concerning the Management of Indian Reservations," 1961 Session).

### 1970-1979

There was a Federal identification of the Golden Hill group in 1971 from a Bureau of Indian Affairs publication, *American Indians and Their Federal Relationship*. Correspondence between Congressman Ronald A. Sarasin of Connecticut and other Federal officials regarding the availability of Federal programs for the Golden Hill group also identified an Indian entity (Ronald A. Sarasin, U. S. House of Representatives, 5<sup>th</sup> District, Connecticut, to Ralph Reeser,

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Legislative and Congressional Affairs Officer, BIA, July 7, 1975; George Clark, Acting Director of Office of Native American Programs, Dept. of Health, Education, and Welfare, to Ronald A. Sarasin, July 23, 1975).

Records of the Connecticut Welfare Department identifying the Golden Hill reservation and its occupants continued (Lawrence A. Marostica, Director, Social Services, to District Directors, October 20, 1971). In 1973, the State Assembly specifically mentioned the group in legislation establishing the Connecticut Indian Affairs Commission, or the CIAC (Public Act No. 73-660, "An Act Establishing and Indian Affairs Council"). One year later, new legislation officially gave the Golden Hill representation on this board (Public Act No. 74-164, "An Act Concerning Membership on the Indian Affairs Council").

When Connecticut established the CIAC, the new agency became part of the Department of Environmental Protection (DEP), which generated records identifying the Golden Hill group (Brendan Keleher, DEP, to George Hancock, DEP, December 13, 1973; Irving A. Harris, Chairman, CIAC, to Carl Ajello, Attorney General, October 22, 1976; Stanley J. Pac, Commissioner, DEP, to Carl R. Ajello, Attorney General of Connecticut, April 13, 1977). A report prepared in 1979 by a State researcher, Mary E. Guilette Soulsby, also described the group.

In 1972, Theodore Taylor, an expert on Indian policy and a former Deputy Commissioner of Indian Affairs, identified the group in his book, *The States and Their Indian Citizens*. A publication by the Smithsonian Institution, *Handbook of North American Indians*, also discussed a Golden Hill entity.

Controversy over a boundary dispute between the group and a neighbor adjacent to the Trumbull reservation produced extensive newspaper coverage ("Trumbull Land Dispute Stalls Indian Project," *Bridgeport Post*, October 17, 1976; "75 Indians Meet in Trumbull to Back Reservation Claim," *Bridgeport Post*, October 29, 1976; "Chief Big Eagle's Battle Here May Bring Claim for Downtown Bridgeport," *Trumbull Times*, November 3, 1976; "Piper Sheds Light on Past," *Bridgeport Post*, December 14, 1976; "Chief Big Eagle's Last Stand," *Connecticut Magazine*, May 1977).

### 1980-1989

The State passed a law that recognized a name change, from Golden Hill to "Golden Hill Paugussett," for the group and its recently acquired reservation in Colchester (Public Act No. 81-375, "An Act Concerning Connecticut Indians," January 1981). Records of the CIAC and the DEP continued to identify a "Golden Hill Paugussett" entity throughout the decade (Leslie C. Whitham, Director of Division Services, DEP, to Aurelius Piper, August 17, 1983; Ed Sarabia, Indian Affairs Coordinator, DEP, to Aurelius Piper, May 9, 1984; Ed Sarabia, Indian Affairs Coordinator, DEP, to Aurelius Piper, September 5, 1986).

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Two scholarly works, *The Indians of New England* by Neal Salisbury, and *Now That the Buffalo's Gone* by Alvin M. Josephy, also described the GHP entity. Newspaper articles provided extensive coverage of the Golden Hill group, particularly its efforts to acquire additional land in the town of Colchester ("Indians Seek Reservation on Colchester Land," *Hartford Courant*, March 31, 1981; "Connecticut Journal," *New York Times*, April 5, 1981; "Connecticut Tribes Seek Land and Identity," *New York Times*, July 12, 1981, "Indians Envision Place to Learn How to Live," *The Day*, December 31, 1983).

### 1990-Present

In this period, the CIAC and the DEP produced additional State documentation identifying the GHP group (Leslie A. Carothers, Commissioner, DEP, to Chief Big Eagle and Moonface Bear, July 12, 1990; Ed Sarabia, Indian Affairs Coordinator, to Tim Linkilla, Acting Director, DEP, July 26, 1990). A scholarly work by Franz Laurens Wojciechowski, *Ethnohistory of the Paugussett Tribes*, also identified the Golden Hill entity. In addition, there was extensive newspaper coverage of the group's efforts to establish a casino on the Colchester reservation and initiate several land claim suits against towns in Fairfield County, Connecticut ("Colchester Tribe Plows Land for Casino," *The Day*, July 26, 1990; "Indian Tribes Betting on Court Approval of High Stakes Gambling," *Connecticut Law Tribune*, August 20, 1990; "Indian Leader, Facing Opposition, Cancels Plans for Reservation Casino," *Hartford Courant*, September 21, 1990; "Indians Trying to Collect on an Old Debt," *New York Times*, August 11, 1991; "Indians See Golden Opportunity in Land Claim," *Bridgeport Post*, April 15, 1992; "Indian Claims Stalk Bridgeport," *New York Times*, January 3, 1993; "Foes Gird for Vote on Casino," *Waterbury Republican*, July 13, 1994).

More recent newspaper articles, focusing on the group's plans to open a casino in the town of Bridgeport, Connecticut, and its quest for Federal acknowledgment, also identified an American Indian entity ("Paugussetts Roll Out Grand Plans for Bridgeport," *Connecticut Post*, July 18, 2002; Long-fought Battle for A Little Recognition," *Connecticut Post*, July 21, 2002; "Shays Fears for Area if Casino OK," *Connecticut Post*, July 26, 2002; "Lawsuits or Casino," *Connecticut Post*, August 12, 2002).

Since the 1900, one of the petitioner's claimed antecedent groups, generally called the "Golden Hill Indians" until the mid-1970's, and the "Golden Hill Paugussett" since that time, has regularly been identified as an Indian entity. Therefore, the petitioner has met the requirements of criterion 83.7(a).

The available identifications apply to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner's current membership claims descent. The available identifications do not pertain to the portion of the group, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. For criteria 83.7(b) and (c), the available record does not

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demonstrate that a Golden Hill group and a Turkey Hill group ever actually combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observer at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900.

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**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 Paugussett Tribes at First Sustained Contact*

During first sustained contact with non-Indians in the 1630's, the tribes of Connecticut referred to today as the Paugussetts inhabited the area of the lower Housatonic River. They consisted of four separate historical tribes: the Potatuck, Weantinock, the Paugusset proper, a portion of which later became the historical Turkey Hill Indians, and the Pequannock, some of which later evolved into the historical Golden Hill Indians. Because the petitioner claims no ancestry from the historical Potatuck and Weantinock tribes, and the available record demonstrates no significant connection between them, this summary will only focus on the history of the Paugussett proper and the Pequannock during the early historical period.<sup>3</sup>

*The Paugussett Proper and the Turkey Hill Indians, 17<sup>th</sup> and 18<sup>th</sup> Centuries*

The petitioner claims a portion of its membership descends from two individuals believed to be descended from the historical Turkey Hill Indians, a group which evolved from the historical Paugussett proper. Evidence of separate social community among the historical Turkey Hill Indians during this period, however, does not demonstrate tribal continuity among the historical Golden Hill group.<sup>4</sup> The families at the Turkey Hill reservation evolved from the historical Paugussett proper, while those living at the Golden Hill reservation were originally part of the historical Pequannock, a separate tribe. The colonial (and later State) authorities always viewed and identified the historical Turkey Hill community as a separate legal and political entity from the Golden Hill reservation. Both reservations had separate colonial (later State) appointed guardians and were treated in the colonial records as distinct and separate groups of people.

Moreover, no firm evidence in the record exists of consistent interactions and significant social relationships between the historical Turkey Hill and Golden Hill groups after the establishment of their reservations in the 1600's. The petitioner will need to submit evidence that demonstrates such interactions and relationships. Nor does the documentary record demonstrate the historical

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<sup>3</sup>For a more detailed account of social community, with appropriate citations, see the Description and Analysis for criterion 83.7(b).

<sup>4</sup>For a more detailed account of the Paugussett proper and the Turkey Hill Indians, with appropriate citations, see the Description and Analysis for criterion 83.7(b).

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Golden Hill exercised any political influence or authority over the historical Turkey Hill group, or vice versa. The available evidence does not demonstrate the two groups functioned as a single autonomous political entity. Such evidence of political amalgamation needs to be submitted. Therefore, the existence of separate social community among the historical Turkey Hill Indians does not demonstrate criterion 83.7(b) for the historical Golden Hill entity during the 17<sup>th</sup> and 18<sup>th</sup> centuries.<sup>5</sup>

In addition, the portion of the Golden Hill group that at present claims descent from the historical Turkey Hill has not demonstrated descent from this historical entity. The available record does not demonstrate that this portion of the present GHP has ever functioned as a group entity in connection with the other. Finally, the available record does not demonstrate there was any continuous government-to government relationship between the State of Connecticut and a recognizable Turkey Hill Indian entity after 1871, when the overseer sold the last of the Turkey Hill State reservation.

#### *The Pequannock and Golden Hill Indian Community, 1637 to 1730's*

Until 1999, the petitioner solely claimed descent from the historical Golden Hill Indians, which evolved from a portion of the historical Pequannock tribe. The Pequannock tribe originally lived along the Pequannock River in modern-day Bridgeport, where they relied on agriculture, hunting, and fishing for subsistence. During the summer, they established semi-permanent villages along the coastal areas to clam, fish, and set up planting grounds. In the winter, they moved inland to hunting grounds. This practice of operating separate winter and summer villages may have lasted as late as the 1760's, when the main remnant of the historical tribe lived on the Golden Hill reservation in present-day Bridgeport. The tribe likely had at least three large burial grounds, one of which was situated in the Golden Hill reservation area, well after first contact with English settlers. There is also some evidence of Pequannock religious ceremonies taking place in the territory in the 1690's.

When English settlers arrived in the 1630's, the Pequannock Indians probably numbered about 1,500. By 1639, the English began to purchase and settle the Pequannock territory in the Bridgeport-Stratford and Fairfield areas. As early as 1639, the colonists reserved an area in Bridgeport (then part of colonial Stratford) for the Pequannock Indians, which the group maintained as a reservation in one form or another until 1802.

Occupation of a distinct territory by a portion of a group provides some evidence of community,

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<sup>5</sup>A somewhat similar historical analogy can be seen in the evolution of the Western Pequot and Eastern Pequot tribes. The colonial government of Connecticut granted separate reservations to these two groups, although both evolved from the same historical tribe. Thereafter, Connecticut treated both tribes as distinct legal and political entities. The Western Pequot obtained legislative recognition in 1983, while the Historical Eastern Pequot received a separate positive final determination finding from the BIA in 2002.

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even where it is not demonstrated that more than 50 percent of them reside on the land.<sup>6</sup> In the mid-1650's, a land dispute between the settlers and the Indians forced the General Court to step in and arbitrate. The Court formally recognized 80 acres of land at Golden Hill as a reservation for the Pequannock in 1659. Twelve years later, the tribe relinquished its land claims to the rest of Stratford, which included the modern towns of Shelton and Monroe, and the eastern portions of Bridgeport and Trumbull. By the 1740's, most of the land in the western part of the tribal territory had been ceded to the settlers, with only Golden Hill remaining as a land base for the group. Thereafter, the records began to refer to the group as the Golden Hill Indians or tribe, while the name Pequannock fell into disuse.

The Pequannock population declined rapidly during the first 100 years of English settlement. In 1710, there were probably about 20 to 25 dwellings at Golden Hill, which when combined with smaller settlements elsewhere in Stratford probably added up to 250 Indians. By 1725, the population at Golden Hill had dwindled to 40. Around 1750, at least some of the Pequannock Indians at Redding may have migrated to the Kent area, where they obtained fee simple land adjacent to the Schaghticoke tribe, which had been formed originally from elements of the Weantinock and Potatuck.

Despite the sharp population decline, the Golden Hill maintained some semblance of community. The colonists allowed Golden Hill Indians accused of crimes to be tried by tribal custom into the early 18<sup>th</sup> century. Missionary activities among the Golden Hill also demonstrated continued community. Efforts to convert the group began in the late 1600's and lasted until the 1750's. Evidence of missionary efforts has been used as evidence of community in other findings.<sup>7</sup>

For evaluating tribes in the early years of contact with Europeans, before substantial cultural and political changes had occurred, the preceding evidence is sufficient to demonstrate that 83.7(b) has been met for the historical Pequannock tribe as a whole, and for its successor group, the Golden Hill Indians, for the period up to the 1730's.<sup>8</sup>

### *History of the Golden Hill Community, 1730's to 1802*

During the late 17<sup>th</sup> and early 18<sup>th</sup> centuries, settlers continued to encroach upon the remaining tribal land. The historical Golden Hill complained about these actions by petitioning the General Court. Evidence of resistance or protests over land infringements by the local non-Indian population has been accepted in other findings as reflecting the ongoing existence of

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<sup>6</sup>Eastern Pequot PF 2000, 69.

<sup>7</sup>Eastern Pequot PF 2000, 71.

<sup>8</sup>Narragansett PF 1982, 1; Mohegan PF 1989, 2; Eastern Pequot PF 2000, 69.

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community.<sup>9</sup> Continued pressure by the colonists on the land base had a significant and negative impact on the Golden Hill population. By 1725, the population had dropped to 40, and the settlers fully expected the tribe to disappear. Such expectations led to further encroachments and conflicts, and some of the Indians simply left. Some of them joined their compatriots in Redding and later migrated to the Kent area in 1749, while others relocated among the Tunxis Indians in Farmington and eventually moved with that group in the 1770's to Brotherton in New York.

By the 1730's, the Golden Hill reservation contained only four families on just six acres. In 1761, John Shoran, the last sachem of the tribe passed away, and only two families remained on the reservation. The heads of these families, Tom Sherman, a Potatuck, and John Chops, a Paugussett proper, both of whom married into the tribe, were fighting in the French and Indian War. Their absence gave the colonists an opportunity to evict the rest of the tribe from their land, which they did in 1763 when one of the townsmen destroyed the only wigwam on the reservation and chased the Golden Hill families away.

In October 1763, the tribe petitioned the General Assembly demanding the return of the lands. At the time, the tribe probably consisted of seven adults, including absentees who still considered themselves as having rights to the reservation land, and some children. The General Assembly, however, recognized only the rights of Tom Sherman, now returned from the war, Eunice Shoran, and Sarah Shoran. It chose to ignore the claims of Sarah's husband, the Paugussett John Chops, and the absentees. The Assembly also established a committee to hear the complaints of the Indians and appointed a guardian to oversee their affairs. In 1765, the General Assembly devised a solution to the land controversy. It agreed to give the Golden Hill Indians 12 acres of the original reservation, the Nimrod Lot, and another 8 acres elsewhere, the Rocky Hill lot, a few miles to the north.

The documents indicate that the tribe recognized the affiliation of these persons and respected their claims to an interest in the lands and rights of the Golden Hill Indians. A 1765 report on the petition listed the names of Tom Sherman, Eunice Sherman, Sarah Sherman, and several other Indians who were absentees with some kind of legitimate claim to the reservation. The colonial documents for the land claim controversy of 1763 to 1765 demonstrate the continued survival of a Golden Hill community both on the reservation and the surrounding area from the 1730's to 1765.<sup>10</sup>

The guardians (1763 to 1801) appointed to manage the tribe's affairs on the reservation were often abusive. In 1774, the tribe again petitioned the assembly, this time with the help of a white neighbor, complaining of the behavior of overseer Daniel Morris. This petition, which took

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<sup>9</sup>Eastern Pequot PF 2000, 72.

<sup>10</sup>Narragansett PF 1982, 9; Gay Head PF 1985, 2; Eastern Pequot PF 2000, 70.

### Golden Hill Paugussett: Proposed Finding– Summary Under the Criteria

more than six years to resolve, showed the group acting collectively to protect their interests by employing the help of a non-Indian. Such petitions during the colonial period have been accepted in other findings as evidence of continued tribal community.<sup>11</sup>

From 1763 to 1780, the record contains sporadic evidence of the activity of the overseers. The monthly accounts show them providing a variety of services to the Golden Hill Indians. Among the Indians receiving such services were Tom Sherman and his wife, Eunice, Nab Chops, Sarah Chops, and some unidentified children and adults. These records present good evidence of continued tribal community, when combined with the tribal petitions and other colonial documents relating to the group during 1765 to 1780.

By the 1790's, the non-Indian population around the reservation had risen dramatically. With living space becoming scarce, land prices rose accordingly, and many townspeople desired the Rocky Hill and Nimrod lots, which they argued were being improperly used. In 1797, the town of Stratford tried to acquire the Nimrod lot for settler use by petitioning the State legislature. Stratford also claimed the Indians disliked the management of then overseer Aaron Hawley. In response, the legislature appointed another commission to investigate the overseer. Hawley convinced the commission the tribe owed him money for unpaid services, and demanded compensation with reservation land. The Assembly agreed and distributed part of the reservation to Hawley before he resigned in 1801. After Hawley's departure, the Assembly established another commission to study the feasibility of selling all of the reservation and giving the proceeds to the Indians. The commission held its investigation and adopted this option.

In 1802, several of the Golden Hill supported a petition by Stratford to sell the land at Nimrod and Rocky Hill. The sale occurred on December 19, 1802, and the proceeds of \$1,576 were handed to the overseer for the support of the tribe, which now contained about 20 people in 5 families. The tribe's acquiescence in the land sale should not be viewed as evidence that it had ceased to exist, although the group had become diminished in numbers and social cohesion. Under pressure from non-Indians, the group supported the sale and the establishment of a trust fund managed by a State-appointed overseer to provide a measure of financial security. Viewed in that fashion, the tribe's compliance with the 1802 land sale could have been a collective act to protect its existence, which by that time was growing increasingly precarious.

The various petitions, and colonial and State records, from 1763 to 1802 provide sufficient evidence of social community for the Golden Hill Indians during that time. The available material discussed above is sufficient to meet 83.7(b) for 1637 to 1802.

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<sup>11</sup>Eastern Pequot PF 2000, 71.

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*Evidence for Community, 1802 to 1824*

In the period from 1802 until approximately 1824, the petitioner has submitted sufficient evidence that the historical Golden Hill, from which a portion of the group claims descent, continued to comprise a distinct community. The petitioner submitted overseers' reports which documented interaction between the Indians and the State-appointed overseers after the sale of the group's Bridgeport reservation. The reports gave good insight into the composition of the community at the time, including interaction between Golden Hill members, their relatives living in Woodbridge, Connecticut, and their neighbors. In 1823, the overseer also took a census, which named six members and listed three unnamed juvenile female members. Individuals on this census appeared in subsequent overseer's reports until 1826, when additional detailed overseer's reports ceased. Taken together, the evidence is sufficient to demonstrate criterion 83.7(b) for the portion of the group claiming descent from the Golden Hill. It is not sufficient to meet the criterion for the portion of the group claiming descent from the Turkey Hill Indians because the only person identified as part of the historical Golden Hill community during this period for whom there is evidence of Turkey Hill descent (John Hatchet Towsey) died without leaving any known issue among the Golden Hill.

*Evidence for Community, 1824 to 1849*

The petitioner does not meet criterion 83.7(b) for the period 1824 until 1849. The evidence presented by the petitioner consists of additional overseers' reports, Federal census records, texts written by local historians, and some church records. After the 1823 census, the community, which had already been under significant stress since the late 1700's, unraveled in earnest. Several members died, left the area, or disappeared from the historical record altogether. The overseers charged with the management of the community's fund appeared to have paid more attention to the Golden Hill fund than to the group, and the reports (particularly those filed after 1826) contained little detail of who made up the community. In the 1830's, smallpox was reported to have killed several related Indians in (what was then the town of) Derby, and there is no evidence of further interaction among the known survivors of these two settlements.

In 1841, two women, Ruby Mansfield and Nancy Sharpe, petitioned the General Assembly as the "sole surviving heirs of the Golden Hill Tribe of Indians," asking that land be purchased for them and their children from the fund. The Assembly responded by allocating money from the fund to purchase 19 3/4 acres of land in the town of Trumbull. In 1846, the women again petitioned the General Assembly for additional funds to build a barn on their property. Over the objections of the Golden Hill overseer (who maintained that unidentified additional Golden Hill heirs were also making requests on the fund) and several non-Indian members of the local community, the request was granted by the General Assembly. However, in 1849, the overseer wrote to the General Assembly requesting permission to sell the land because Ruby Mansfield had moved away with her husband, and Nancy Sharpe was in jail for arson. No mention of accommodation was made for the women's unnamed children who had been mentioned in previous reports. The

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General Assembly investigated the overseer's report and granted permission for the sale of the land, which was finally completed in 1854.

Taken as a whole, the documentation for this period does not show a community. By 1841, the identified survivors of the group consisted of two women (and possibly their children) for whom the State purchased land using money from the Golden Hill fund. The petitions filed by these two women do not demonstrate sufficient communal activity or provide acceptable evidence of the continuation of a group. After 1849, even those two women were no longer evident in the record. The fragmentation of the group enumerated in the 1823 census was completed by 1849, and by that time the Golden Hill Indians as a tribal entity had ceased to exist. The evidence is also not sufficient to meet the criterion for that portion of the petitioner claiming descent from the historical Turkey Hill Indians. Therefore, the petitioner does not meet criterion 83.7(b) from the period 1824 to 1849.

#### *Evidence for Community, 1849 to 1887*

From the period of 1849 to 1887, the evidence submitted by the petitioner is not sufficient to demonstrate that the historical Golden Hill group maintained a distinct community or interacted with any members of the Turkey Hill group. The evidence submitted by the petitioner for this period consists of accounts written by local historians, logs from whaling ships, U. S. census records, land deeds, church records, two pages from a family Bible, and a diary/journal kept by William Sherman, the ancestor of the portion of the petitioning group claiming Golden Hill descent.

In 1857, a man named William Sherman took up residence in Trumbull, Connecticut, after serving many years on various whaling ships. Records consistently identified his birthplace as Poughkeepsie, New York. The petitioner claims that he was a child of Nancy Sharpe, although there is no primary documentation or reliable secondary evidence to support this statement, and only speculation has been offered to explain why he was born in New York rather than Connecticut. Local historians in the 1880's also identified him as a Golden Hill Indian, although no State documents generated during his lifetime ever identified him as such.

Historian Samuel Orcutt published a biographical sketch of William Sherman in 1886, which indicated that his mother also bore three children named Sharpe and one additional child fathered by a man named Pease (these would have been his half-siblings). There is no direct documentation to indicate that Sherman had any relationship with any of the Sharpes, but there is circumstantial evidence in the naming of two of his daughters and in the family Bible's death entries, to indicate that he may have had a relationship with the Pease child. Evidence in his journal indicates that Sherman had some association (albeit sporadic) with Henry O. Pease, who appears to have been the child of his (supposed) half-sister Nancy Sharpe. Henry O. Pease was identified in two deeds as a Golden Hill Indian. In 1876, the Selectman of the town of Trumbull purchased land on Henry O. Pease's behalf using money obtained from the Golden Hill fund.

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The Selectman also sold the land three years later, specifically referencing a law that had been passed in 1876 allowing for the sale of individually-held Golden Hill lands if any member should fall into debt. Prior to the law and first of those two deeds, no official document had referred specifically to Golden Hill Indians in approximately 22 years.

The petitioner maintains that Sherman acted as group leader during this period, establishing, among other things, an "Indian" section of the Nichols cemetery and arranging for land he purchased to be held in trust by the State for the benefit of the group. The available evidence does not support these claims. The "Indian" portion of the cemetery contained many other people for whom no Indian ancestry has been claimed, and a number of William Sherman's own children, who died before he did, are not buried there. Although William Sherman was the sexton of the cemetery, no evidence has been presented to demonstrate that he had anything to do with the actual placement of the graves.

Further, the land that he purchased (1/4 of an acre) was obtained independently of any other identifiable members of an Indian group with \$50 of his own money. He built a house on the property by using the land as collateral on an \$800 mortgage received from the Golden Hill fund. The land was not purchased for him with Golden Hill funds as it was for Henry O. Pease, or Nancy Sharp and Ruby Mansfield. When, after ten years, he quit-claimed the property to the holder of the mortgage, the land came under State control because the fund which provided the mortgage was overseen by the State.

Finally, the activities Sherman recorded in his diary do not demonstrate that he acted with any other individuals who were part of a Golden Hill entity. When he dug shellfish, for example, he recorded going with his non-Indian neighbors. There is no record of his redistributing any of the shellfish to any people outside his own nuclear family. Although there is a possibility that Sherman may have been a Golden Hill Indian, the evidence presented still does not demonstrate the existence of a community or a group entity. The evidence is also insufficient to demonstrate the criterion 83.7(b) during this time for the segment of the petitioner who claim descent from the historical Turkey Hill Indians. Therefore, the petitioner does not meet 83.7(b) for this period of time.

#### *Evidence for Community, 1887 to 1933*

The petitioner has not submitted sufficient evidence to meet criterion 83.7(b) for 1887 to 1933. For this period, the evidence includes copies of State laws passed specifically referencing Golden Hill Indians, many newspaper articles, Federal census records, and documents from local municipalities. They also included one interview conducted with an elderly member of the group who had been alive during that time. The children of Henry Pease, the last recorded Golden Hill Indian, do not appear to have had any contact with the Shermans after the death of William Sherman. There are no Pease descendants in the current petitioner. There are also no marriages between any of the Sherman descendants and any of the other members of what the petitioner

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calls the “Pann Paugussett” lineage, nor were there any marriages (or any evidence of contact at all) between the Sherman family and the current members of the petitioner who claim descent from the historic Turkey Hill Indians.

Most of the evidence submitted pertaining to this time period related to George Sherman and his daughter Ethel Sherman. Documentation regarding an actual community is very slim. There is no evidence of shared or cooperative labor or other economic activity among a group or community of Golden Hill Indians. George Sherman’s occupation on the 1910 and 1930 censuses was listed as “mason,” and other newspaper articles confirm this. However, there are no descriptions of George Sherman teaching his skill to any other members of the group, or of doing this work alongside any group members. The petitioner maintains that George Sherman operated a vegetable stand that was stocked with produce grown by Indians in New Milford during the 1920’s and 1930’s as an indicator of economic cooperation. They do not, however, name just who these people were supposed to be or how they were related to a Golden Hill community. The petitioner has not been able to name the New Milford Indians who supplied his produce, or provide real evidence of such an enterprise.

Ethel Sherman began writing letters to various officials in the 1920’s maintaining that her father was driving away members of the group, and not allowing them access to the “Indian lands.” She did not include the names of any members in her letters, although she did refer to some members of her extended family. Although no State documents were submitted to detail exactly how it happened, the State declared the Trumbull property a State reservation in 1933. There is, however, insufficient evidence to indicate that this undertaking was at anyone’s behest except Ethel Sherman’s. There are no available documents or letters signed or attested to by a group to demonstrate that this property was of importance to a wider group of members. The property would continue to be a point of contention for years to come, but until the 1970’s, it does not appear that the fate of the land was of concern to anyone except the descendants of George (and later Ethel) Sherman.

In 1933, after the land had been named a reservation, Ethel Sherman claimed to have been named “Chieftess Rising Star” at a feast held in New York. There was also a small follow-up ceremony in Trumbull, Connecticut. However, there is no evidence to demonstrate that anyone at these ceremonies had been authorized by members of a Golden Hill to name a “Chieftess,” or that Ethel Sherman had any authority over a Golden Hill Indian entity. There is no evidence to demonstrate that any members of the group actually attended the New York “feast” or that anyone other than her father attended the Trumbull ceremony.

In summary, in the 47-year period from the death of William Sherman in 1886 to the establishment of the Trumbull property as a reservation in 1933, the petitioner has not demonstrated significant social interaction among members of the group. This is compounded by the lack of a clear definition of just who the group was that was supposed to have existed during this period. Some Sherman family members continued to reside on the property, but that

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is the only evidence of any “group” interacting during these years. There is no documentary evidence submitted to indicate any true community that extended beyond Sherman family members, and even connections among those family members appear to have been volatile. The mere presence of other people of Indian descent in the vicinity does not demonstrate that these people were part of the community claimed by the petitioner.

No evidence has been submitted to demonstrate that events identified as important by the petitioner, specifically the issue of the Trumbull property and the “feast” that marked Ethel Sherman’s being declared “Chieftess Rising Star,” were of any importance to any group as a whole. There are no records of reunions, dinners, pow-wows, or life-crisis events during this period. There are no examples of gatherings taking place at certain times of the year (planting, harvest, or solstice), Christian observance (Easter, Christmas, Ash Wednesday) or even around those dates which are part of the American secular calendar (4th of July or Decoration Day). At best, there are occasional newspaper articles referring to George Sherman as “the last of the Pequannock Indians” during the 1930’s. No other members of this claimed community (save for his son and daughter) stood up to protest his designation as “the last.” The material submitted for 1897 to 1933 is not sufficient evidence of an identifiable community for the portion of the petitioner claiming descent from the historic Golden Hill Indians. It is also not sufficient evidence to demonstrate any community for those claiming Turkey Hill descent, nor does the record contain other evidence pertaining to the existence of community among the portion of the petitioner’s members claiming Turkey Hill descent from 1887 to 1933. Therefore, the petitioner does not meet 83.7(b) for this period.

#### *Evidence for Community, 1933 to 1973*

The petitioner does not meet criterion 83.7(b) for the period 1933 to 1973. Much of the information in the petitioner’s 2002 submission centered around the inclusion of descendants of the Turkey Hill Indians, and maintained that the historical ancestors of the Turkey Hill group and the Golden Hill group had all been members of one “Paugussett confederacy.” Evidence included many birth certificates, death certificates, obituaries, and newspaper articles. As mentioned previously, there is no evidence for a confederacy between the historical Pequannock and Paugussett, or of a political amalgamation between the historical Golden Hill and the historical Turkey Hill. There have not been any recorded Turkey Hill/Golden Hill marriages since the late 1700’s.

The petitioner has not submitted documentation which would demonstrate interaction between the Sherman siblings and any other people supposedly identified as part of a larger community. Just as Ethel Sherman’s relationship with her father had been contentious, so would her relationship with her brother Edward. Her letters written over the next few years expressed her dissatisfaction over the people living with her brother on the reservation, and with her brother. More than once, she contacted lawyers to ask about liquidating her interest in the property. Occasionally, she wrote to Connecticut authorities regarding other “Indians,” but these were

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nearly always identified as her children, her brother, or her father. The rest of the "community," which the petitioner claims to have existed at the time is not mentioned in her letters. No members of the Tinney/Allen (Turkey Hill) descendants were mentioned in any documents written by Ethel Sherman during this time. Her cousin, Harriet Helen Bosley, was living in Bridgeport at the time, but she did not appear in any of the documentation.

The petitioner maintains that esoteric knowledge would be passed on orally between group members at regular pow-wows and gatherings, yet failed to name any one specific gathering, produce evidence of a pow-wow, or provide any example of the type of knowledge which would be shared. There were no sign-in books from weddings or funerals to indicate who was attending life-crisis events, no photographs from birthday parties, or any other similar evidence used in other cases. There are no records indicating that men belonging to the community enlisted in the military together or worked together in wartime employment. Some of the abstracted interviews with members of the group indicate that they walked or took the bus to visit among various individuals and families; however, the abstracts of interviews did not mention visiting specific individuals or specific homes of any members beyond their own close families. If meetings took place in people's homes, the petitioner did not present evidence identifying the homes, frequency of meetings or visits, or issues discussed. Therefore, the evidence presented by the petitioner is insufficient to meet criterion 83.7(b) for the period 1933 to 1973.

#### *Evidence for Community, 1973 to the Present*

For the period 1973 to the present, the Sherman-descended portion of the group has emerged in a more stable, identifiable form. Evidence presented, including meeting minutes, tribal rolls, interviews, and correspondence with State and local officials indicates that under the leadership of Aurelius Piper, Sr. ("Chief Big Eagle"), son of Ethel Sherman, the Golden Hill became an identifiable organization. For the first time, it is possible to see the participation of members; however, all appear to be closely related to Aurelius Piper, Sr. (either his children, his siblings or his nieces and nephews). Although Aurelius Piper, Sr. and some of his children appear to have been very active in trying to invigorate the social (as well as political) aspects of the community, they do not seem to have met with much success. There is only one record of group attendance at a funeral, that of Ethel Sherman (who was also grandmother or great aunt to almost every member of the petitioner at the time). There are no records of people attending pow-wows together or working together in any type of shared labor.

For a time in the 1980's after the group had secured additional land in Colchester Connecticut, a group of people led by Aurelius Piper, Sr.'s son, Kenneth ("Moonface Bear") Piper, appear to have tried to form a community of sorts, selling horses and engaging in pan-Indian protests and ceremonies. However, the evidence presented does not demonstrate that this was widespread among the members as a whole. Many of the people on the Colchester land were not even part of the Golden Hill group, but people from other Connecticut groups, unaffiliated persons claiming Indian descent, or non-Indian sympathizers. Aurelius Piper, Sr. made numerous complaints

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about the inertia of the other members of the group in getting together and doing things, such as attending rituals held on the 1/4-acre reservation in Trumbull. Aurelius Piper, Sr. eventually retired to Maine in the mid-1990's, after ceding most authority to one of his other sons, Aurelius Piper, Jr. ("Chief Quiet Hawk"). There is no evidence of any interaction of the claimed Turkey Hill descendants during this time, including with Kenneth Piper's group of associates in Colchester.

Since the mid-1990's, none of the documentation presented by the petitioner indicated the current status of a community of Golden Hill Indians. The petitioner has not submitted records of attendance at life-crisis events, evidence of the group having held a pow-wow, or other evidence that the group functions together as a distinct community. Given that the only individuals identified in the records as Golden Hill were siblings and first cousins, there is no evidence of marriages within a Golden Hill group. The evidence presented also does not demonstrate any patterned out marriages among any New England or other tribes. Therefore, the evidence presented by the petitioner is insufficient to meet criterion 83.7(b) for the period 1973 to the present. Accordingly, the petitioner does not meet the requirements of 83.7(b) at any time since 1823.

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

*Political Leadership for the Pequannock and Golden Hill Indians and the Paugussett Proper and Turkey Hill Indians in the Early Historical Period*

The historical Pequannock, from which the historical Golden Hill Indians evolved, and the historical Paugusset proper, part of which became the historical Turkey Hill Indians, were separate tribes that shared a similar culture and language.<sup>12</sup> Land purchase documents for the 17<sup>th</sup> and 18<sup>th</sup> centuries show they were separate political entities. The Colony and later the State treated the historical Golden Hill and Turkey Hill Indians as distinct political and legal entities with separate reservations and guardians. Therefore, evidence of political authority for the historical Turkey Hill Indians does not demonstrate the same for the historical Golden Hill Indians, or vice versa. If the petitioner wishes to assert that they amalgamated and functioned as a single political entity, it needs to submit evidence that it occurred. The available evidence does not show the two groups ever formed a single political entity. Accordingly, the following

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<sup>12</sup>For a fuller discussion of political authority and influence, with complete citations, see the Description and Analysis for 83.7(c).

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summary focuses only on the political influence of the historical Golden Hill and its predecessors.<sup>13</sup>

#### *Political Influence or Authority for the Pequannock Tribe and Golden Hill Indians, 1630's to 1761<sup>14</sup>*

The historical Pequannock tribe lived in villages along the Pequannock River in modern-day Bridgeport. In the 1630's, when English settlers arrived, the sagamore of the Pequannock was Queriheag. Land ownership in the tribe passed by custom through the male line. The sagamore and other positions of leadership were hereditary, although not necessarily passed directly from father to son. In addition to the sagamore, the Pequannock had other types of leaders as the tribe usually made important decisions in consultation with sachems, captains, and male elders. Deeds from the 17<sup>th</sup> century suggest that the Pequannock sachems exercised political influence through consensus and consultation with other tribal members. These records of land transactions between the tribe and colonial authorities listed leaders and gave some information, from an external viewpoint, concerning the aboriginal political structure. Detailed information concerning the political processes of historical tribes that were predecessors of petitioners in the early contact period is not required.<sup>15</sup>

Despite English domination of their lands, the Golden Hill Indians did exercise some political autonomy. During the mid-1650's, a dispute between the settlers and the Indians over the boundaries of the Golden Hill reservation forced the General Court to intervene and arbitrate. In May 1659, the General Court formally reserved 80 acres of land at Golden Hill section of colonial Stratford (now Bridgeport) for the Pequannock. In 1671, the tribe relinquished all its land claims in the rest of Stratford, which at that time included the modern towns of Shelton and Monroe, and the eastern portions of Bridgeport and Trumbull.

For the remainder of the 17<sup>th</sup> century, the settlers continued encroaching on tribal land. The tribe expressed their displeasure through several petitions to the General Court during this period. In one instance, the General Court granted the tribe compensation for damages in a land dispute. Evidence of resistance to land infringements by the local non-Indian population has been accepted in other findings as reflecting the ongoing existence of political influence or authority

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<sup>13</sup>For a fuller discussion of the political differences between these groups, with complete citations, see the Description and Analysis for criterion 83.7(c).

<sup>14</sup>For a discussion of the historical methodology used for the early historical period (1637-1802) see the Description and Analysis for criterion 83.7(c).

<sup>15</sup>Narragansett PF 1982, 11; Gay Head PF 1987, 10; Mohegan PF 1989, 5; Eastern Pequot PF, 103.

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within the group.<sup>16</sup>

There is also evidence in 1707 that the Colony still permitted the Golden Hill Indians to practice a form of their own justice when it turned over an Indian accused of murder to the tribe to be tried according to tribal custom. A colonial record from 1725 shows the leader of the Golden Hill group was required to make reports regarding the activities of his subjects to a colonial official every fortnight. In 1761, the Golden Hill still had a sachem recognized as a leader by the Colony. Since the Colony dealt with a group that had recognized leaders and the evidence shows the group acting in concert to exercise political influence, the petitioners meet the autonomy requirement of 83.7(c) from 1637 to 1761.

### *Political Influence or Authority of the Golden Hill Indians, 1761 to 1802*

In 1761, when John Shoran the last sachem of the Golden Hill died, only two families remained on the reservation. By then the reservation had shrunk to eight acres due to encroachment by settlers and diminishing group population. The male heads of the two families, Tom Sherman and John Chops, neither of whom were Pequannock, were fighting in the French and Indian War. When the two men were absent in August 1763, the colonists in Stratford evicted the rest of the tribe from the reservation.

Following the eviction, the tribe, including several absentees who believed they had rights to the reservation, petitioned the General Assembly of Connecticut for the return of their lands. The General Assembly recognized only the rights of Tom Sherman, now returned home, Eunice Shoran, and Sarah Shoran. It rejected the claims of John Chops and the absentees. In addition, the Assembly appointed a special committee to hear the complaints of the Indians and a guardian to oversee their affairs. After several investigations, the General Assembly devised a solution in 1765. It gave the Golden Hill 12 acres of the original reservation, the Nimrod Lot, and another 8 acres three miles to the north, called the Rocky Hill lot.

The guardians (1763-1801), however, were often abusive. In 1774, the tribe sought the assistance of a white neighbor, Aaron Hawley, to petition the General Assembly about the behavior of overseer Daniel Morris. In response, the Assembly appointed a committee to investigate the complaint, but the American Revolution delayed its work. In 1780, a committee issued a report highly critical of Morris, who resigned and was replaced by Aaron Hawley.

In 1797, residents from Stratford attempted to acquire the Indian land at Nimrod by petitioning the State legislature. They complained that the Golden Hill Indians neglected the lot and also suggested the Indians themselves were displeased with the way Hawley managed the tract. In response, the legislature established yet another commission to investigate Hawley. During the

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<sup>16</sup>Eastern Pequot PF 2000, 72.

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proceedings, Hawley convinced the commission that the tribe owed him money for services and requested payment with land from the reservation. In 1799, the General Assembly agreed with Hawley's claims and offered him a portion of the reservation. Hawley resigned two years later. The General Assembly then appointed another commission to explore the possibility of selling all the reservation and giving the proceeds to the Indians.

By this time, Tom Sherman, a petitioner in the 1763 to 1765 land protest, had died. His son, Tom Sherman, Jr., and the remaining tribal members agreed to support a petition from the town of Stratford to sell the land. The sale took place on December 19, 1802, and garnered \$1,576, which the State gave to the overseer to support the tribe. The Golden Hill Indians, under pressure, agreed to the sale of the reservation to create a tribal fund for their support. Viewed from that perspective, the land sale of 1802 may have constituted a collective political act to protect the tribe's existence, which by that time was growing more precarious as its numbers and political influence declined.

Petitions similar to those of the Golden Hill in 1763 to 1765, 1774 to 1780, and 1797 to 1802 have been accepted in previous acknowledgment decisions as sufficient evidence regarding political influence for the later 18<sup>th</sup> and early 19<sup>th</sup> centuries. Therefore, this material is sufficient to meet 83.7(c) for 1761 to 1802.<sup>17</sup> The evidence is sufficient to meet the requirements of 83.7(c) for the 1630's to 1802 for the historical Golden Hill Indians.

#### *Evidence of Political Influence or Authority, 1802 to 1933*

For the period from 1802 to 1933, the petitioner submitted evidence including overseers' records, land deeds, correspondence with State and local officials, copies of laws referencing the Golden Hill, and numerous newspaper articles. However, after the sale of the Bridgeport reservation in 1802, there were no further actions taken by the Golden Hill Indians as a political entity. After the death of John Shoran in 1761, no one was named in reports as a sachem or leader, nor did the State deal with one person or a council representing a Golden Hill group. Tom Sherman, Jr., whom the petitioner has asserted was a leader, appears to have exercised no more authority within the group than his sisters. An 1823 report noted that the overseer had been treating the group as members of an extended family, and that his decision to spend more on the old and sick was cause for resentment on the part of some of the Indians, who wanted their own share.

In 1841, Ruby Mansfield and Nancy Sharpe petitioned for land as the last remaining members of the group, not as leaders. The two petitions filed by these women do not rise to the level of demonstrating political authority, as they petitioned not as representatives of a group, but on their own behalf as the last surviving beneficiaries entitled to the Golden Hill fund. One statement by the overseer indicates that they misrepresented their status as the "sole surviving heirs," but does

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<sup>17</sup>Mohegan PF 1989, 6; Eastern Pequot PF 2000, 105.

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not name or describe any other claimants. After their deaths/disappearance from the area, only one person was named as a Golden Hill Indian, Henry O. Pease. However, Pease was never identified as a leader, and has no descendants in the petitioner's membership. William Sherman, whose descendants make up 32 percent of the petitioner's 1999 membership list, was certainly a well-regarded citizen, but he was not specifically described as a leader of a group, even by the historians who regarded him as a Golden Hill descendant. Years after William Sherman's death, his son George was referred to in certain newspaper articles as a "chief," but there is no documentation available to support that any members of the group as it was supposed to have been constituted at the time acknowledged this authority, or that his actions addressed the concerns of a group. The letters written by his daughter during this time indicate that he was actively chasing family members away from the Trumbull Property.

#### *Evidence of Political Influence or Authority, 1933 to 1972*

George Sherman's daughter, Ethel Sherman, began referring to herself as a "Chieftess" after some 1933 ceremonies, which appear to have been conducted by a pan-Indian organization and not by any members of any Golden Hill entity. She also maintained that she had singlehandedly saved the "Indian land," the petitioner has not submitted evidence, such as a letter signed by members of a group, to indicate that this land was a matter of great concern to any other people. There is no evidence submitted to indicate that Ethel Sherman was able to gather a number of people together or access any money or resources from them to continue her fight for the property. There was no evidence submitted to demonstrate that her position as "chieftess" came about after any kind of group consensus. The documents do not provide evidence for the involvement of the segment claiming descent from a historical Turkey Hill group.

The material submitted by the petitioner to demonstrate leadership during the period from 1933 until 1972 does not rise to the level of satisfying 83.7(c). An analysis of the early and mid-century documents indicates that the individuals credited now as leaders were acting to guarantee their own interests, not the interest of a wider group.

#### *Evidence of Political Influence or Authority, 1972 to the Present*

For the period from 1972 to the present, the petitioner submitted evidence in the form of numerous newspaper articles, correspondence with State and local officials, videotaped and transcribed interviews, membership rolls, and internal documents generated by the group, such as minutes from group meetings. Aurelius Piper, Sr.'s claim to leadership after the death of Edward Sherman ("Chief Blackhawk") marked the first time that any GHP "leader" since John Shoran actually began to exercise some demonstrable authority over an identifiable group, which appears to have been primarily his immediate family. He was also the first person acknowledged by the State as wielding authority over individuals claiming to be Golden Hill group members. Notices of meetings from this period were submitted by the petitioner, informing members of upcoming events and requesting their participation in events. The petitioner, however, has not submitted

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any concurrent mailing lists to identify the membership. Meeting minutes all throughout the next several years indicate that Mr. Piper expressed concerns regarding the low levels of participation by the rest of the group.

In 1976, Piper became the subject of local and international attention when a lawsuit by a neighbor initiated the so-called "war over the quarter-acre." When the State began to raze and construct a new log cabin on the Trumbull property, the neighbor sued, maintaining that the State had no jurisdiction over the property. He also publicly accused Piper of a number of illegal acts and challenged his identity as an Indian. The dispute was eventually settled when the State arranged for a land swap with the neighbor. The petitioner's documents characterized these incidents involving the Trumbull reservation as key in establishing Piper's role as leader. However, his description of the legal battle with the neighbors gives little idea of the support he may have been receiving from his own constituency. His references to other Golden Hill members during the struggle are limited to himself, his son, and one unnamed "assimilated" member whom Piper alleges knew about the pending lawsuit, but did nothing to alert him to the litigation.

There is no mention of any of these "numerous" tribal members (other than his son Kenneth Piper) bringing him food, fuel, or even sitting with him during his vigil. Minutes from the council meetings held during this time do indicate that the group addressed the issue during meetings, but the meeting minutes only reflect the participation of the same few individuals who had been involved with Piper's organization since the beginning. Photos and newspaper articles demonstrate the presence of Indians from other tribes (for example, there are numerous references to AIM's Clyde Bellecourt and Russell Means attending events in the 1970's). However, Piper's book (*Quarter-Acre of Heartache*) and the news articles lack photos of the members of his own group. There are no mentions of any of Piper's adult children coming to the aid of their father during the conflict. The "threat" to the reservation and to Piper's own safety does not appear to have mobilized any members of the group who were not already politically active in the organization, or deepened the involvement of those who had previously been active. The incident may have brought the attention of the media to "Big Eagle," but the evidence presented does not demonstrate the involvement of a significant portion of the group.

Even during the mid-1970's and 1980's when the group was most active, the actions that were taken were by a small number of individuals without broad representation across the family lines that the group maintains were involved at the time. Piper appears to have mobilized some members at the time to work to obtain land. However, there is little indication that the issue of housing for members was as important to the rest of the group as it was to him. Over the course of the next few years, the group acquired land and funds, but the few people involved in the organization often quarreled. Disputes over authority also developed between Piper and his sons after he made them sub-chiefs and they acted without his authorization. Eventually his older son, Aurelius Piper, Jr. ("Quiet Hawk"), sided with him against his younger son, Kenneth Piper ("Moonface Bear"), and eventually declared the latter banished. However, after this declaration,

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they then secured proxies from other group members to demonstrate that they had the approval of the group to take this action. Even so, they did not have the approval of all members of the group, and members of one family continued to support Kenneth Piper. In 1996, Kenneth Piper died and the evidence indicates that the schism did not outlast his passing. All evidence submitted since then indicates that the group has been administered by Aurelius Piper, Jr. with little or no input from other members. Aurelius Piper, Sr. retired to Maine at some point in the mid-1990's and does not appear to have taken an active role in the group since then. The group also added 148 members of the Tinney family to their membership list in 1999, and there is no prior or subsequent evidence, other than their inclusion on this list, of any political involvement on their part in the affairs of the group. The petitioner has not submitted any evidence, such as membership applications, to indicate that the recent additions even know they are on the Golden Hill membership lists.

The proxies, powers of attorney, and other documents the petitioner submitted to give validity to the actions of a few individuals controlling the political fortunes of the group do not rise to the level of demonstrating a bilateral relationship between members and leaders. Rather, it appears that a few members abdicated their responsibility for participating in the group's political process and instead turned over all obligations to one or two individuals. These individuals, then, proceeded to pursue their own agendas without additional documented input from group members. The leaders, who appear to have been either self-appointed or appointed by close family members, have not demonstrated that the actions taken by them reflect the concerns of a significant number of the group's members. To demonstrate a significant political relationship, the petitioner must demonstrate more than a minimal level of involvement from most members of the group. A group must demonstrate that members are involved in the political process at more than just a minimal level. They must demonstrate that the actions taken are important to the membership as a whole, and that the leadership is responsive to the membership's requests. It appears from the evidence that on several occasions when group members voiced their disagreement of the direction the leaders were taking, the leaders either resigned or shut out the opposition. Therefore, after examination of the evidence submitted, the petitioner does not meet criterion 87(c) for the period of 1972 to the present.

The petitioner has not provided sufficient evidence that the Golden Hill entity maintained political influence or authority after the 1802 sale of the Bridgeport reservation. There is no evidence that William Sherman or his descendants lived in tribal relations with any Golden Hill Indians, or that they maintained any political influence or authority over the membership of an Indian entity. Accordingly, the petitioner does not meet the requirements of criterion 83.7(c).

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- 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 submitted a copy of its current governing document, a constitution with by-laws, and a supplementary governing document defining the procedures for selecting the leader. The constitution is undated and unsigned. It includes a section defining membership eligibility but does not include procedures for application, for documenting members’ descent, or for maintaining the membership records. It also describes the group’s basic governing structure and procedures for constitutional amendment.

The by-laws are signed by a “Chairperson” and three “Directors,” but undated. They define membership criteria and also explain membership application procedures. The supplementary document is dated June 30, 1993, but is unsigned. It describes three levels of leadership (exclusive of the governing body) and how they are selected.

The petitioner also provided copies of previous governing documents and more recent documents outlining rules, regulations, and governance procedures. These later documents do not specifically amend the current governing instruments.

Therefore, the petitioner meets criterion 83.7(d).

- 83.7(e) 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.**

An analysis of the petitioner’s records and other primary documentation indicates that the GHP have not demonstrated descent from a historical Indian tribe by evidence acceptable to the Secretary. The tribes mentioned by the petitioner itself as possible ancestors or related groups include the Paugussett, the Pequannock, the Golden Hill, and the Turkey Hill. No primary, contemporary documents in the record verify that the petitioner’s claimed ancestors, William Sherman, Levi Allen or Delia Merrick, descended from any one of the groups mentioned. Neither is there acceptable evidence that any of the tribes mentioned combined at some historical

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point and that the GHP membership descends from a resulting entity.

There is insufficient documentation to demonstrate who William Sherman's mother was, and thus his maternal lineage remains undocumented. William Sherman's paternal lineage is also unknown. There is no evidence concerning his father nor his earlier ancestors on his father's side. It is not documented that he was the descendant of either Ruby Mansfield or Nancy Sharpe *alias* Pease, who were identified in historical records as Golden Hill Indians and whom the petitioner claims were the ancestors of William Sherman. Nor is there any acceptable documentation (primary sources) to show that William Sherman descended from any of the persons enumerated on the 1823 Census de Golden Hill.

No primary documents contemporaneous with the life of William Sherman (1825-1886), Levi Allen (1795-1865), or Delia Merrick (1797-1890), and available for this finding, identified any of these three people as a Golden Hill Indian or as a Turkey Hill Indian. Other official records, such as vital records, have not identified William Sherman, Levi Allen or Delia Merrick as a Golden Hill Indian, Pequannock, or as a Paugussett. William Sherman's own journal, although admittedly incomplete, made no reference to his being Indian or regularly associating with Indians other than Henry O. Pease (born about 1844 and died between 1880 and 1900), who was identified in overseers' reports and county land records as a Golden Hill Indian.

Statements made in two secondary sources (published in 1880 and 1886, late in William Sherman's life and including inconsistent information), the 1870 and 1880 census returns that did not list any specific tribal origin, and an obituary and a church death record that referred to one of the county histories, are not sufficient evidence, with no contemporary primary documentation, to establish tribal ancestry for William Sherman. When these documents were weighed in combination with all the other evidence – vital records, other census returns, and an absence of overseer documentation of Indian interaction or listing William Sherman – there was insufficient substantive evidence to indicate tribal descent for William and thus for the GHP.

There is no documentation in the record to verify that William Sherman or any of his children married Golden Hill, Pequannock, Paugussett, Turkey Hill, or other Indians; therefore, that portion of the membership claiming descent from William Sherman (68 members or 32 percent) does not have Indian ancestry through any other possible Indian ancestors. Neither is there documentation in the record to verify that recently added members (148 names on the 1999 membership list, or 68 percent) claiming descent from Levi Allen and Delia Merrick have Indian ancestry linked to any of these tribes.

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**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.**

The petitioner submitted a total of thirteen membership lists. The most recent list, dated October 1, 1999, contains 216 names. All of the lists are incomplete, in that none contain the full names, current residence addresses, and dates of birth of all members and none are separately certified by the group's governing body with the date of certification, as required by the regulations under criterion 83.7(e). However, lacking any other reliable list of members, the October 1, 1999, list was used for this report.

Although detailed membership application procedures are not defined in the petition, the group has revised its membership list occasionally since the first membership lists were compiled in the early 1970's. From the 1970's to January 4, 1995, the number of members listed fluctuated from 19 to 91. The petitioner frequently updated its membership list between January 15, 1993, and January 4, 1995. On the October 1, 1999, list that was used for this report, the membership expanded from 91 on the January 4, 1995, list to 216 members and included 148 persons claiming descent from Levi Allen and Delia Merrick.

The petitioner did not submit sample application forms or copies of completed application forms. The petitioner submitted only eight signed declarations of descent and membership affiliation in the documented petition, two of which were undated. Only 20 of the petitioner's members (less than 10 percent) have submitted sufficient documentation to verify their parentage. The petitioner submitted 62 four-generation ancestor charts to show lines of descent from William Sherman; however, most of these charts were only partially completed, lacking names, dates and places of birth for some of the generations. Therefore, the petitioner has not properly documented its descent from the ancestor it claims was the Golden Hill Indian, i.e., William Sherman (1825-1886). Recent membership lists contain many new names that are not entered on ancestry or family charts, and have no accompanying information regarding birth date or parentage. For example, the October 1, 1999, membership list includes 148 names of persons the petitioner claims descend from the Allen/Merrick family and thus from the Turkey Hill Indians. However, BIA researchers have been unsuccessful in connecting many of these new names to previously listed members or to claimed ancestors.

The GHP has not demonstrated that its membership is descended from a historical tribe, or tribes that combined and functioned as a single autonomous political entity. The petitioner has not submitted an official membership list, separately certified by the group's governing body, of all known current members of the group, including each member's full name (including maiden

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name), date of birth, and current residential address. Nor has the petitioner submitted a statement describing the circumstances surrounding its preparation, as required under criterion 83.7(e). For example, no evidence has been submitted for at least 68 percent of the membership to indicate that the individuals have applied for membership or even know they are on the membership list. Therefore, the petitioner does not meet the requirements of 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.**

No evidence has been found to indicate that any of the Petitioner's members are enrolled with any federally recognized tribe. Therefore, the petitioner meets criterion 83.7(f).

**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 is no evidence that the petitioner has been subject to congressional legislation that has terminated or forbidden the Federal relationship as an Indian tribe. Therefore, the petitioner meets criterion 83.7(g).

**Summary**

The evidence for this proposed finding demonstrates that the Golden Hill Paugussett Tribe does not meet all seven criteria required for Federal acknowledgment. The petitioner has failed to meet criteria 83.7(b), (c), and (e). In accordance with the regulations 83.6(c), failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law. Therefore, this proposed finding concludes the GHP does not exist as an Indian tribe.

Proposed Finding  
on the  
GOLDEN HILL PAUGUSSETT

DESCRIPTION AND ANALYSIS  
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## APPENDICES

- Appendix A: Historical Overview of the State relationship with the Golden Hill
- Appendix B: GHP Governing Documents
- Appendix C: Published References to William Sherman and Others (Excerpts)
- Appendix D: Ancestry and Collateral Relatives of William Sherman's Claimed by Petitioner
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- Appendix F: GHP Membership Lists

Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

- 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.**

The following analysis of the available identifications apply only to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner's current membership claims descent. The available identifications do not pertain to the portion of the group, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. For criteria 83.7(b) and (c), the available record does not demonstrate that a Golden Hill group and a Turkey Hill group ever actually combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observer at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single autonomous Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900.

1900-1909

There was an identification of a "Golden Hill tribe of Indians" for this period.

*Federal Documents Submitted*

The petitioner supplied portions of the *Indian Population of the United States and Alaska*, published by the U. S. Bureau of the Census in 1930, as a possible identification for 1900 to 1909.<sup>1</sup> According to the petitioner, the publication "identified 9 Indians in Fairfield County, Connecticut, where [the] Golden Hill Paugussett [was] located, and 2 Indians in New Haven County, where [the] Turkey Hill community [was] located" (Petitioner 2002, PF Summary Chart-Criterion (a)). This 1930 publication, which does not qualify as an appropriate identification for 1900 to 1909, identified only the total number of individuals of Indian ancestry in the two counties. It did not specify the existence of any American Indian entity (U. S. Bureau of the

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<sup>1</sup>The 1900 and 1910 Special Indian Population Schedules for the Federal censuses did not identify the petitioner's State-recognized, Golden Hill antecedents as an American Indian entity.

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Census 1930c).

### *State Documents Submitted*

The petitioner submitted a State statute as a possible identification for 1902 (Connecticut Statutes, Revision of 1902, Title 35, Chapter 242, Section 4422). This statute, a re-codified version of a 1876 law re-codified in 1888, was contained under the chapter titled “Indians.” A section of the statute was called “Golden Hill tribe of Indians.” The law concerned the sale of “property of said tribe” by “the overseer of the Golden Hill tribe of Indians,” which at that time would have been the Superior Court, to cover the support of “any member of said tribe” who might become a pauper in the county of Fairfield. The law stated:

In any case where the income received by the overseer of the Golden Hill tribe of Indians for the lands or money belonging to that tribe, shall be insufficient for their support, so that any member of said tribe is, or is likely to be, chargeable as a pauper in any town, the superior court for the county of Fairfield may, upon the application of the selectmen of such town, after due notice to said overseer, and after hearing the parties, order said overseer to sell such proportion of the property of said tribe, and to pay over the proceeds of such sale, together with a like proportion of any other money in his control belonging to said tribe, to the selectmen of said town, with authority to said town to use the whole or any part thereof for the support of such member or members of said tribe so chargeable as shall be named in such order (Conn. Legislative Materials 1902).

This proposed finding accepts as a reasonable likelihood, absent a showing to the contrary, that this second re-codification of a law originally passed in 1876 was a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner claims descent. The petitioner and third parties are encouraged to respond to this conclusion by submitting additional evidence or arguments relating to this identification during the comment period on this proposed finding. Such supplementary evidence may create a different record and a more complete factual basis for the final determination. It would also be in the petitioner’s interest to provide further evidence that external observers identified it as an Indian entity between 1900 and 1909.

### *Newspaper Articles Submitted*

The petitioner submitted three newspaper articles for this period. The first, from the *Bridgeport Evening Post*, November 28, 1905, was an obituary of Mary Sherman, the daughter of William Sherman, an ancestor of a portion of the petitioning group. The article described Mary Sherman as a “full blooded Indian, and a descendant of the Golden Hill tribe.” This article identified one individual as being of Indian descent. It was not an identification of the Golden Hill as an American Indian entity for 1905 (*Bridgeport Evening Post* 11/28/1905).

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

The second article, from an unidentified Bridgeport newspaper in September 1908, described an Indian basket, “in the possession of Mrs. Julia Athington.” According to the account, the basket was made by “a full-blooded Stratfield [modern-day Bridgeport] Indian,” named Jerry Pann. Pann, who was no longer alive at the time of the article, was also described as the “last of his tribe.” This article described a deceased person as an Indian. It was a not an identification of a contemporary Golden Hill or American Indian entity for 1908 (Unidentified newspaper 9/1908).

The petitioner supplied a partial article, “Golden Hill Indians Disclosed in Trumbull,” from an unidentified newspaper, July 18, 1933, which it claimed described an American Indian entity in 1900 to 1909 because it contains a sentence stating “the remnants of the [Golden Hill] tribe have managed their own affairs” from 1897 to 1933. The petitioner argued this statement established the article as a “retrospective account of the tribe’s activities during prior decades,” and was, therefore, “sufficient to demonstrate (a)” for 1900 to 1909. For the most part, the article concerned the 1933 appointment of “Constable Raymond Beckwith” as “overseer of George Sherman, and his daughter, Mrs. Ethel Sherman Piper Baldwin,” who were portrayed as the “last known survivors of the Golden Hill Indians.” The account also mentioned George Sherman lived on “a two-acre reservation in Trumbull.” Retrospective accounts, however, can qualify as an identification for earlier periods only if the author or speaker was referring to his or her own experience at a preceding time, e.g., the reminiscences of early non-Indian residents of an area. There is no available evidence the author of this article, an unidentified reporter for a local newspaper, had any previous experience with the Golden Hill group. Therefore, this item was not an identification of an American Indian entity in 1900 to 1909 (Unidentified Newspaper 7/18/1933).

### 1910-1919

There was an identification of a “Golden Hill tribe of Indians” for this period.

#### *Federal Documents Submitted*

The petitioner supplied portions of the *Indian Population of the United States and Alaska*, published by the U. S. Bureau of the Census in 1930, as a possible identification for 1910 to 1919. According to the petitioner, the publication “identified 18 Indians in Fairfield County, Connecticut, where [the] Golden Hill Paugussett [was] located, and 12 Indians in New Haven County, where [the] Turkey Hill community [was] located” (Petitioner 2002, PF Summary Chart-Criterion (a)). This 1930 publication, which does not qualify as an appropriate identification for 1910 to 1919, identified only the total number of individuals of Indian ancestry in the two counties. It did not specify the existence of any American Indian entity (U. S. Bureau of the Census 1930c).

#### *State Documents Submitted*

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

The petitioner submitted a Connecticut statute passed in 1918 as a possible identification. The law was contained under Title 48 in a chapter designated “Aliens and Indians,” and was again a re-codification version of the act passed originally in 1876. This particular section of the statute was called “Golden Hill tribe of Indians.” The law permitted the sale of land belonging to the group to support paupers in cases “where the income received by the overseer of the Golden Hill tribe of Indians,” which at that time would have been the Superior Court of Fairfield County, “for the lands or money belonging to that tribe shall be insufficient for their support” (Conn. Legislative Materials 1918).

This proposed finding accepts as a reasonable likelihood, absent a showing to the contrary, that this third re-codification of a law originally passed in 1876 was a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner claims descent. The petitioner and third parties are encouraged to respond to this conclusion by submitting additional evidence or arguments relating to this identification during the comment period on this proposed finding. Such supplementary evidence may create a different record and a more complete factual basis for the final determination. It would also be in the petitioner’s interest to provide further evidence that external observers identified it as an Indian entity between 1910 and 1919.

#### *Newspaper Article Submitted*

The petitioner supplied a partial article, “Golden Hill Indians Disclosed in Trumbull,” from an unidentified newspaper, July 18, 1933, which it claimed described an American Indian entity in the 1910’s because it contains a sentence stating “the remnants of the [Golden Hill] tribe have managed their own affairs” from 1897 to 1933. The petitioner argued this statement established the article as a “retrospective account of the tribe’s activities during prior decades,” and was, therefore, “sufficient to demonstrate (a)” for 1910 to 1919. For the most part, the article concerned the 1933 appointment of “Constable Raymond Beckwith” as “overseer of George Sherman, and his daughter, Mrs. Ethel Sherman Piper Baldwin,” who were portrayed as the “last known survivors of the Golden Hill Indians.” The account also mentioned George Sherman lived on “a two-acre reservation in Trumbull.” Retrospective accounts, however, can qualify as an identification for earlier periods only if the author or speaker was referring to his or her own experience at a preceding time, e.g., the reminiscences of early non-Indian residents of an area. There is no available evidence the author of this article, an unidentified reporter for a local newspaper, had any previous experience with the Golden Hill group. Therefore, this item was not an identification of an American Indian entity in the 1910’s (Unidentified Newspaper 7/18/1933).

#### 1920-1929

There was an identification of the Golden Hill as an American Indian entity for 1920 to 1929.

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### *Federal Documents Submitted*

The petitioner submitted three documents from the Federal Government as possible identifications. The first was a one-page extract from the 1920 Federal census for Fairfield County, Connecticut that listed Aurelius H. Piper, a member of the petitioning group, as a three-year-old resident of the town of Bridgeport. Piper was identified as “Mulatto” in color or race. This document constituted a routine census identification of a single member of the present group in 1920, and was not a description of an American Indian entity (U. S. Bureau of the Census 1920a).

The petitioner supplied portions of the *Indian Population of the United States and Alaska*, published by the Bureau of the Census in 1930, as a possible identification for 1920 to 1929. According to the petitioner, the publication, “identified 29 Indians in Fairfield County, Connecticut, where [the] Golden Hill Paugussett [was] located, and 55 Indians in New Haven County, where [the] Turkey Hill community [was] located” (Petitioner 2002, PF Summary Chart-Criterion (a)). This 1930 publication, which does not qualify as an appropriate identification for the 1920's, identified only the total number of individuals of Indian ancestry in the two counties. It did not specify the existence of any American Indian entity (U. S. Bureau of the Census 1930c).

The petitioner provided a 1924 letter from Ethel Sherman Baldwin to Charles Burke, Commissioner of Indian Affairs, and the response of the Assistant Commissioner, E. B. Meritt as possible evidence for criterion 83.7(a). According to the petitioner, the Baldwin letter described “numerous tribal members using the reservation” and offered “a written account to the BIA of the Trumbull First Selectman’s identification of the Paugussett entity” (Petitioner 2002, PF Summary Chart-Criterion (a)). The letter by Ethel Sherman Baldwin, an ancestor of some members of the petitioning group, concerned a property dispute. In one section of the letter, the author stated: “This selectman told me he didn’t know anything about Indian land. . . . They told me to find out what I could about this Indian land in Nichols, Connecticut.” Elsewhere in the letter, she claimed, “Trumbull authorities say they are willing my Uncle who is the oldest boy and myself go up and clean up the place and make it respectable, but as they were not sure of the law governing Indian land, they told me to try and find out the law.” The author’s description of the public official’s response was only hearsay and not a direct identification of an Indian group. Moreover, a letter by an ancestor of some members of the petitioning group cannot qualify as an external identification of an American Indian entity (Baldwin to Burke 7/1/1924).

In his response to Baldwin, the Assistant Commissioner acknowledged “receipt” of her letter. He stated “the U. S. Bureau of Indian Affairs” had “no jurisdiction over any Indian reservation or land in the State of Connecticut.” He did not specify or describe any particular reservation or American Indian entity in his response. Therefore, the Commissioner’s response was not an identification of an Indian entity (Meritt to Baldwin 7/12/1924).

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### *Documents by Local Government Officials*

The BIA obtained a letter, dated August 30, 1929, written by Arthur J. Hull, an attorney in Bridgeport, Connecticut, to E. A. Judd, an unidentified person, presumably a local official with the Fairfield County government, regarding the collection of property taxes from George Sherman, a resident of the Trumbull reservation and an ancestor of some members of the petitioning group. In the letter, Mr. Hull confirmed “receipt of your letter of August 28th relative to Trumbull taxes assessed against the name of George Sherman requesting that I write you a statement as to the collectibility [*sic*] of the taxes.” Hill also referenced another letter on the same topic he wrote on February 12, 1923, to Branford Beach, perhaps another county official. After searching the Trumbull land records and the files of the Superior Court, the attorney determined title to the land did “not stand in the name of George Sherman,” but “in the name of some trustee of the Golden Hill Indians,” whom he identified as then being the clerk of the Superior Court. Hull concluded:

It is further my opinion that real estate held by a trustee for the benefit of the members of the Golden Hill Indian Tribe is not taxable by the town of Trumbull, and that said taxes heretofore assessed against said George Sherman against said land in Nichols should therefore be abated, and that no taxes should be assessed upon said property against said George Sherman until and unless the record title to said property shall be transferred to said George Sherman (Hull to Judd 8/30/1929).

This document is an identification of a Golden Hill entity for the 1920's.

### *Documents by Scholars*

The petitioner submitted extracts from two books written in the 1920's, both of which contain some information on Connecticut Indians. The first was a one-page selection from George L. Clark's *History of Connecticut* published in 1924. Clark briefly discussed the “Paugussetts, who inhabited Stratford, Huntington, and the surrounding townships” when the colonists arrived in the 17th century (Clark 1924). The second submission was a 33-page excerpt from Volume 1 of Lynn W. Wilson's *History of Fairfield County, Connecticut* published in 1929. This document surveyed various historical Connecticut Indian tribes and their leaders from the 17th century (Wilson 1929). Neither of these selections identified an American Indian entity in the 1920's.

### *Newspaper Articles*

The petitioner submitted seven newspaper articles as possible evidence, none of which identified a contemporary American Indian entity. One partial article, “Indians of Newtown Hills Burned Girl in Ceremonial, Investigators Report,” from the *Bridgeport Sunday Post* for November 16, 1924, recounted the discovery of skeletal remains belonging to a young “Potatuck” female,

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

presumably from the colonial period. It also discussed the historical “Potatucks,” mainly in the 17th and 18th centuries. The article, however, did not identify a Golden Hill or any other American Indian entity from the 1920's (*Bridgeport Sunday Post* 11/16/1924).

The petitioner submitted another article, “Potatuck Wampum Bought Wives as Well as Firewater and Bead,” from the *Bridgeport Sunday Post* for November 30, 1924. The article discussed the historical “Potatuck” tribe, but made no mention of a Golden Hill or any other American Indian entity from the 1920's (*Bridgeport Sunday Post* 11/30/1924).

The petitioner submitted a partial article, “Pequot Swamp Memorial Used as Dump,” October 11, 1925, from an unidentified newspaper. The account mainly discussed the 1637 massacre of the Pequots in Fairfield County. It also described a number of other historical Indian tribes, including the “Pequonnock,” but it did not identify any contemporary American Indian entity (Unidentified Newspaper 10/11/1925).

The petitioner submitted an article, “Last Lineal Descendant of Golden Hill Indians Resides on Farm in Nichols,” from the *Bridgeport Sunday Post* for February 27, 1927. The article briefly described George Sherman, but only as “one who is said to be the last descendant of the once famous Golden Hill Indians.” It also referred to George Sherman as “living on the ancestral farm at Nichols.” The article did not, however, describe the farm as a State reservation. The article gave a brief history of the “Golden Hill Indians” up to the 20th century, but made no mention of an existing American Indian entity in 1927. It referred to Thomas Sherman, an alleged ancestor of some members of the petitioning group, who died in the early 19th century, as “the last owner of the Golden Hill Reservation.” The article also inaccurately identified William Sherman, an ancestor of some members of the petitioning group, who died in 1886, as “the sole claimant of the money from the sale of Golden Hill.” At no time did the article describe a tribe or reservation in the 1920's. Therefore, this account was not an identification of an American Indian entity (*Bridgeport Sunday Post* 2/27/1927).

The petitioner submitted two articles, “Old Stone Game Board Is Included in Connecticut Indian Collection” and “Indians Begin Court Action to Regain Connecticut Land,” from the *Bridgeport Sunday Post* for February 3, 1929. The first article was about a collection of “Indian relics owned by Benjamin F. Hubbell” of Waterbury, Connecticut. The collection included various items once belonging to the historical “tribes of Indians” in Connecticut. While the article described numerous Indian artifacts, it did not discuss or name a contemporary American Indian entity. The second article was about the efforts of “several tribes of Indians, including the Stockbridge, Brotherton, and Munsee factions round Stockbridge, Wisconsin” to file legal claims for two million acres of land in Connecticut. The article, however, did not identify an antecedent group of the petitioner in Connecticut during the 1920's. Therefore, these two articles were not identifications of an Indian entity (*Bridgeport Sunday Post* 2/3/1929).

The petitioner supplied a partial article, “Golden Hill Indians Disclosed in Trumbull,” from an

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

unidentified newspaper, July 18, 1933, which it claimed described an American Indian entity in the 1920's because it contains a sentence stating “the remnants of the [Golden Hill] tribe have managed their own affairs” from 1897 to 1933. The petitioner argued this statement established the article as a “retrospective account of the tribe’s activities during prior decades,” and was, therefore, “sufficient to demonstrate (a)” for 1920 to 1929. For the most part, the article concerned the 1933 appointment of “Constable Raymond Beckwith” as “overseer of George Sherman, and his daughter, Mrs. Ethel Sherman Piper Baldwin,” who were portrayed as the “last known survivors of the Golden Hill Indians.” The account also mentioned George Sherman lived on “a two-acre reservation in Trumbull.” Retrospective accounts, however, can qualify as an identification for earlier periods only if the author or speaker was referring to his or her own experience at a preceding time, e.g., the reminiscences of early non-Indian residents of an area. There is no available evidence the author of this article, an unidentified reporter for a local newspaper, had any previous experience with the Golden Hill group. Therefore, this item was not an identification of an American Indian entity in the 1920's (Unidentified Newspaper 7/18/1933).

### 1930-1939

#### *State Identifications*

There were several identifications by the State in this decade.

In 1930, the State passed another law that directly referred to the “Golden Hill tribe” (Connecticut Statutes, Revision of 1930, Title 51, Chapter 272, Section 5059). A re-codification of the 1918 legislation, the law allowed the sale of “Golden Hill” land to support paupers in cases “where the income received by the overseer of the Golden Hill tribe of Indians,” which at that time would have been the Superior Court of Fairfield County, “for the lands or money belonging to that tribe shall be insufficient for their support.”

This proposed finding accepts as a reasonable likelihood, absent a showing to the contrary, that this fourth re-codification of a law originally passed in 1876 was a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner claims descent. The petitioner and third parties are encouraged to respond to this conclusion by submitting additional evidence or arguments relating to this identification during the comment period on this proposed finding. Such supplementary evidence may create a different record and a more complete factual basis for the final determination.

From 1935 to 1941, the State Park and Forest Commission was in charge of Indian affairs in Connecticut. In 1939, the Golden Hill group was mentioned during legislative hearings on Indian reservations. During the proceedings, the Secretary of the State Park and Forest Commission reported:

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

About four years ago a bill was passed providing that this land be used by the three tribes of Indians of this state. Recently it was discovered that there was another tribe, called the Golden Hill tribe, making four tribes in all. As a result the commission has another tribe of Indians on its hands, who have no funds (Conn. Legislative Materials 1939).

Also included are an official report from the State Park and Forest Commission and a letter from the Connecticut attorney general regarding ownership of the Golden Hill property in Trumbull, both of which specifically identified the group (Conn. Legislative Materials 5/1/1939, 5/25/1939).

#### *Newspaper Identifications*

There were several newspaper articles that described an entity. One in July of 1933 described the State appointment of an overseer for “the Golden Hill Indians at their reservation in Trumbull due to the application of Ethel Sherman Piper Baldwin, the daughter of George Sherman, the aged head of the tribe” (*Bridgeport Post* 7/17/1933). Another article in October of 1933 announced the following:

Once more Fairfield County takes rank among those having full-fledged Indian Tribes. Fortified by Court order, with an Indian Overseer appointed, and by a vote of more than 20 tribal chiefs assembled in New York from all parts of the United States, one acre of land in Nichols is denominated the Golden Hill Indian Reservation” (*Bridgeport Post-Telegram* 10/4/1933).

Two newspaper accounts in February 1939 from the *Thames Star* detailed a dispute between Ethel Sherman and her brother, Edward Sherman, over the “tribe’s property in Nichols.” According to one article, a selectman for the town of Trumbull informed Edward “that the property was not his, but that of the tribe” and reminded him “that his sister Ethel Sherman of Bridgeport has just as much right to the land.” Elsewhere the article stated, “It has also been learned that some survivors of the tribe live in Huntington” (*Thames Star* 2/9/1939, 2/10/1939). Another newspaper article in the same month portrayed efforts by the town of Trumbull to “get rid of . . . the Indian reservation,” which is described as a “half-acre plot of the Golden Hill tribe” (*Bridgeport Post-Telegram* 2/17/1939).

#### 1940-1949

#### *Federal Identifications*

There were two Federal identifications of an entity. In 1947, William H. Gilbert, a researcher for Legislative Reference Service of the Library of Congress, published a *Synoptic Survey of Data on the Survival of Indian and Part-Indian Blood in the Eastern United States*. By analyzing census

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

data from 1930, he confirmed the

total number of Indians for Connecticut . . . was 162. These were mostly scattered in a few settlements along the sea coast in New Haven and New London counties. The largest concentration is in the Groton area near New London where the Mohegan-Pequot tribesmen still survive. A small colony of Scaticook Indians is also to be found at Kent where the Housatonic River wends westward almost to the New York Border. Also located in western Connecticut are the Paugussett (Gilbert 1947).

The following year, Gilbert again identified a “small group [of Indians] on land of the Paugussetts near Bridgeport,” in a report on “Surviving Indian Groups of the Eastern United States” for the Smithsonian Institution (Gilbert 1948).

### *State Identifications*

There are several State identifications of a Golden Hill entity in the 1940's. In 1941, responsibility for Connecticut's Indian reservations shifted to the Office of the Commissioner of Welfare, which generated several records pertaining to the Golden Hill reservation during the decade. Among them are official reports listing the number of residents and the value of real estate on the reservation belonging to the “Golden Hill tribe” (Conn. Documents 1941-1943). Two other State documents with specific identifications are letters from Clayton S. Squires, Director of State Aid, regarding the ongoing dispute over property rights between Edward Sherman and Ethel Sherman to the “Golden Hill Reservation located in the town of Trumbull” (Conn. Legislative Materials 7/24/1941, 9/4/1946).

### 1950-1959

All of the identifications for this decade are from the State. Included are yearly reports on the “Golden Hill tribe,” 1953-1959, from the Indian Records of the State Commissioner of Welfare. The records list receipts, expenditures, assets, acreage and property, appropriations, and residents of the “Golden Hill Reservation” (Conn. Documents 1953-1959). There is also a letter from Herbert Barrell, Chief of Resources and Reimbursements for the Welfare Department, to an attorney representing Ruth Piper Maxwell and Aurelius H. Piper, two members of the Golden Hill group. Both Maxwell and Piper were staking a claim to the reservation property in Trumbull, Connecticut, then inhabited by Edward Sherman, their uncle. Barrell informed the attorney he was correct in his

understanding that Edward L. Sherman, their uncle, presently is residing in the house standing on the lot which is the last remnant of the old Golden Hill

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Reservation.<sup>2</sup> We cannot, however, give any type of certification of the interest in the property of your clients in view of the number of other possible claimants, known and unknown, who might also have an interest by virtue of being members of the Golden Hill Tribe (Conn. Documents 10/15/1959).

### 1960-1969

#### *State Identifications*

There are numerous State identifications in this decade. In 1961, Connecticut passed a law entitled “An Act Concerning the Management of Indian Reservations,” which established rules for residence on its reservations and defined the role of the Welfare Department in the care and management of buildings, lands, and group funds. This legislation specifically identified the “Golden Hill reservation in the town of Trumbull, assigned to the Golden Hill tribe” (Corporate Resolution Documents 1961). The Welfare Department also generated numerous identifications in correspondence, interdepartmental memorandums, and yearly reports that addressed such issues as repairs to housing and other routine matters regarding the “Golden Hill Reservation” and the “tribe” (Conn. Documents 8/22/1960, 11/15/1960, 11/21/1960, 11/25/1960, 7/6/1961, 7/31/1963, 6/18/1969, 6/19/1969; Conn. Legislative Materials 7/2/1969). In 1969, the Connecticut State Register and Manual, under the section for “Connecticut Indians,” listed the “Golden Hill Reservation” in Trumbull and the total number of residents (Conn. Legislative Materials 1969).

### 1970-1979

#### *Federal Identifications*

For this period, there were three Federal identifications. In 1972, the Bureau of Indian Affairs published a study entitled *American Indians and Their Federal Relationship* (BIA 1972). The work listed the “Paugussett (Golden Hill Reservation)” in Connecticut and described the group as having five members who had “never received Bureau of Indian Affairs services.” Three years later, Congressman Ronald Sarasin of Connecticut wrote the Congressional Affairs Officer at the Bureau of Indian Affairs to ascertain if “unrecognized tribes” like the “the Paugussett Nation, and “other Connecticut tribes” were eligible for any Federal programs (Federal Documents 7/7/1975). Shortly after writing this letter, Sarasin received a letter from George Clark, the Acting Director of the Office of Native American Programs in the Department of Health, Education, and Welfare, regarding the availability of programs for the Golden Hill from his agency. Clark provided Sarasin this information:

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<sup>2</sup>The Trumbull property was not part of the old Golden Hill reservation in Bridgeport, Connecticut, but was the 1/4 acre in Trumbull, Connecticut, purchased by William Sherman in 1875, which the State designated a reservation in 1933.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Unfortunately, due to the small size of the Golden Hill Indian Reservation, our present funding circumstances prohibit any direct funding to the tribe except through these consortium arrangements. In this regard, the Connecticut Paugussett Nation is already being funded by this Office as a member entity of the Coalition of Eastern Native Americans (Federal Documents 7/23/1975).

For 1978, there is a letter from Gregory Buesing, Indian Task Force Coordinator for the Federal Regional Council of New England, to Aurelius Piper, a member of the group. The letter discussed future funding from the Administration for Native Americans and other Indian organizations for the “Golden Hill” or “Paugussett Tribe” (Chief Big Eagle’s Documents 11/18/1978).

#### *State Identifications*

For these years there were numerous identifications from the State. In 1973, legislation establishing the Connecticut Indian Affairs Commission (CIAC) specifically mentioned the group and its reservation (Conn. Legislative Materials 1973). One year later, the legislature officially gave the “Golden Hill Paugussett” representation on this agency (Conn. Legislative Materials 1974). For 1971 and 1976, the Connecticut State Register and Manual, under the “Connecticut Indians” section, identified the “Golden Hill Reservation” and its total number of residents (Conn. Documents 1971; Conn. Legislative Materials 1976).

In 1976, Governor Ella Grasso wrote the Federal Office of Revenue Sharing, and affirmed the “Golden Hill-Paugussett” and other Connecticut tribes with “tribal governing bodies which exercise[d] substantial governmental functions” were eligible for Federal revenue sharing. The Governor listed the Golden Hill population as 18 (Conn. Documents 1976).

When Connecticut established the CIAC, the new agency became part of the Department of Environmental Protection (DEP), which generated many documents identifying the Golden Hill group and its reservation in Trumbull. Included among the records from the 1970's are interdepartmental memorandums, annual reports, and general correspondence. From 1976 to 1977, many of these documents dealt with the construction of a new house on the Golden Hill reservation in Trumbull and a controversial boundary dispute between the group and a neighbor on the adjoining property. The records routinely referred to the “Golden Hill Reservation,” the “Golden Hill Tribe,” or the “Golden Hill-Paugussett Nation” (Conn. Legislative Materials 11/22/1976, 4/13/1977a, 4/13/1977b). In 1978 and 1979, most of these items dealt with the group’s attempts to buy additional reservation land, which it eventually did in Colchester, Connecticut (Chief Big Eagle’s Documents 6/14/1978a, 6/14/1978b, 9/28/1978, 9/29/1978, 2/13/1979, 4/18/1979).

A 1979 report prepared for the CIAC, provided a historical overview of the Golden Hill from the colonial period to 1979. On page 13, the author made this statement:

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The basic goal of the tribe, as expressed by the Golden Hill Tribal Council, is to develop an opportunity for its 78-80 members to live and work together as a tribe, helping to preserve the native culture of the tribe as well as to help it become self-sufficient (Guillette Soulsby 1979).

### *Identifications by Scholars*

There were two identifications by scholars for the period. In 1972, Theodore Taylor, an expert on Indian policy and a former Deputy Commissioner of Indian Affairs, identified the group in his book, *The States and Their Indian Citizens* (Taylor 1972). The book also quotes the commissioner of Connecticut's welfare department as saying the "Golden Hill" was one of the State's four tribes on reservations. A publication by the Smithsonian Institution, *Handbook of North American Indians*, discussed the Golden Hill entity in an essay on the Indians of Southern New England and Long Island. It described the group as having a "very small" reservation and "50 persons" on its "tribal list" (Conkey, et al. 1978).

### *Newspaper and Magazine Identifications*

There were numerous identifications of the group in newspaper and magazine articles. In 1973 and 1974, many of the accounts involved the creation of the Connecticut Indian Affairs Council and the Golden Hill gaining representation on the State agency. The articles frequently referred to the "Golden Hill tribe" and the "Golden Hill reservation." Estimates of the group membership ranged from 50 to 100 persons (*Bridgeport Post* 1/23/1973, 7/22/1973, 3/6/1974; *Bridgeport Telegram* 4/20/1974; *Connecticut* 5-6/1974).

The construction of a new house on the reservation in Trumbull and a boundary dispute between members of the group and a neighbor produced extensive newspaper and periodical coverage from 1975 to 1977. The stories routinely referred to the "Golden Hill Indians," the "Golden Hill Paugussett," and the "Golden Hill Indian reservation" (*Trumbull Times* 2/27/1975, 11/3/1976, 6/30/1977; *Bridgeport Post* 10/17/1976, 10/29/1976, 12/14/1976; *Connecticut* 5/1977).

## 1980-1989

### *State Identifications*

Numerous identifications came from the State during this period. The legislature passed three public acts, all of which referred to the "Golden Hill Paugussett" and the "Golden Hill Paugussett reservation." The first, passed in 1981, amended the act establishing the Indian Affairs Council. It also permitted an official name change for the group to "Golden Hill Paugussett," and recognized its acquisition of additional land in Colchester, Connecticut as a State reservation (Conn. Legislative Materials 1981a). A special act passed in 1984 permitted the conveyance of the State's interest in the group's Trumbull land to "the Golden Hill Paugussett Indian Tribe"

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

(Conn. Legislative Materials 6/15/1984). Finally, in 1989, the State enacted a law creating a Native American heritage advisory council to make recommendations on Indian heritage to the State archeologist and the Connecticut historical commission. The council was to have one representative from each of Connecticut's four "indigenous tribes," including the "Golden Hill Paugussett" (Conn. Legislative Materials 7/7/1989).

In 1982 and 1983, the Connecticut State Register and Manual, under the section for "Connecticut Indians," listed the "Golden Hill" reservations in Trumbull and Colchester and the number of residents on each (Conn. Legislative Materials 1982, 1983). Governor William A. O'Neill issued an "Indian Day" proclamation in September 1986 that specifically identified the "Golden Hill Paugussett" as one of the "officially recognized Connecticut tribes" (Conn. Documents 1986). The Connecticut Indian Affairs Council and the Department of Environmental Protection also produced a number of documents identifying the "Golden Hill Paugussetts" and the two "Golden Hill" State reservations (Whitham to Aurelius Piper, Sr. 8/17/1983; Conn. Legislative Materials 5/9/1984, 1/18/1989; Chief Big Eagle's Documents 9/5/1986).

#### *Identifications by Scholars*

Two scholarly works identified the Golden Hill entity in the 1980's. In 1982, Neal Salisbury, in his *The Indians of New England*, included a map labeled "The Indians of New England—The Modern Communities" showing a "Golden Hill" entity in Fairfield County, Connecticut (Salisbury 1982). In the same year, Alvin M. Josephy, in *Now That the Buffalo's Gone: A Study of Today's American Indians*, declared:

For many years, schoolchildren were taught that the last Indians in that county [Fairfield] had died generations ago. But descendants of original tribes are still there, most notably one hundred fiercely proud Paugussetts, who long before the founding of the American Republic inhabited the Bridgeport-Trumbull-Stratford area. Still possessing a small reservation in Trumbull, they maintain cohesion as an Indian tribe under a hereditary chief whom they call Big Eagle, and participate in national intertribal affairs (Josephy 1984).

#### *Newspaper Identifications*

During the decade, newspaper articles provided extensive coverage of the Golden Hill group, many of which focused on its acquisition of additional land in the town of Colchester, Connecticut, and the question of State Police jurisdiction over the property. These accounts regularly referred to the group as "the Golden Hill Paugussett Indians" or the "Golden Hill Paugussett Tribe," and estimated its membership from 80 to 100 persons (*Hartford Courant* 3/31/1981, 7/15/1984; *New York Times* 4/5/1981, 7/12/1981, 7/22/1984; *The Day* 10/2/1983, 12/31/1983; *Sunday Bulletin* 12/16/1984).

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### *Identification by an Indian Organization*

There was one identification by an Indian organization. It is an information memorandum prepared for the Connecticut House Appropriations Committee by the Indian Law Project in Meriden, Connecticut. The 1981 document referenced “the Golden Hill Paugussett” several times, and discussed their history and reservations in Trumbull and Colchester (Conn. Legislative Materials 1981b).

### 1990-Present

#### *State Identifications*

In 1991, Connecticut revised its main law involving Indians. The new law described the “Golden Hill Paugussetts” as one of the “indigenous tribes” recognized by the State as a “self-governing” entity “possessing powers and duties over tribal members and reservations” (Indian Tribe Reaches Out 1991). During the 1990's, there were further identifications from the Connecticut Indian Affairs Council and its parent organization, the Department of Environmental Protection. These documents mostly concerned the efforts of Golden Hill group member Kenneth H. Piper (Moon Face Bear) to negotiate a contract for a gambling casino on the Colchester reservation during the early-1990's. They routinely referred to the “Golden Hill Paugussett Reservation” in Colchester (Corporate Resolutions 7/12/1990, 7/26/1990, 7/27/1990).

#### *Identification by a Scholar*

There was one identification by a scholar. In 1992, Franz Laurens Wojciechowski published the *Ethnohistory of the Paugussett Tribes: An Exercise in Methodology*. The book was based on seven periods of fieldwork among the Golden Hill Paugussett from 1980-1988, supplemented by extensive research in libraries and archives. It was an ethnohistory of the four historical Paugussett tribes from first sustained contact with non-Indians to contemporary times. The chapter on the “Golden Hill Paugussett,” who were originally called the Pequannock,<sup>3</sup> focused on sociopolitical organization, subsistence, language, history, and miscellaneous matters. In discussing the modern Golden Hill group (1974 to 1992), the author described its leadership, residential patterns in the “greater Bridgeport area,” and efforts to protect the Trumbull reservation from encroachment. He estimated the group’s population in the early 1970's at 50. For the 1980's, he claimed the population was 120 (Wojciechowski 1992).

#### *Newspaper and Magazine Identifications*

From 1990 to 1994, there was extensive newspaper and periodical coverage of the group’s efforts to establish a casino on the Colchester reservation and to initiate several land claim suits against

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<sup>3</sup>Also spelled Pequonnock.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

towns in Fairfield County, Connecticut. The accounts regularly described a “Golden Hill Paugussett” entity and its leadership. Estimates of the tribal membership in these articles ranged widely from 80 to 300 persons (*New York Times* 3/18/1990, 7/10/1990, 8/11/1991, 1/3/1993; *The Day* 7/26/1990; *Connecticut Law Tribune* 8/20/1990, 3/11/1991, 6/24/1991, 9/14/1992; *The New Journal* 9/7/1990; *Hartford Courant* 9/19/1990, 9/21/1990; *Bridgeport Post* 4/15/1992; *Connecticut Post* 9/11/1992, 2/5/1993, 3/5/1993, 6/17/1993; *Stamford Advocate* 11/3/1992; *Connecticut* 3/1993; *New York* 7/12/1993; *New Haven Register* 7/19/1993; *Waterbury Republican* 7/13/1994).

More recent newspaper articles, focusing on the group’s plans to open a casino in the town of Bridgeport and its quest for Federal acknowledgment, also identified an American Indian entity. These stories frequently identified the group as the “Golden Hill Paugussetts” or the “Paugussett tribe” (*Connecticut Post* 7/18/2002, 7/21/2002, 7/26/2002, 8/12/2002).

Since the 1900, one of the petitioner’s claimed antecedent groups, generally called the “Golden Hill Indians” until the mid-1970’s, and the “Golden Hill Paugussett” since that time, has regularly been identified as an Indian entity. The majority of the identifications specifically included some of the petitioner’s direct ancestors as members of that entity. Therefore, the petitioner has met the requirements of criterion 83.7(a).

The available identifications apply to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner’s current membership claims descent. The available identifications do not pertain to the portion of the group, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. For criteria 83.7(b) and (c), the available record does not demonstrate that a Golden Hill group and a Turkey Hill group ever actually combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observer at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single autonomous Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900.

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**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.**

*Methodology for Historical Community, 1630's to 1802*

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). In previous decisions for the colonial period to the early 19th century, the evaluation of community was not limited to the specific forms of evidence listed in 83.7(b), but appraised more generally, under the definition of community in 83.1. This approach is reflected in the preamble to the 1994 regulations. It states the following:

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 38, 2/25/1994, 9287).

The relevant language 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)).

From the 1630's to 1802, tribal continuity is evaluated by examining evidence of community over time and descent from the historical tribe. For earlier historical periods, in which the documentary record is often limited, continuity can be viewed more clearly by looking at combined evidence rather than by attempting to discern if an individual item provides enough information to demonstrate the petitioner meets a specific criterion at a certain date. Therefore, the discussion of community between 1637 and 1802 presents selected “high points” in chronological order to show how the evidence is being evaluated.

*The Petitioner's Definition of Historical Community*

In 2002, the petitioner defined its historical community in this fashion:

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

This petitioner, the historical Golden Hill Paugussett tribe, has been in sustained contact with non-Indian settlers since 1637– a period of 363 years. The historic Golden Hill Paugussett tribe was located in the southwestern Connecticut, along the lower reaches of the Housatonic River valley and the Naugatuck River valley to Long Island Sound, in the geographical region of New England. This is a location in which, since colonial times, a substantial number of written records, whether colonial or local, state or Federal, civil or ecclesiastical, have been both generated and preserved (Petitioner 2002, PF Summary Chart-Criterion (b)).

The petitioner further asserted:

The historic tribe from which descent is shown is the Golden Hill Paugussett tribe from the Paugussett communities and reservation lands in Trumbull and Orange, Connecticut. All members of this petitioner descend from either William Sherman, a member and leader of the Golden Hill Paugussett community in the 19th Century, or from Levi Allen and Delia Freeman/Myrrick. Levi Allen and Delia Freeman/Myrrick's daughter, Eliza Franklin, was identified by the State Overseer of the Turkey Hill Paugussett community as a Turkey Hill Indian (Petitioner 2002, PF Summary Chart-Criterion (e)).

#### *Historical and Geographical Orientation of the Paugussett Tribes during the Early Historic Period*

The most authoritative account of the early history of the lower Housatonic River tribes known today as the Paugussetts, upon which this discussion mainly relies, is Franz L. Wojciechowski's *Ethnohistory of the Paugussett Tribes*, published in 1992. The study, the author's doctoral thesis in cultural anthropology, drew on several periods of extensive fieldwork with the Golden Hill petitioner and archival research in libraries in New York and Connecticut. His detailed analysis of colonial deeds and government documents rectified numerous longstanding misconceptions and factual inaccuracies about the historical and geographic origins of the historical Paugussett tribes held by a number of scholars since the middle of the 19th century (Wojciechowski 1992, 1-4, 19-38, 96-100).

At first sustained contact with non-Indians in the 1630's, the tribes of colonial Connecticut now commonly known as the Paugussetts inhabited the regions of the lower Housatonic River. Long Island Sound marked the southern boundary of the tribes. The western boundary along the coastline was near the Saugatuck River east of the Norwalk River and the present-day town of Norwalk, a region inhabited by the Norwalk Indians, who had ties to the Hudson River Indians. From there northward, the western territory encompassed "the area north of Ridgefield up to the Kent area" and "extended westward a few miles across the present-day New York-Connecticut border" (Wojciechowski 1992, 12-14).

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

As defined by Wojciechowski, the northern boundary of the Paugussetts extended “northward [from Kent] almost to the present Connecticut-Massachusetts border, and about ten miles eastward of the Housatonic at that point” (Wojciechowski 1992, 14-16). The northeastern boundary was roughly “in the upper Naugatuck River area” near the modern towns of Torrington and Litchfield with some “overlap” between the Paugussetts and the Tunxis Indians, a Connecticut River tribe. To the south of the town of Naugatuck, the eastern boundary generally ran just east of the Naugatuck River in the “Shelton-Derby-Milford area.” The coastal area around the Quinnipiac River, however, belonged to the “Connecticut River tribes and not with the lower Housatonic River Paugussett” (Wojciechowski 1992, 16-18).

According to Wojciechowski, the “closely related Indian tribes of the lower Housatonic River valley are nowadays usually collectively referred to as ‘Paugussett’” (Wojciechowski 1992, 39). During the early colonial period, however, this term was applied to “only one of these tribes, namely the tribe that had its headquarters at ‘Pagaset,’ a place at the junction of the Housatonic and Naugatuck Rivers near present-day Derby.” Because the use of that term to describe all the “tribes collectively” and “one individual tribe” might have caused confusion for his readers, Wojciechowski decided to refer to all the tribes collectively as the “Paugussett Nation,” and to the tribe that had its headquarters in Derby during the colonial period as the “Paugussett proper” (Wojciechowski 1992, 39).

While using the term “Paugussett Nation” in this manner, Wojciechowski never intended to suggest the existence of a political confederacy among the tribes, even though they were closely related by cultural and linguistic ties. Several years after writing the book, he explained:

[B]y using the term “Paugussett Nation” . . . no political unity, or a Paugussett “Confederacy” under a paramount chief was implied. In the same sense, collective terms such as Delaware, Abenaki and Wampanoag have been and still are being used in the professional literature to refer collectively to a number of closely related “tribes,” without implying political unity (Wojciechowski to the *Waterbury Republican* 6/13/2001).

Rather than a confederacy, Wojciechowski identified four separate historical tribes: the Potatuck, Weantinock, the Paugussett proper, from which the historical Turkey Hill Indians evolved, and the Pequannock<sup>4</sup>, from which the historical Golden Hill Indians emerged (Wojciechowski 1992, 39-48). Since the petitioner claims no ancestry from the historical Potatuck and Weantinock tribes, and no evidence in the available record demonstrates a connection with them, this analysis will focus only on the geographical and historical orientation of the historical Paugussett proper and the Pequannock.

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<sup>4</sup>Also spelled Pequonnock.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Wojciechowski delineated the territory of the Paugussett proper by analyzing the deeds of land transactions between their chiefs and the early settlers. He concluded the boundaries of the Paugussett proper were generally as follows:

East of the Housatonic River below present-day Derby, these deeds are for the area now comprised by the towns of Milford and Orange. In the area east of the Naugatuck River and north of Milford they cover the area northward to the southern boundary of the present township of Waterbury, and eastward to the eastern bounds of the Paugussett ‘Nation’. . . . West of the Naugatuck River between Waterbury in the north and Derby in the south the area covered by the deeds of the Paugussett proper extends some three to four miles westward. West of the Housatonic River the deeds of the Paugussett tribe are for the whole of the present-day Shelton, the eastern part of Monroe, northeastern Trumbull, and that part of Stratford which lies north of Mill River (Wojciechowski 1992, 41).

The geographic boundaries of the Pequannock territory “included the area west of the Housatonic, bounded by the present-day towns of Newtown and Danbury in the north, and the Fairfield-Norwalk border in the west, with the exception of the territory covered by Shelton, eastern Monroe, northeastern Trumbull, and northern Stratford, which belonged to the Paugussett proper” (Wojciechowski 1992, 44).

According to Wojciechowski, John DeForest in his 1852 study of Connecticut Indians incorrectly contended the territory of the Paugusset proper “included the remaining parts of Stratford, Trumbull, and Monroe, and parts of Bridgeport as well.” DeForest also mistakenly believed the Indians in these areas were called Paugussetts until non-Indians began calling them Golden Hill Indians after the section of Bridgeport that housed the reservation formally set aside by the colony for their use in 1659. DeForest labored under another misconception that the Golden Hill Indians were merely a subdivision of the Paugussett proper. By analyzing various deeds and other documents, Wojciechowski, however, convincingly argued the Golden Hill Indians were actually derived from a separate tribe with a distinct group of leaders who always referred to themselves as Pequannock (Wojciechowski 1992, 42-43, 126-127, 148-149, 156-159; DeForest 1852, 269-270).

In addition, the Pequannock contained “some subdivisions or local groups known by local appellations.” These groups included the Sasqua, Uncaway, Cupheag, and Aspetuck. Along the coast, the Sasqua inhabited the region up to the Saugatuck river area. The Cupheag resided in southern Stratford, while the Uncaway lived in Fairfield. The Aspetuck dwelled along the Aspetuck river “in the border area of present-day Weston, Westport, and Fairfield” (Wojciechowski 1992, 42-43; see also Schenck 1889, 3; Wilcoxson 1939, 3-4).

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### *History of the Paugussett Proper and the Turkey Hill Indians, 17th and 18th Centuries*

When the Paugussett proper first encountered English settlers in the 1630's, the tribe was organized socially among a number of villages. Like many Indians of Southern New England, the inhabitants of these villages relied on hunting, fishing, and agriculture for subsistence (Wojciechowski 1992, 49-53). In the early 1600's, the population of the Paugussett proper may have been around 1500. They spoke an eastern Algonquian language that most likely became extinct in the early 19th century (Wojciechowski 1992, 53-54).

Colonization of the Paugussett proper lands began in earnest in 1639, when English settlers purchased the town of Milford. By the mid-1660's, most of their territory south of the confluence of the Housatonic and Naugatuck Rivers had been taken by the colonists through a variety of land sales (Wojciechowski 1992, 55). By 1710, the tribe had been largely reduced to two reservations, established in 1680, consisting of about 100 acres each—Coram Hill in the area of colonial Stratford which is present-day Shelton, and Turkey Hill in the portion of colonial Milford which represents the modern town of Orange. Another small reservation called Naugatuck existed in the section of colonial Derby which is now the eastern part of the town of Seymour (Wojciechowski 1992, 56-57; Conn. Documents 5/13/1680, 8/17/1680).

Coram Hill and Turkey Hill were distinct politically and legally from the Golden Hill reservation established much earlier among the Pequannocks in their territory. Indeed, the resolve of the General Court granting the land for the Coram Hill and Turkey Hill reservations clearly identified the Paugussetts who were to settle on those lands as a separate entity from the Pequannock who already resided on the Golden Hill reservation formed in 1639 (Wojciechowski 1992, 126-127; Conn. Documents 5/13/1680).

By 1710, as disease, migration, or land encroachment by the settlers exacted their toll, the overall Paugussett proper population had fallen to 25 families or 150 people. The Turkey Hill reservation had dwindled to only 8 or 10 families (Wojciechowski 1992, 56; Stiles 1916, 437). The tribe apparently held together as a viable political unit until 1731, when Kockapatana, the sachem died. Connecticut eventually appointed agents or guardians to manage the remnants of the group. The Coram Hill community gradually disintegrated and colonists acquired the reservation in 1735. Between 1785 and 1790, most of the inhabitants of the Naugatuck community migrated to the Schaghticoke community near Kent, which had mainly evolved from elements of the Weantinock and Potatuck. A smattering of families continued a tenuous existence in the present-day Seymour area until the early 1830's, when an epidemic struck and killed almost all of them. (Wojciechowski 1992, 57-58; Stiles 1916).

A few families remained at the Turkey Hill Reservation until 1825-1826 when most of the land, about 90 acres, was sold. The last seven or so acres were sold in 1871, upon the petition of five individuals, described as the “sole survivors” of the tribe. According to the petition, no members of the “said tribe” had resided on the land “for more than twenty years,” and its sale was expected

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

to generate an annual income for the group when invested. While scattered descendants of the Turkey Hill Indians later survived in Connecticut, the evidence does not demonstrate the group existed in any viable sense as an entity after this transaction, and there was no State relationship with the Turkey Hill Indians after this date (Wojciechowski 1992, 57-58; Conn. Documents 5/4/1825; Petitioner 10/1/1999, Exhibit 519; CTAG 9/17/2001, Exhibit 45). The record contains no data concerning administration of the money generated by the 1871 sale.

Evidence of separate social community among the Turkey Hill Indians during this period, however, does not demonstrate tribal continuity among the Golden Hill group. The families at Turkey Hill evolved from the Paugussett proper, while those living at Golden Hill were originally part of the Pequannock, a separate tribe. The colonial (and later State) authorities always viewed and identified the Turkey Hill community as a separate legal and political entity from the Golden Hill reservation. Both reservations had separate colonial (later State) appointed guardians and were treated in the colonial records as distinct and separate groups of people (Wojciechowski 1992, 126-127 148-149, 156-159; Siefer 12/3/1995, Appendices 2-9, 11).

Moreover, no firm evidence in the record exists of consistent interactions and significant social relationships between the Turkey Hill and Golden Hill communities after the establishment of their reservations. The petitioner will need to submit evidence that demonstrates such interactions and relationships. Nor does the documentary record demonstrate the Golden Hill exercised any political influence or authority over the Turkey Hill group, or vice versa, as discussed in the Description and Analysis for criterion 83.7(c). The available evidence does not demonstrate the two groups functioned as a single autonomous political entity. Such evidence of political amalgamation needs to be submitted. Therefore, the existence of separate social community among the Turkey Hill Indians does not demonstrate criterion 83.7(b) for the Golden Hill entity during the 17th and 18th centuries.<sup>5</sup>

In addition, the portion of the Golden Hill group that at presents claims descent from the historical Turkey Hill has not demonstrated descent from the historical entity. The available record does not demonstrate that this portion of the present GHP has ever functioned as a group entity in connection with the other. Finally, the available record does not demonstrate there was any continuous government-to-government relationship between the State and a recognizable Turkey Hill Indian entity after 1871.

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<sup>5</sup>A somewhat similar historical analogy can be seen in the evolution of the Western Pequot and Eastern Pequot tribes. The colonial government of Connecticut granted separate reservations to these two groups, although both evolved from the same historical tribe. Thereafter, Connecticut treated both tribes as distinct legal and political entities. The Western Pequot obtained legislative recognition in 1983, while the historical Eastern Pequot received a separate positive final determination finding from the BIA in 2002.

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### *History of the Pequannock and the Golden Hill Indian Community, 1637 to 1730's*

The name Pequannock refers to the entire tribe and to the tracts of land or villages that existed within their territory along the Pequonnock River in modern-day Bridgeport. Using “various sources,” Wojciechowski identified five such villages during the early colonial period:

There were settlements at Cupheag in southern Stratford near the Housatonic River, at Pequannock on Golden Hill in present-day Bridgeport, on the west side of Ash Creek where the chief sachem lived, in the Black Rock area, at Sasqua in Southport and at Aspetuck. The last two were villages of the Sasqua subdivision (Wojciechowski 1992, 60).

The Pequannock generally relied on agriculture, hunting, and fishing for subsistence. The tribe also maintained “semipermanent villages.” During the summer, they established villages along coastal areas where they clammed and fished and set up planting grounds. In the winter, they moved inland to hunting grounds. Secondary sources and documentary evidence suggest this practice of operating separate winter and summer villages may have prevailed as late as the 1760's, when the main remnant of the historical tribe resided at the Golden Hill reservation in part of what is now Bridgeport (Wojciechowski 1992, 61; Conn. Documents 10/25/1765; Orcutt 1886, 2).

The tribe very likely maintained at least three large burial grounds, one of which was situated in the Golden Hill reservation area, well after first contact with English settlers. There is also some evidence of Pequannock religious ceremonies taking place in the tribal territory as late as the 1690's. Secondary sources suggest these ceremonies may have lasted anywhere from a few hours to several weeks (Wojciechowski 1992, 62). The Pequannock spoke eastern Algonquian, although by the early 19th century the language had become extinct due to population decline (Wojciechowski 1992, 64-65).

At the time of first sustained contact, the Pequannock Indians probably numbered about 1,500. They first encountered English settlers in 1637 during the Pequot war. In that year, a contingent of Pequot warriors fled westward after colonial soldiers had destroyed their village at Mystic. English troops pursued them into Pequannock territory to Sasqua Swamp, where the Pequot sought protection among the Sasqua Indians, a subdivision of the Pequannock. After surrounding the village, the soldiers demanded a surrender but offered to spare the lives of any Indians who had not already shed English blood. The Sasqua sachem arranged for the surrender of 200 Indians, mainly women and children. Many of the Pequannock warriors remained in the village and died fighting alongside the Pequots in the ensuing attack. Others managed to break through the English lines to safety during the battle. Those who had surrendered were eventually sold into slavery (Wojciechowski 1992, 63-65; Guillette 1979, G3; Conn. Documents 5/15/1684).

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The following year a peace council was convened and the Pequannock agreed to cede most of their tribal lands. At the treaty of Hartford in 1639, the Pequannock acknowledged defeat and agreed to pay a tribute to the colonists, which the tribe later refused to remit. Two years after the battle, the English began settling the Pequannock territory in the Bridgeport-Stratford and Fairfield areas. The colonists obtained most of their settlements by purchasing lands directly from the Pequannock (Wojciechowski 1992, 65). As early as 1639, the colony reserved some land in Bridgeport (then part of colonial Stratford) for the Indians, which the group maintained as a reservation in one form or another until 1802. Occupation of a distinct territory by a portion of a group demonstrates community, when combined with other evidence, even where it is not shown that more than 50 percent of them reside on the land (Eastern Pequot PF 2000, 69).

In the mid-1650's, a dispute between the settlers and the Indians erupted over this land and the General Court stepped in to arbitrate. In May 1659, the General Court formally recognized 80 acres of land at Golden Hill for the Pequannock. Then in 1671, the tribe relinquished all its land claims to the rest of Stratford, which during that period included the modern-day towns of Shelton and Monroe, and the eastern portions of Bridgeport and Trumbull. By the late 1740's, most of the land in the western part of the tribal territory had been lost to the settlers, with only Golden Hill remaining as a territory for the tribe. Thereafter, the records began to refer more frequently to the group as the Golden Hill Indians or tribe, or the Indians living at Golden Hill, while the term Pequannock gradually faded into disuse by the late 18th century. In 1852, the historian DeForest mistakenly claimed the tribe was only a subdivision of the Paugussett, so they were sometimes identified afterwards as both Golden Hill and Paugussett (Wojciechowski 1992, 66; Conn. Documents 5/19/1659; Schenck 1889, 2).<sup>6</sup>

The first 100 years of English settlement provoked a precipitous decline in the population of the Pequannock. One estimate in 1703 suggested the population at Golden Hill had fallen to about 100 people. If a smaller community at Redding were added, the overall Pequannock population might have been about 150. A recollection from 1761, however, described about 20 to 25 "wigwams" at Golden Hill in 1710 along with two or three other settlements having a few similar dwellings elsewhere in Stratford. Wojciechowski estimated this put the overall Pequannock population at about 250. By 1725, the population at Golden Hill had dwindled to 40. Around 1750, at least some of the Pequannock Indians at Redding migrated to the Kent area, where they obtained fee simple land adjacent to the Schaghticoke tribe, which had been formed originally from elements of the Weantinock and Potatuck (Wojciechowski 1992, 67; Stiles 1916, 437-438).

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<sup>6</sup>The Colony and later the State, and most outside observers, continued to refer to the group as the "Golden Hill Indians" or "Golden Hill tribe" until the late 1970's. In 1978, the group officially changed its name from "Golden Hill Tribe" to "Golden Hill Paugussett Nation." Three years later, the State formally recognized the name change for the group. There is no available record in the GHP petition materials of the Turkey Hill group in New Haven County ever being identified or referred to as a legal part of the Golden Hill group of Fairfield County in any colonial or State document (Wojciechowski 1992, 66; Conn. Legislative Materials 1981; Tribal Government Documents 1/28/1978).

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Despite the sharp drop in population, there are indications the Golden Hill maintained some semblance of community. For example, there is evidence the colonists allowed Golden Hill Indians accused of crimes to be tried by tribal custom as late as the early 18th century. Such evidence is discussed more fully in criterion 83.7(c). Missionary activities among the Golden Hill also demonstrated continued community. These efforts to convert the group began in the late 1600's and lasted until the 1750's. The missionaries had little success for quite some time, as evidence suggests the Indians resisted conversion because they harbored a strong resentment against Christianity and the preachers who brought its message (Wojciechowski 1992, 67-68). Evidence of missionary efforts has been used as evidence of community in other findings (Eastern Pequot PF 2000, 71).

Under precedents for evaluating tribes in the early years of contact with Europeans, before substantial cultural and political changes occurred, the preceding evidence is sufficient to demonstrate 83.7(b) has been met for the historical Pequannock tribe as a whole, and for one of its successor group, the Golden Hill Indians, for the period up to the 1730's (Narragansett PF 1982, 1; Mohegan PF 1989, 2; Eastern Pequot PF 2000, 69).

#### *History of the Golden Hill Community, 1730's to 1802*

During the late 17th and early 18th centuries, the settlers continued encroaching on what little remained of the Golden Hill land. According to Wojciechowski, the group voiced their complaints about these actions through petitions to the General Court (Wojciechowski 1992, 68 170-171, Appendix B, Documents 3, 6-12; Conn. Documents 1678, 1678-1679, 1688). He stated these "encroachments were successfully countered in this way and the General Court even granted the tribe a compensation for the damages incurred" (Wojciechowski 1992, 68). Evidence of protests over land infringements by the local non-Indian population has been accepted in other findings as proof of ongoing community (Eastern Pequot PF 2000, 72). Yet continued pressure by the colonists on the tribal land base had a significant and negative impact. As stated previously, by 1725, the population at Golden Hill had dropped to 40, and the English settlers fully expected the tribe to disappear soon. Such expectations led to further encroachments and conflicts with the colonists, and many of the Indians simply left. According to Wojciechowski, some of them may have joined their compatriots in Redding and later migrated to the Kent area in 1749. Others relocated to the Tunxis Indians in Farmington and eventually moved with them in the 1770's to Brotherton in New York (Wojciechowski 1992, 68)<sup>7</sup>.

By the 1730's, the number of Golden Hill living on the reservation had dwindled to only four families. Because the Indians lacked the numbers to control the reservation, the townspeople of Stratford managed to obtain portions of it through various means. The remaining families were

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<sup>7</sup>The migration of some members of a tribe to other groups does not negate its existence. See Narragansett PF 1982, 2.

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forced to survive on only six acres, which the town had marked for future use to a colonist. The settlers probably hoped many of the remaining male members of the tribe would soon vanish, because they frequently enlisted in the militia to fight against the French in the numerous colonial wars of that time. Indeed, a high casualty rate among these volunteers did further deplete the tribal population (Wojciechowski 1992, 68-69; Conn. Documents 10/5/1763, 3/10/1764, 10/1764, 10/25/1765).

In 1761, John Shoran, the last sachem of the tribe passed away. By then only two families remained on the reservation. At the time, the heads of the families, Tom Sherman, most likely a Potatuck, and John Chops, a Paugussett proper married into the tribe, were fighting in the French and Indian War. Their absence gave the colonists an opportunity to remove the rest of the tribe from the reservation. Two years later, one of the townsmen, Richard Hall, destroyed the only wigwam on the reservation and chased the Golden Hill families away (Wojciechowski 1992, 69; Stiles, 1916, 133; Conn. Documents 10/5/1763; Lynch 4/1994, 4.2).

In October of 1763, the tribe petitioned the General Assembly and demanded the return of their lands. At the time, the group probably consisted of seven adults and some children. Among the adults were absentees from the reservation who still considered themselves as having claims to the reservation land. The General Assembly, however, only recognized the rights of Tom Sherman, who had returned from the war, despite his being a Potatuck, Eunice Shoran, Tom's wife, and her sister Sarah Shoran, the women being acknowledged as the only surviving Pequannock heirs. It disallowed the claims of Sarah's husband, the Paugussett John Chops, and of the absentees. The General Assembly next established a committee to hear the complaints of the Indians and appointed a guardian to oversee their affairs. A fuller explanation of the resolution of the petition is found in the Description for criterion 83.7(c) (Wojciechowski 1992, 69; Conn. Documents 10/1763, 10/5/1763, 3/10/1764, 10/1764, 5/1765, 10/25/1765, 10/31/1765).

Colonial records showing some members of the tribe living in the surrounding towns rather than on the reservation is not evidence the group had ceased to exist (Conn. Documents 10/25/1765). Instead, these documents suggest the tribe recognized the affiliation of these persons and respected their claims to an interest in the lands and rights of the Golden Hill Indians. For example, a 1765 report on the 1763 petition listed the names of Tom Sherman, Eunice Sherman, Sarah Sherman, and several other Indians who were absentees with some kind of claim to the reservation (Conn. Documents 10/31/1765). The argument that living off the reservation negates the existence of community has been rejected in other findings. Therefore, the petitions and colonial reports spanning the land claim controversy of 1763 to 1765 do help to demonstrate the continued survival of a Golden Hill community both on the reservation and the surrounding area from the 1730's to 1765 (Narragansett PF 1982, 9; Gay Head PF 1985, 2; Eastern Pequot PF 2000, 70).

The General Assembly devised a solution to the land controversy in 1765. It agreed to give the

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Golden Hill Indians 12 acres of the original reservation (called the Nimrod Lot) and another 8 acres elsewhere, along with some corn and blankets. The eight acres, the Rocky Hill lot, were three miles to the north of the original reservation. The guardians (1768 to 1801) appointed to manage the tribe's affairs on these lands were often abusive. Daniel Morris, one of the colonists originally accused of having fraudulently obtained Golden Hill land, became the overseer in 1768. On the Rocky Hill lot, Morris cut down most of the trees and sold the lumber for his profit, while he used the Nimrod lot mainly to plant his own crops. One of his sons was also accused of molesting some of the Golden Hill girls. In 1774, the tribe, described in one colonial document as "Tom and Eunice and the other Indians of Golden Hill in said Stratford," again petitioned the Assembly with the help of a white neighbor, complaining of the overseer's behavior (Wojciechowski 1992, 70; Conn. Documents 10/24/1774, 5/1775, 5/13/1776, 4/13/1780, 5/1780, 11/30/1780).

This petition, which took more than six years to resolve, is discussed more fully in the Description and Analysis for 83.7(c), but it again shows the group acting in a collective fashion to protect their interests, this time by enlisting the services of a non-Indian. Such petitions have been accepted in other findings as evidence of continued tribal community (Eastern Pequot PF 2000, 71).

Daniel Morris, overseer from 1768 to 1780, and Thomas Hill, his predecessor from 1763 to 1768, kept somewhat sporadic records of their activities. In his accounts, Hill referred to the group as "Tom Sherman and Eunice and to the Rest of the Indians belonging to Golden Hill." These records show Hill providing clothing, food, and drink to the Indians, mending fences and rails, cutting wood, plowing land, planting corn and other crops, and supplying burial services. The Morris accounts, kept for "Thomas Sherman and Eunice and the Rest of Indians Belonging to Golden Hill," revealed similar activities on his part. Morris also paid for "doctoring" services and sometimes boarded the Indians when they were ill. The length of some of these exertions on the part of the guardians lasted anywhere from half a day to a week or more. Among the recipients of various services were Tom Sherman and his wife, Eunice, Nab Chops, Sarah Chops, and some unidentified children and other adults. These records present an incomplete picture of life at the Golden Hill reservation, but they do provide evidence of continued tribal community when combined with the tribal petitions and other colonial documents relating to the group during 1763 to 1780. Unfortunately, no records for the activities of Aaron Hawley, overseer from 1782 to 1801, have yet been found (Overseers Records 1763-1779). On the basis of precedent, the petition documents to the General Assembly from 1774 to 1780 and the overseers' records from 1763 to 1780 provide good evidence for tribal community for the period from 1765 to 1780.

By the 1790's, the population of non-Indians around the Golden Hill reservations had grown rapidly. As property became scarce, land prices rose accordingly, and many townspeople desired the Rocky Hill and Nimrod lots. In 1797, the town of Stratford attempted to acquire the Nimrod lot by petitioning the State legislature. It argued the Indians rarely used the lot and that its tax

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exempt status inhibited the town's growth. Stratford also claimed the Indians had become dissatisfied with the guardian's management of the tract. In response, the legislature appointed another commission to investigate the overseer. During the resulting hearings, the overseer, Aaron Hawley, persuaded the commission the tribe owed him money "for unpaid services," and demanded compensation with land from the reservation. The Assembly agreed and gave him a portion of the reservation in 1799. Two years later, Hawley resigned. After his departure, the State appointed another commission to explore the feasibility of selling all of the reservation and giving some of the proceeds to the Indians. The commission held its investigation and adopted this option (Wojciechowski 1992, 70-71; Conn. Documents 10/24/1801, 10/1801).

By that time, Tom Sherman, one of the petitioners in the tribe's effort to regain their reservation in 1763 to 1765, had died. In 1802, his son, Tom Sherman, Jr., and several other members of the group agreed to support a petition by Stratford, drawn up in the tribe's name, to sell the land at Nimrod and Rocky Hill. The sale took place on December 19, 1802, and the proceeds obtained from the transaction, totaling \$1,576, were turned over to the overseer for the support of the tribe, which then contained possibly 20 people in 5 families (Wojciechowski 1992, 71; Conn. Documents 4/30/1802, 10/1/1802, 10/1802, 1/19/1803). The tribe's acquiescence in the land sale should not be viewed as evidence it had ceased to exist, although clearly the group had become diminished in numbers and social cohesion. Under considerable pressure from non-Indians, the tribe's support for the sale and the establishment of a trust fund managed by a State-appointed overseer, presumably in their interest, provided a measure of financial security. Viewed in that fashion, the tribe's compliance with the 1802 land sale may have been a collective action to protect its existence, which by that time was growing more precarious.

The various petitions, colonial and State records, and overseers' accounts from 1763 to 1802 provide sufficient evidence of social community during that period for the Golden Hill Indians (Mohegan PF 1989, 6; Eastern Pequot PF 2000, 105). In addition, based on precedent, the petitioner has provided sufficient evidence, as the above discussion demonstrates, to meet 83.7(b) for 1637 to 1802.

#### *History of the Golden Hill Community, 1802 to 1823*

After the sale of the Bridgeport property, the documentary record for the Pequannock heirs to the Golden Hill fund consists mostly of reports from the various overseers. The few references to the group refer to their "wandering around from place to place," often selling brooms and baskets they manufactured.

One of the group's members, Eunice Sherman, received permission to segregate a portion of the money from the sale and used it to purchase a piece of property in nearby Woodbridge for herself and her children (Conn. Documents 5/13/1803). There are indications she had married a man named either Mack or Mansfield (Orcutt 1886, 42), since future records refer to a woman named Eunice, fitting her age and description, using both surnames. The two surnames were also used

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in association with individuals believed to be her children. She was widowed by 1803 (Conn. Documents 5/13/1803). The General Assembly also appointed a separate overseer, Samuel Osbourne, to look after Eunice's accounts. No records from Samuel Osbourne or any other overseer appointed to supervise Eunice Sherman's family have been submitted. The petitioner is encouraged to seek any additional overseer's reports regarding Eunice Sherman in order to provide additional insight on the subsequent generation of the Woodbridge settlement.

The exact composition of the group remaining in and around Bridgeport at this time is difficult to reconstruct because the overseer only mentioned certain adult beneficiaries by name, and only if they needed money expended on them. If individuals left the area, the overseer often did not account for them. For example, Phoebe Sherman, a signer of the 1802 petition, is mentioned in the overseer's reports until 1811, and then disappears. She is assumed to have died at some point between 1811, when she received payment from the overseer, and 1823, when she was not listed among the nine tribal members enumerated by the overseer. However, no mention of any funeral payments were made, so she might have left the group after the 1818 death of Nathaniel, who may have been her son (other records indicate he may have been her brother). Phoebe's aunt Tabetha Sherman died in 1807, but she had two daughters and a son who were mentioned in overseer reports. None were mentioned by name. The record did not refer to a husband or father of the children, who seem to disappear from the record after their mother's death in 1807. They may have been bound out or otherwise left tribal relations.<sup>8</sup> If they died, there are no funeral payments recorded for them. They do not appear to have been raised by their mother's relatives, since there were no expenditures attributed to them in later reports. Tabetha's brother Charles was also mentioned occasionally in the overseer's reports, but he is absent from the record after 1824. Their brother James is likewise absent from the record after the mid-1820's.

What can be said of the group between 1802 and 1823 is that it consisted almost entirely of one extended family of Shermans. Thomas Sherman, Jr. and his wife (whose name may have been Sarah) received support from the overseer on multiple occasions, as did their several children and grandchildren. Thomas Sherman, Jr. had four sisters: Eunice and Sarah left the community and were no longer recipients of the Golden Hill fund (the former because she had her own overseer, the latter because she had left the community years before the sale of the Bridgeport property); the other two, Anne and Tabetha, remained. Thomas Sherman's sister Anne had three daughters (Dolly, Eunice and Harriet) who were mentioned repeatedly in the overseer's accounts after they had become parents themselves. This younger Eunice Sherman lived long enough to marry John Hatchet Towsey, but died before 1823. There may also have been other children, as was mentioned previously, but they are not discernible in the available record. There were only two people who were not Shermans but were regularly mentioned in the overseers reports. The first

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<sup>8</sup>Overseers of the poor, as well as Indian overseers, had the authority to place children in unrelated households as indentured servants. The petitioner is strongly encouraged to search for any evidence of the binding out of Golden Hill children in the records of the poor.

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was John Chops, a cousin of the Shermans. His mother Sarah Shoran was the sister of the Sherman's mother Eunice; his father John Chaups was more than likely a Paugussett Indian whose marriage to Sarah Shoran entitled their son to a share of the Golden Hill fund. Adonijah Chops, son of John Chaups and an unidentified mother, did not appear on the Golden Hill records until 1823. The other non-Sherman individual who was acknowledged as a member of the group was John Hatchet Towsey. His father Joseph appears to have been a Paugussett proper, as his funeral expenses were paid by the Turkey Hill overseer. He appears to have claimed rights to the Golden Hill fund as the widower of Ann Sherman's daughter Eunice.

The acknowledgment regulations state that criterion 83.7(b) can be satisfied for a particular period of time in part by demonstrating "significant rates of marriage within the group, and/or, as may be culturally required, patterned out marriages with other Indian populations" (83.7(b)(1)(i)). The record as it stands now makes it very difficult to establish the identities of all the partners, and there is evidence that a significant number of the marriages were mainly to non-Indian outsiders. Provision 83.7(b)(2)(ii) can be met if a group can demonstrate that "at least 50 percent of the marriages in the group are between members of the group" for that period of time. The vagueness of the historical record makes it difficult to discern the ethnic identities of all the marriage partners of the various Golden Hill Indians after 1802, but available documentary evidence for Golden Hill during this period does not indicate that 50 percent or more of the marriages taking place were between group members, or with members of other Indian communities. Even before the 1802 sale, several of the Indians had married or formed relationships with non-Indians. A few of the individuals identified as Golden Hill or Pequannock Indians married other people of Indian descent; for example, John Hatchet Towsey claimed in 1823 that he had two children by an unnamed woman of another tribe in Massachusetts (although there do not appear to have been any children from his marriage to Eunice Sherman). His sister Abigail Hatchet Towsey, who was not identified as a Golden Hill member, married Levi Roberts, the son of Thomas and Eunice (Shoran) Sherman's daughter Sarah. John and Abigail's sister, Cata Hatchet Towsey, who was also not identified as a Golden Hill, married Joseph Richardson, for whom there is evidence of Indian descent.<sup>9</sup> However, documentary evidence indicates that a significant number of the remaining Pequannock/Potatuck/Paugussett descendants entered into relationships with non-Indians, as did their children. The Indians belonging to the Golden Hill constituent communities who migrated to Schaghticoke and Brothertown in the mid and late 1700's did not return to Connecticut seeking marriage partners. Those who stayed also did not appear to have sought marriage partners in any of the other New England Indian communities (with the aforementioned exception of the Hatchet Towseys, only one of whom was identified as a Golden Hill).

The petitioner's 2002 comments included a paper by Blair Rudes, entitled "The Complexities of

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<sup>9</sup>It is possible that Cata and Abigail considered themselves Paugussetts rather than Pequannock, considering that records indicate that the Hatchet Towseys were Paugussett.

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Racial and Tribal Identity Among Western Connecticut Algonquians” (Petitioner 6/14/2002; Rudes 1999), which seeks to give far more organization to the structures of the group than there is any real evidence to support. For example, Sarah Sherman (a daughter of Tom Sherman and Eunice Shoran Sherman) married Benjamin Roberts, a non-Indian, sometime in the late 18th century. The Roberts descendants were not claimants on the Golden Hill fund and because of this, Rudes speculates that this “can only be interpreted as meaning that Sarah had been banished from the tribe and removed from the roles [sic] because of her marriage to a Black” (Petitioner 6/14/2002, see Rudes 10/1/1999, 2). There is nothing in the available record to support such a speculation. Not enough is known about methods of social control among the Pequannock during this period, including banishment, to know how, why or even if the practice occurred.

Eunice Sherman Mack, Sarah’s niece, was no longer considered part of the Golden Hill tribe by the overseer in 1823 due to her decision to “cash out” her share of the 1802 funds (Lynch 4/24/1997, Appendix Section 5, 5.4). However, Eunice Mack was still returning to the area to care for sick relatives (Overseers Records 1810), actions which seems to indicate that the community or family continued to view her as “one of their own.” At least one of the Roberts descendants also married another Indian: Levi Roberts, Sarah’s son, married Abigail Hatchet, the sister of the John Hatchet Towsey listed on the 1823 report. At the time of Abigail’s 1809 marriage she was living in Woodbridge, possibly with or near Eunice Mack’s family (Records of the Congregational Church of Orange, CT., formerly New Milford 1805-1910, Bates Stamped Document SBN, 395-421, 57), and afterwards she appears to have lived in Orange until her death in 1862 (Records of the Congregational Church of Orange, CT., formerly N. Milford 1805-1910, Bates Stamped Documents SBN, 395-421, 72). The available record indicates that other Roberts descendants lived in and around Orange, Connecticut, at least until the 1860’s, but there is no information available to indicate whether or not they maintained any contact with the Sherman descendants.

No one among the group appears to have served in any formal leadership positions. There are no examples of additional petitions in the record signed by the group to the General Assembly. The overseers’ reports did not indicate that anyone was viewed by the community as its leader. Noone organized work parties, for example. The overseers’ reports did indicate that most of the group made baskets and brooms for sale, but there is no indication this work was done communally<sup>10</sup> or that the profits from their sales were shared across the group.

As with the previous reservation period, the documentary evidence in the record for the years 1802 to 1823 is limited. However, the available evidence does suggest that community continued

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<sup>10</sup>The most famous Connecticut Indian basketmaker of this period, the Paugussett Molly Hatchet (1738-1829), spent the last years of her life alone on the Turkey Hill reservation. Her baskets were well-known, and there is no indication that she worked with anyone to make or sell them. Nor is there any evidence in the record to indicate she was part of the Golden Hill community. Samuel Orcutt’s statement (Orcutt 1886) that William Sherman descended from her has not been verified.

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exist. Members seem to have spent most of their time in an area small enough so that the State-appointed overseer could pay for many of their everyday needs (shoes, clothing, medical bills, etc.). Their access to the Golden Hill fund was controlled by a series of State-appointed overseers, and the money from the fund was never given directly to the Indians, but was paid to others on their behalf. None of the overseers for Golden Hill during this or any other period, as far as can be ascertained by available documentation, paid school fees for any of the children (Ruby Mansfield and Nancy Sharp *alias* Pease, both identified as Golden Hill Indians, signed their petitions in 1841 and 1846 with an “X”, indicating that both were illiterate). This is in contrast to the overseers for at least two of the other tribes in the State (Eastern Pequot and Schaghticoke), who did pay to educate Indian children, whether they lived on or off their respective reservations.<sup>11</sup> There is no information available to explain why the Golden Hill overseers did not see to the education of the community’s children

A lawsuit won by Phoebe Sherman provides some other evidence of action being taken by one of the Golden Hill Indians. In 1810, the Golden Hill overseer received \$11 for Phoebe Sherman, who was awarded the cash after a successful bastardy lawsuit against a man named Mark Birdseye (or Bidsey). The record also identifies Phoebe Sherman as a member of the Golden Hill community because the money was paid to the overseer on her behalf.

Another series of documents that demonstrate the identification of Golden Hill Indians by others involves Charles Sherman, Phoebe’s brother. In 1817, the selectman of Newtown sued the town of Stratford for money expended when Charles Sherman broke his leg and had been nursed at the expense of the town. When the Town of Newton sued Stratford (where Charles Sherman had been born) to recover their money, the court determined that Indians “gained no Settlement by virtue of the location of his tribe or being born in any particular town so as to charge any such Town with his maintenance” (Conn. Documents, 10/20/1817). Newtown then successfully sued Connecticut to recover their money on the grounds “said Indian is not by the Laws of this State a settled inhabitant of any Town therein, in such manner as to render such Town liable for his support, but is to all intents & purposes a State [?] pauper” (Conn. Documents, 10/20/1817). By virtue of their “non-citizen” status at this time in the State, the Golden Hill Indians were essentially wards of the State, although not properly citizens of its towns. The State acknowledged the responsibility by paying for Charles Sherman’s care. Whether the State then sought recompense from the Golden Hill fund is not documented.

### The 1823 Census de Golden Hill

One very important document from this period, the 1823 “Census de Golden Hill,” also supplies

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<sup>11</sup>Schaghticoke Overseers Reports 1801-1852; Families of Benjamin Chickens and Abraham/Ned Rice; for Eastern Pequot, see Brown and Rose 1980, 370 re: Bartlett Shelley. See also 1815 petition for schools for the Pequots (IP 2<sup>nd</sup> 1:18).

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evidence that the State still viewed the Golden Hill as a tribe. In addition to numerous references to the group as a tribe, the report also refers to the difficulty in ascertaining just who was entitled to benefit from the fund, “owing to their connections by marriage & otherwise, with Indians of other tribes” (Lynch 4/24/1997, Appendix Section 5, 5.4). This language seems to indicate that at least some of the individuals were maintaining relations with other Indians.

The report also indicates that the last time any of the overseers had counted the individuals had been in 1808. There is no existing list in the record to indicate who those individuals were in 1808, but the 1823 census does indicate there had been 14 individuals in 1808, and that 15 years later there were 9. These nine were enumerated in 1823 (information in parenthesis is provided to clarify identities and relationships between individuals) :

Ann Sherman	Age 67 (Thomas Sherman 2nd’s sister)
John Hatchet Tousey	Age 35 (Widower of Ann Sherman’s daughter Eunice)
Ruby Sherman	Age 33 (Daughter of Thomas Sherman 2nd)
Harriet Sherman	Age 32 (Daughter of Ann Sherman)
Adonijah Chops	Age 32 (Son of John and Sarah Chops)
Dolly Sherman	Age 30 (Daughter of Ann Sherman)
A daughter of Ruby	Age 12 (Granddaughter of Ann Sherman)
A daughter of Dolly	Age 11 (Probably named Caroline- a bill was paid for Caroline by the overseer when Dolly died sometime between October and November 1825)
A daughter of Harriet	Age 2 (Granddaughter of Ann Sherman)

Apparently, a previous meeting of the General Assembly (probably in 1821) had made it necessary to create a committee to investigate the condition of the Golden Hill and other Indian groups at this time. Wording in the document indicates that there was some dissatisfaction among the Indians as to the manner in which the fund was distributed:

He [the overseer] seems to have adopted the plan of treating them as members of one family,- expending more upon the sick, the aged & the infirm, than upon the young strong and health [*sic*];- taking care however to allow every year something to each of them- A part of the indians [*sic*] dislike this practice & are desirous of having each his equal share (Conn. State Records in Lynch Submission 4/24/1997, Appendix Section 5, 5.4; emphasis in original).

The report, however, did not name any individuals who might have voiced complaints as to how the fund was allocated. Nevertheless, although their displeasure was noted for the record, it was not given much importance:

These Indians like those of most other tribes are an ignorant & unfortunate race of beings, degraded by intemperance & other vices.- Very little, if any reliance is to be placed upon their representations and complaints and to trust them with

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property beyond what their immediate necessities require would prove injurious to themselves, & to society (Conn. State Records in Lynch Submission 4/24/1997, Appendix Section 5, 5.4).

In summary, for the period 1802 until 1823, the community of Golden Hill Indians, although very small and almost reduced to one extended family, was still a tribe. They were still being treated by the overseer as a group and were beneficiaries of a fund that had been established specifically to benefit the tribe and the descendants of those who had sold land belonging to the Golden Hill Indians. As individuals, they were identified as Indians belonging to a tribe (as opposed to unattached individuals who happened to be of Indian ancestry), and treated by State and local officials as non-citizens by virtue of their maintenance of their tribal affiliation and tribal relations. Although reduced in size and under serious stress, the evidence demonstrates the Golden Hill Indians were a tribe during this 21-year period.

### *The Golden Hill Community, 1824 to 1849*

In the years after the 1823 census, the community, which had become landless in 1802 and was showing signs of stress and fragmentation, began to unravel in earnest. Some of the diminution of the community was due to the death of individuals: Dolly Sherman, for example, died in 1825. However, after 1823, a number of adults vanished from the Golden Hill overseer's accounts, though living several miles or even counties away. Such is the case of Adonijah Chops, whose only appearance on documents related to the Golden Hill Indians was his enumeration on the 1823 Census de Golden Hill. He then left and was later living in Litchfield County, where church records indicate he died in 1848 (Petitioner 6/17/1994, CT Church Records, Index– Harwington First Congregational Church, 1791-1861). John Hatchet Towsey appears on the overseers records until 1826, but was not referred to after that. Information submitted by the petitioner indicates that he died in 1848, although there is no information regarding the source of this date. The overseer also paid an additional debt of \$10 to the Selectman of Woodbury for Charles Sherman (Petitioner 10/19/1994, Report of Golden Hill Guardian Elijah Burritt, 1823-1825), even though he had been omitted from the census, which was supposed to have been an accounting of “the whole number of persons properly belonging to the Golden-hill tribe” (Lynch 4/24/1997, Appendix Section 5, 5.4).

Others, both adults and children, were unaccounted for by what can only be described as careless accounting by a series of overseers. As mentioned in the previous section, a number of infants and young children who should have been present in the community were not represented in the available record after the deaths of their parents. It is possible that records containing information about these individuals were filed, but are now missing. However, adults also vanished completely from the record, and there is no information for them at this time. Ann Sherman and Harriet Sherman disappeared shortly after the 1823 census and their fates remain unknown. There are no available records indicating that their funerals were paid for by the Golden Hill overseer. The available records do not indicate when they departed from the

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community. The young daughters of Harriet and Dolly may have been bound out or turned over to their fathers (who were not identified in the available records); but whatever their fate, it was not noted by the overseer.

### The Mack Family Settlement

In the early 1830's, smallpox virtually wiped out the small settlement in Woodbridge where Eunice Sherman Mack and her family had established themselves. The historical accounts of the Mack settlement are conflicting: one account purports that the selectmen of the town of Bethany purchased a tract of land in what was then the town of Derby for a group of Indians called the "Macks" in 1832 (Molloy 1935, 394). However, Samuel Osbourne had purchased land for Eunice Mack in Woodbridge in 1802, a full 30 years prior to this reported "Bethany purchase," and no record or deed explaining the sale or transfer of that land has been submitted. Accounts of the Macks generated after 1832 do show them living and owning property in Derby rather than Woodbridge.

In 1833, smallpox was reported to have killed at least nine (unidentified) people in the household, of which Eunice Mack, her son James, and her daughter (or possibly a daughter-in-law) Ruby are known to have survived.<sup>12</sup> Eunice Mack was recorded in the 1840 census in Derby with two other free people of color, one male and one female, both between the ages of 36 and 55; her death was recorded in 1841 in Woodbridge in the same church where Eunice (then identified by the surname Mansfield) and two of her children were baptized in 1802. There is no further mention of Ruby Mack in conjunction with James Mack, but four years after the death of Eunice Mack, Samuel French was authorized by the General Assembly to sell the lands of "a certain pauper. . . an Indian, named James Mack, . . . the owner of certain lands and other real estate in said town of Derby" (Petitioner 6/17/1994, Tab 15). In 1849, a woman named Ruby Mack died in Derby, and she may have been a daughter of Eunice Mack.<sup>13</sup> In 1850, James Mack, described as a 50-year-old Black male born in Connecticut, was recorded in the New Haven County Poor House (U. S. Bureau of the Census 1850b). There is no other information regarding James Mack after 1850, or any other descendants of Eunice Sherman Mack/Mansfield.

### Changes in the Golden Hill Community

The last overseer to keep detailed records recording monthly expenditures for the Indians was Elijah Burritt, who maintained the Golden Hill accounts from 1809 until 1836. The last years of

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<sup>12</sup>DeForest (1852) and Orcutt and Beardsley (1880) present slightly different accounts of the smallpox outbreak among the Macks, and the two accounts taken together could also be interpreted to read that these three adults survived, as did three children who may have been living at another small encampment with Gerard/Jerry Mack. (See Appendix C, Published References to William Sherman and Others, C1, C2).

<sup>13</sup>This may also be the death record of Ruby Sherman Mansfield, who will be discussed later in the text.

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his accounts differ markedly from those either of Josiah Lacey, who served from 1802 to 1809, or even the first 13 years of his own tenure. Earlier records indicate a community that appeared to be maintaining itself by virtue of the birth of several children (although lacking in adult males). Expenditures for midwives, children's shoes and clothes attest to the presence of these youngsters in the community. After the 1823 census, these expenditures slowed considerably and more money was spent on food, clothing, and cider for older members of the community followed by a ten-year gap in the record, from 1826 until 1836, when Elijah Burritt became overseer (Overseers Records, 1836-9). Records from that 10-year period have not been submitted by either the petitioner or any third party and it is not known whether Burritt's reports for those 10 years were lost, misplaced, or never filed at all. In 1836, Smith Tweedy, assumed the overseer's position.

Along with the records, evidence of the previous community also seems to have vanished. Smith Tweedy's only reference to the Golden Hill Indians he was supposed to have been overseeing in the period from 1836 to 1839 was a one-line note, written in January of 1839, accounting for \$154.35 "paid out for Ruby + Nancy + children since Jan'y 15<sup>th</sup> 1836 to this time" (Petitioner 10/19/1994, Golden Hill tribe of Indians– Smith Tweedy Overseer Account 1/1839). There is no information in his reports regarding what happened to any of the other people mentioned in previous reports. These two women were the last two individuals specifically referred to in State records as "Golden Hill Indians" for 37 years.

Smith Tweedy's report of 1839 named Ruby, Nancy, and unspecified children as beneficiaries of the Golden Hill fund for the three years previously. Ruby is presumed by the petitioner to be Ruby Sherman, who was mentioned in numerous prior reports. The petitioner also presumes Nancy to be the unnamed 12-year-old "daughter of Ruby" mentioned in the 1823 census, and it is one possible identity for this woman. However, no records presented by the petitioner or anyone else state that the two were mother and daughter. The possibility also exists that they were aunt and niece, or even cousins, considering that so many of the Golden Hill children went unaccounted for in earlier records. Nevertheless, whatever their relationship, the two women are mentioned together in numerous documents referring to Golden Hill Indians from 1839 until 1849.<sup>14</sup>

In 1841, the General Assembly received a petition from Nancy Sharp and Ruby Mansfield, who were then living in Bridgeport. The women maintained they were "the Sole Surviving heirs"<sup>15</sup> of

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<sup>14</sup>Earlier documents submitted by the petitioner maintained that Ruby ( Sherman ) Mansfield had married her cousin James Mack/Mansfield and that Nancy was their child (Orcutt 1886; 430). The James Mack recorded in Derby would have been too young to have been the father of a child born in 1811.

<sup>15</sup> It should be noted that the women's claim to be the "Sole Surviving heirs" was incorrect. There was at least one other documented Golden Hill listed on the 1823 census still alive: Adonijah Chops was living in Litchfield County.

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the Golden Hill<sup>16</sup> Tribe of Indians,” and, although they were receiving the interest on the fund, they asked that a portion of the fund be spent to purchase some land for them. The two also claimed “that they are parents of several children, who are capable of tilling & improving such land as may be procured” (CTAG 9/17/2001, Exhibit 83). The petition did not mention the names of any of these children, nor were they named or enumerated in any other record currently available. The General Assembly granted Nancy and Ruby’s request, allocating approximately \$600 to purchase a house and 19 3/4 acres of land in nearby Trumbull. With the notable exception of Eunice Sherman Mack/Mansfield, who had acquired her land in Woodbridge in 1802, this purchase of land marked the first time in almost 40 years that the Golden Hill Indians became land owners.

Four years after their initial petition for a farm, “Ruba” (most likely a misspelling of Ruby) Mansfield and Nancy Sharp again petitioned the General Assembly, this time for funds to build a barn on their land. Two objections to the allocation were received, one from the Selectmen of Bridgeport, and the other from the Golden Hill overseer, Smith Tweedy. Both objections made the case that the women had received enough of the fund, and that they should be content to receive the interest on the mortgages that had been lent out to various people in the area. Tweedy’s objection goes further into detail, maintaining that the women had no need of a barn as they had no livestock, but that if indeed they had managed to secure some livestock, then it might be more economical to rent space in a nearby barn rather than building one strictly for the Indians. He also wrote that he had “lately had application from another branch of that Tribe from Litchfield, or Hartford County for a share in that fund, if they make out there [*sic*] claim I think Ruby & Nancy have had there [*sic*] share” (CTAG 9/17/2001, Exhibit 81).<sup>17</sup> The General Assembly, however, chose to authorize the women’s request, and allotted \$75 from the fund to be spent on the building of a barn.

If Smith Tweedy filed additional reports between 1839 and 1849, they have not been located or submitted by the petitioner or any other parties. However, on May 8, 1849, he filed one more report regarding Ruby Mansfield and Nancy Sharp that would be his last in regard to Golden Hill:

The undersigned respectfully represent that two certain resolutions was passed in the year 1840 and 1846 on the petition of Ruby Mansfield & Nancy Sharp of

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<sup>16</sup>In this document , the word “Pequannok” had originally been written, but was crossed out and the words “Golden Hill” were written instead.

<sup>17</sup>Smith Tweedy did not specify just who the “Litchfield branch” of the tribe consisted of, but it is possible that the “branch” consisted of Adonijah Chops. Considering that he had a bona fide claim to the Golden Hill fund, it is possible that he or someone on his behalf contacted Tweedy. Whether Tweedy gave him the money or not is not recorded, but when Chops reportedly died in 1848, the overseer did not pay to bring the body back to Golden Hill. He was buried in Litchfield county (Petitioner 6/17/1994, CT Church Records, Index– Harwington First Congregational Church, 1791-1861).

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Bridgeport as Surviving heirs of the Golden Hill tribe of Indians –authorizing their Overseer Smith Tweedy Esq. to purchase for them a dwelling house & Sufficient Land for the same also to erect a Barn thereon for the use of said Indians –and whereas the s'd. Ruby is old & infirm and now residing in the Town of Oxford with her husband a collered [*sic*] man – and whereas the said Nancy the late incumbent of said property is now under arrest for the crime of Arson & that said Barn has been lately burned as Supposed by some one of said Indians – and are lessiring [*sic*] the value of said property by cutting off the Wood – & that said house is in danger of being destroyed –therefore in view of the circumstances of s'd property we hereby recommend that the Assembly pass a resolution authorizeing [*sic*] the Overseer for the time being at his discretion to sell said property & to invest the avails as heretofore (CT FOIA, File 68).

The records from the petitioner or other sources did not provid any insight into the circumstances which lead to the sale of the property, or who the Indians were Tweedy accused of cutting down trees on the property and lessening its value, though it may have been some of the unnamed children referred to in the 1841 petition. There is no further explanation for Ruby Mansfield leaving the land in Trumbull to live in Oxford. It was, after all, her land as well as Nancy Sharp's. The 1849 petition does not state how long either woman had been absent from the property, and there is no mention of the children the two were supposed to have had.

What happened to the two women is also unclear. A woman named Ruby Mack, whose age and description match that of Ruby Mansfield, died in Derby in October 1849, but if this was indeed the same person (and not the Ruby Mack identified elsewhere as a sister of James Mack), there is no explanation of why she left Oxford, where the overseer had reported her living with her husband. Nancy Sharp, who was also referred to as Nancy Sharp *alias* Pease, was last reported by the overseer as under arrest for arson. A Nancy Mansfield died in New Haven county in December of 1849 (CTAG 9/17/2001, Ex. 87), but it is doubtful that this was the same Nancy considering that the woman who died in 1849 was listed as "White." There are also no other references to "Nancy Sharp" as "Nancy Mansfield." Other than this possible identification, there were no further references to Nancy Sharp or Nancy Pease in or around the Trumbull/Bridgeport area.

In summary, the Golden Hill Indians largely declined due to death and dispersion after the 1823 Census de Golden Hill. By 1841, the group was largely reduced to two women for whom the State purchased land using money from the Golden Hill fund. The petitions filed by these two women do not demonstrate sufficient communal activity or provide acceptable evidence of the continuation of the group. There is no evidence in the record to indicate that they were in continued contact with any of the possible survivors, given that they identified themselves as being the only ones. After 1849, even those two women were no longer evident in the record. The fragmentation of the group first recorded in 1823 had continued and by 1849 the group had ceased to exist. Therefore, the petitioner does not meet criterion 83.7 (b) from the period 1823 to

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1849.

### *Evidence for Community, 1849 to 1886*

After the death of Ruby Mansfield and the arrest of Nancy Sharp *alias* Pease, no State record submitted by the petitioner or any third parties mentions the Golden Hill Indians for approximately 22 years. Overseers continued to be appointed, although they seem to have been concerned with managing the Golden Hill fund rather than with overseeing any Indians. Local people continued to utilize the Golden Hill fund to obtain mortgages, and there is no evidence during this period to indicate that the interest went to benefit any of the children of either Nancy Sharp *alias* Pease or Ruby Mansfield (whose existence had been at least acknowledged in reports filed between 1839 and 1846). An obituary written for William Sherman in 1886 mentioned that the Golden Hill fund “was divided a few years since- the town of Trumbull taking charge of a part of it for the benefit of a few persons by the name of Sharp” (*Bridgeport Standard* 5/19/1886), which may have referred to the three children (Beecher, Nancy, and Charles) whom Orcutt (1886) attributed to Nancy Sharp *alias* Pease. Olive Pease (also referred to elsewhere as Mary Olive or Olivette), the child Orcutt attributed to Nancy Sharp *alias* Pease and Rensler Pease, was not referenced in the obituary. No records have been submitted by the petitioner or any other party to demonstrate that the Sharp children or Olive Pease actually received any of the “benefits” of the fund, or were identified in any documents as “Golden Hill Indians.”

### The Case of Henry O. Pease

Samuel Orcutt’s history (Orcutt 1886) maintains that Nancy Sharp *alias* Pease was the mother of William Sherman (of whom more will be said later), Beecher Sharp, Nancy Sharp, Charles Sharp, and Mary Olive/Olive/Olivette Pease. None of these individuals is named in any primary documents (birth certificates, marriage certificates, etc.) as her children. However, a young woman named Nancy Sharp is believed to have married Levi Pease (the brother of Rensler) in approximately 1844 or 1845 (for ease of identification, this Nancy Sharp Pease will be referred to as Nancy, Jr.). The 1850 Federal Census listed the household of Levi Pease as containing: Levi Pease, 45, M, b, CT; Henry, 5, M, M, CT; Nancy, 19, F, M, CT; Charles Sharp, 17, M, M, CT. (U. S. Bureau of the Census 1850a). By the 1860 census, Charles Sharp had died, and Nancy had either died or absented herself from the household. The 16-year-old Henry (enumerated as “M” for “mulatto”) was working in the home of a “White” neighbor in Trumbull, and his presumed father was also enumerated in a “White” household in Stratford (U.S. Bureau of the Census 1860a). These presumed relationships, based on residence in the same household in 1850, should be substantiated with other reliable evidence (see Appendix D, Ancestry and Collateral Relatives of William Sherman Claimed by Petitioner).

In 1876, a law (Conn. Documents 6/19/1876) was passed which provided that any Golden Hill Indian who fell into debt could have his or her land sold in order to repay the debt. Neither the petitioner nor any interested parties have documented any activities which lead to the passage of

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this act (there is no legislative history of this law in the available record), particularly since no one had mentioned the Golden Hill Indians in the General Assembly for 20 years. Nevertheless, the law was entered on the books and continued to be re-codified sporadically in future legislative sessions in 1888, 1902, 1918, and 1930.

One year after the passage of the law, the Selectmen of the town of Trumbull seem to have put the law to its first (and only) test. In 1877, the selectmen, acting “as Trustees for Henry O. Pease, a member of the Golden Hill Tribe of Indians,” purchased five acres of land in the town of Huntington (Huntington Land Records 10/20/1877; 574). Details of this sale are murky; for example, the Selectman paid \$500 for land in Huntington, approximately four miles northeast of Trumbull, rather in Trumbull itself. Pease was disabled in a shooting accident sometime before 1880 (in 1881 Hurd stated that the accident had happened a year or two previously, which would be 1878 to 1879, but Hurd may have been off by a year, which would make the accident coincide with the land purchase), and had lost one of his hands. The town may have been concerned that he would fall deeper into penury and proposed the law specifically to protect them if he did. Hurd stated that \$900 from the fund was used to reimburse the town of Trumbull for the care of Henry Pease (Hurd 1881, 68), although he did not specify for what or how long that support had been maintained. There are no town records pertaining to this transaction in the evidence submitted for this proposed finding. Three years later, the “Pine Swamp” land that had been purchased by the Selectmen was sold for \$300, a \$200 loss. Just as no records have been submitted documenting that the money for that specific purchase came from the Golden Hill fund, there are also no records demonstrating that the money from the sale was returned to the fund. It appears that Henry had fallen into debt, because the 1880 deed of sale specifically referenced the 1876 law that had been passed to ensure that debts could be settled by selling land held by individual Golden Hill Indians. If that was the case, the proceeds from the sale would have gone to his creditors, although no records have been presented to detail who these creditors might have been.

The petitioner considers Henry O. Pease to be a key figure in linking its ancestor, William Sherman (1825-1886), the ancestor of one portion of the petitioner’s membership, to the historical Golden Hill Indians because of the documents produced between 1877 and 1880 which identify Henry as a Golden Hill Indian.<sup>18</sup> Hurd referred to Henry Pease as a nephew of William Sherman (Hurd 1881, 68); although not stated, it is presumed that it was through his supposed mother, Nancy, Jr. rather than through his supposed father Levi. In William Sherman’s diary/ledger book, he mentioned Henry O. Pease on several occasions. He noted, for example, that in April of 1860, “Henry went to Abil Stiles Beaches.” In October of the same year, William Sherman noted “Henry O. Pease Left Abil S. Beachis and was Paid in full up to this Date” (Petitioner 8/12/1993, Vol. 18). This information corresponds with the Federal census of that

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<sup>18</sup>Levi Pease’s brother, Agrippa, was referred to as an Indian (*History of Newtown*, Hawley 1929; 520), although this is the only reference in the available record of the Pease family as “Indian”. There is no recorded documentation of their belonging to any tribe, or from what tribe they were supposed to have descended.

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year, which enumerated Henry in the household of Abel Beach (U. S Bureau of the Census 1860a). William Sherman also seems to have traded with Levi, Henry Pease's father, until 1865.

The petitioner has also given no explanation as to what happened to the children of Henry O. Pease, the last documented Golden Hill Indian, in relationship to the contemporary group. Until 1900, Janette Benson Pease (Henry's widow), her children, and grandchildren were enumerated on the Federal census in the town of Stratford (U.S. Bureau of the Census 1900a). The eight children of Henry and Jannette would have represented both age-mates (for example, Lucy and Daisy Pease were close in age to Ethel Sherman; John Pease was only four years younger than Charles Sherman) and potential marriage partners (Jannette and Emily Pease were both close in age to the three Sherman brothers who survived to adulthood; William Pease and Caroline Sherman were only a year apart in age; three of the Pease grandchildren were close in age to Ethel Sherman and Edward Sherman, as well as their cousin Helen Bosley) for the Shermans and their offspring. However, the Shermans do not seem to have had any contact with any of the Pease descendants after the death of William Sherman.

Not only are there no records of any marriages between the families, but also no evidence has been submitted to demonstrate that the two families knew or associated with each other. There is no explanation offered as to why the two families lost contact. The Peases are not represented in the contemporary petitioner. However, one newspaper article from the 1930's made a vague reference to "a branch of the tribe in Huntington" (*Thames Star* 2/10/1939). Since the Peases had been enumerated in Huntington on the 1880 census, this 1930 newspaper may have been referring to them (U. S. Bureau of the Census 1880b); however, the Peases had not lived there for years. As stated earlier, they were living in Stratford in 1900. The petitioner supplied death dates for Jannette and the children, but did not include documentation to prove the dates were accurate. If they are accurate, the death dates supplied indicate that several Pease children lived well into the 1930's, so death did not preclude their association with the Shermans. The 1910 census also listed John Pease (Henry Pease's oldest son) and his family in Stratford, and he is enumerated as an Indian (U.S. Bureau of the Census 1910a), so at least a portion of the Pease descendants were living in the vicinity. Nevertheless, there is nothing in the available record to indicate that the families associated. This situation is especially problematic because the petitioner has made much of the relationship between Henry O. Pease and William Sherman in order to lend support to their claim of William Sherman being a Golden Hill Indian. If William Sherman was Henry Pease's uncle and a Golden Hill, no evidence has been submitted to demonstrate that the relationship between the two families survived the deaths of their patriarchs. No evidence has been submitted to demonstrate that the Sherman and Pease descendants associated with each other as either fellow Golden Hill Indians or as cousins.

### William Sherman and the Trumbull Land Purchase

William Sherman (1825-1886) is the historical linchpin whom the petitioner claims links them to the historical Golden Hill tribe. However, the secondary and tertiary documents presented by the

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petitioner do not overcome the lack of primary documentation which would show that Sherman was a Golden Hill Indian. There is also a lack of contemporary documentation showing William Sherman participated in a continuing Golden Hill group. William Sherman's first appearance in Trumbull, Connecticut appears in an entry from his diary in 1857, when Golden Hill overseer Dwight Morris paid him eight dollars "for Henry Peas[e]" (Petitioner 8/12/1993, Vol. 18). William Sherman lived in Trumbull for the rest of his life, and was, by all accounts, a hard-working and industrious member of the community. He worked for many of his non-Indian neighbors, and kept a detailed record of what he owed to his creditors and was owed to him by his employers.

The journal/diary Sherman kept recorded business transactions between 1857 and 1877, and personal information from 1873 to 1878. In this diary, there are certain references to people in the community who appear to have had Indian ancestry, particularly Henry O. Pease (who was identified in two town deeds as a Golden Hill Indian). Indeed, several people living in and around the area at this time who appear to have had Indian ancestry, including Abigail (Pease) Sherman (Levi Pease's niece, who married into a Sherman family not related to William Sherman's). George Bradley, a member of a well-documented Schaghticoke family, also lived in Trumbull, and appeared two houses away from William Sherman's family in 1880 (U. S. Bureau of the Census 1880a). However, interaction between William Sherman and these other Indians is not documented. Other members of George Bradley's family also lived for several years in Trumbull, but they appear to have moved from Kent to be near George Bradley's married sister Frances (U. S. Bureau of the Census 1880a) in a different section of the town. There is no documentation presented to show any sort of communal economic or social activity between these various individuals. William Sherman often recorded going to dig for clams, cutting wood, or butchering animals, but he usually did these with his sons or by himself. He did butcher two hogs for Truman Bradley (a member of the Bradley Schaghticoke family living in Trumbull), but he also performed this job for many other non-Indians. Sometimes, when he did work along with other people, they were people of color for whom no Indian ancestry has been claimed (such as Ike Curtis). He also went out clamming with his non-Indian neighbor Charles Ambler. There is no record of anything resembling a work party consisting solely or mostly of people of Indian descent, nor of any other specifically Golden Hill Indians with whom he associated.

The petitioner also put forth the argument that Sherman, who was first a grave digger and then sexton of the Nichols Farm cemetery, established an Indian section of the cemetery. However, the evidence submitted does not substantiate this assertion. The first burial of a person the petitioner claims to be Indian was that of Jeremiah (Jerry) Pann, Schaghticoke Indian basketmaker referred to in occasional newspaper articles (Unidentified Newspaper 9/1908).<sup>19</sup> However, Pann died in 1851, six years before William Sherman was first recorded as in Trumbull. That year William Sherman was enumerated on the ship *Clematis* and gave his

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<sup>19</sup>In 1864, the Trumbull burial of Jeremiah Pann's sister, Anna, was paid for by the Scaghticoke overseer (Lavin 1997, 67; citing Connecticut, State of, County of Litchfield, Superior Court 1855-1924 [1864])

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residence as New London (U. S. Bureau of the Census 1850c). He spent the two years between 1851 and 1853 on a voyage through the North Pacific. He married Nancy Hopkins, after only being home ten days, embarked on another whaling voyage in August of 1853, and returned in August of 1856. Sherman could not have been the sexton any time before 1857 because he was at sea, and therefore could not have had anything to do with the location of the burial for Jerry Pann. He did become sexton later on (Orcutt 1886,43), but there is no evidence to support his having anything to do with the placement of graves in the cemetery.

Some of the people buried in Section K, presumably the area characterized by the petitioner as “a separate and discrete section of the Nichols Farm Cemetery” (Petitioner 10/1/1999, 64), include Julia C. Bradley (died 1876, daughter of Truman and Julia (Kilson) Bradley) and her grandmother Pamela Kilson (died 1877). Pamela’s daughter, Julia K. Bradley and her daughter Helen Philips, both died after William Sherman, in 1892. A Truman Bradley, possibly a Bradley grandchild named after his grandfather, also died in 1877, but records do not indicate that he was buried near the other Bradleys.<sup>20</sup> However, the records submitted by the petitioner also show numerous other people buried in the same section who do not have Indian ancestry or ties to any Connecticut tribe. There is no evidence submitted to indicate that the children of William Sherman who predeceased their father (Mason, Henry, the infant Mary Olive, or the stillborn unnamed daughter who died in 1873) were buried in this section. There is no documentation that William Sherman’s wife Nancy was buried in Nichols Cemetery. William Sherman himself does not appear to be buried in this portion of the cemetery. The petitioner is encouraged to submit a map of the cemetery, indicating where these burials are located.

After living in Trumbull for almost 20 years, William Sherman purchased a 1/4 acre plot of land from his neighbor, Charles Ambler. This small plot of land would eventually become the focal point for many of the petitioner’s assertions in regard to sustained tribal existence. In December of 1875, William Sherman purchased the 1/4 acre of land for the sum of \$50. In January of 1876, Sherman obtained a mortgage loan of \$800 to build a house on the land. The loan was obtained from Russell Tomlinson, who was then serving as the Agent of the Golden Hill Tribe and the manager of the Golden Hill fund. Nothing in the language of the mortgage which memorialized this loan indicated that Sherman was considered to be anything other than another mortgagee. Several non-Indians who had also used the fund to obtain mortgages also had mortgages issued using the same language. Sherman was taxed on the property, and continued to be taxed until 1886 (Lynch 4/24/1997, Trumbull Tax Records). In 1886, three months before he died, he quit-claimed the land over to Rowland Lacey, the current overseer of the Golden Hill Indians:

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<sup>20</sup>Records submitted by the petitioner indicate that Truman Bradley (died August 22 1877) was buried in the same lot as John Muffen (who died 18 November 1877 and for whom no information of ancestry or affiliation is given) and Evelyn Sherman, the non-Indian wife of Edward Sherman. Putting aside the fact that Mrs. Sherman was a non-Indian, she was also buried there in November of 1974, nearly 100 years after Truman.

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Know all men by these Presents, that I, William Sherman of the town of Trumbull, County of Fairfield and State of Connecticut. For the consideration of One Dollar and other valuable considerations, received to my full satisfaction of Rowland B. Lacey Agent of the Golden Hill Tribe of Indians of Bridgeport in the County of Fairfield and State aforesaid, by these presents remise, release and forever Quit Claim unto the said Rowland B. Lacey as Agent as aforesaid all right, title, interest, claim and demand whatever, which I the said releasor have or ought to have in or to a certain tract or parcel of land with the buildings thereon standing situated in the town of Trumbull in Nichols Farms and containing 1/4 acre be the same more or less, bounded and described as follows, to wit, Northerly on land of Isaac E. Nichols Westerly and Southerly on land formerly owned by Peter Kuhn and Easterly on Highway, being the same property mort-gaged by me to Russell Tomlinson then Agent of the said Trust, dated Jan. 13<sup>th</sup> 1876. And Recorded Book 11, Trumbull Land Records P.324;

To have and to hold the premises, with all the appurtenances unto the said releasee agent as aforesaid his assigns and successors in trust for ever, so that neither I the said releasor nor my heirs nor any other person under me or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom I am and they are by these presents forever barred and secluded (Sherman-Tomlinson Warranty Deed 2/1/1886).

Although lacking in the types of primary documents that are acceptable evidence to the Secretary of descent from a historical tribe, the total body of secondary, tertiary, and circumstantial evidence may indicate there is some possibility that William Sherman may have been a Golden Hill Indian (see discussion under criterion 83.7(e); also Appendices C and D). Apart from this issue of descent, however, the records presented by the petitioner do not demonstrate community as defined under 83.7(b). William Sherman's loan from the Golden Hill Agent does not demonstrate that he was a member of an Indian entity, as the land was not purchased for him (as it was for Henry Pease, Ruby Mansfield, and Nancy Sharp *alias* Pease), but was purchased by him. No evidence has been submitted to demonstrate that the Sherman's land purchase was the result of any group decision, or of concern to anyone other than William Sherman for the use of his family. There is also nothing significant in the record that marks any other activity undertaken by Sherman as communal or benefitting members of an Indian tribe. The diary he kept does not describe any instance where he and other purported group members outside of his immediate family engaged in any shared labor, such as catching fish, hunting, basket making, or other such activities seen in other petitioners. Although he often went "a clamming," there is no record of his going with other members of a group to harvest shellfish; likewise, there is nothing to indicate that once he gathered the clams, that he shared them with anyone other than his immediate family. There is no information in the record as to what any of the women were doing, other than being sent out to work as domestics (13-year old Huldah Sherman was enumerated on the 1880 U.S. Census in Bridgeport, working as a servant in the Charles Peet

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household (U. S. Bureau of the Census 1880b). William Sherman also made hard cider for sale, but there is no evidence that any group engaged in the cider-making process, or that he distributed the proceeds from the sale among members of a group.

In summary, the evidence presented by the petitioner does not demonstrate an existing community from 1823 through 1886, the period which encompasses the lifetime of William Sherman. Therefore, the petitioner does not meet criterion 83.7(b) for this period of time.

#### *Evidence for Community, 1886 to 1933*

After the death of William Sherman, various members of his immediate family continued to live on the Trumbull property. His widow and two of his children (Charles and Mary Sherman, both of whom apparently died unmarried and without issue) were enumerated on the Trumbull property in 1900 under the racial designation “B” for “Black”(U.S. Bureau of the Census 1900a), while his other children appear to have married and moved to other towns in the area. Records for the Methodist Episcopal Church at Nichols Farm indicate that George, Ettie Mary Sherman (who may have been their sister Harriet), and William H. Sherman had all been baptized as adults in 1882, and later records for the same church indicate that George Sherman’s sons Edward and Frederick were baptized there in 1888 and 1890 respectively (Petitioner 6/17/1994, Trumbull CT Congregational Church Records 1730-1931). Rowland Lacey continued as the overseer of the Golden Hill fund, although there is no evidence in any reports that the funds were expended on any individual from the Sherman family, Henry Pease, his family, or anyone else. Lacey died in 1897, and no individual overseer was appointed to take his place until 1933; the Golden Hill fund, which had been in existence for almost 100 years, had apparently been exhausted of monies or mismanaged out of existence. Evidence has not been submitted to demonstrate whether or not any other mortgages made on the Golden Hill fund were outstanding at the time of Lacey’s death.

The issue of just what the Town of Trumbull was doing relative to the property deserves some discussion. Three months before his death, William Sherman had quit-claimed the property to Rowland Lacey in his capacity as overseer of the Golden Hill fund. While Sherman had been taxed on the land during his lifetime (Lynch 4/28/1997, Trumbull Tax Records), the land seems to have entered into an uncertain status after his death. Contrary to the petitioner’s references to the land as a “reservation,” the property purchased by Sherman was *not* a reservation. It did not enter into reservation status until 1933. Sherman’s wife Nancy and their youngest children, Charles and Mary, were enumerated on the 1900 census apparently living on the property, but it seems that the land was not being taxed. It continued not being taxed for several years.

The inconsistencies regarding the status of the land occupied by the Shermans eventually came to the notice of some officials during the 1920's. A 1929 letter from an Arthur J. Hull to an H. A. Judd referred to a title search that he had conducted at the request of a Mr. Banford Beach in 1925. The letter is partially in error regarding how the land had been purchased (Hull maintained

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that William Sherman (1825-1886) had no record title to the land, and that the property had been bought by a trustee for the Golden Hill Indians, both of which are demonstrably incorrect), but confirmed that the land currently stood in the name of the trustee for the Golden Hill Indians, and therefore George Sherman was not responsible for any taxes assessed on the land (Hull to Judd 8/30/1929).

### Social Interaction Between Individuals and Families

No evidence has been presented by the petitioner or any other parties to demonstrate interaction between the Shermans and any other families of Golden Hill descent during this period. The petitioner asserts that an “identifiable, vibrant community, deeply attached to the Reservation” (Petitioner 10/1/1999, 82) maintained itself near or around the Trumbull property, but the evidence presented does not substantiate this claim. The children of Henry Pease, as mentioned earlier, do not appear to have had any contact with the Shermans after the death of William Sherman in 1886. Further, the petitioner has submitted evidence that it asserts demonstrates the Indian ancestry of Henry Pease’s wife, Janette Benson, based solely on the fact that she shares a common surname with a John Benson, whom newspaper accounts record was an Indian basketmaker (Petitioner 2002, Proposed Summary Chart Criterion(b), 128). The petitioner would have to submit considerably more information Sherman family interaction with the Benson/Pease descendants to substantiate the claim they were a part of a Golden Hill community.

Orcutt’s 1886 biographical sketch of William Sherman names a Beecher Sharp as a son of Nancy Sharp *alias* Pease. Beecher Sharp married a woman named Patty Oviatt, and had a son named William Sharp. If Beecher was William Sherman’s half-brother, then William Sharp would have stood in relation to William Sherman in the same way as Henry Pease stood to William Sherman, and William Sharp would have been first cousin to all of William Sherman’s children. There is, however, no documentation submitted to substantiate the claimed familial relationship or of any ongoing relationship between the families.

William Sharp’s mother, Patty Oviatt, was the daughter of a well-known basketmaker named Isabella (or “Icey”) Oviatt, who was more than likely of Indian descent (possibly Niantic, considering that her mother, Sarah Wright, was reportedly born in that town). A local history, *History of Orange*, published a photo from her 100<sup>th</sup> birthday celebration in or around 1900, but no members of the Sherman family were present in the photograph or mentioned in the write-up. The petitioner referenced “Aunt Icey” as a member of the “Pann Paugussett group” (Petitioner 10/1/1999, 83). Attendance at this event would have demonstrated some social relations between the various families which the petitioner now maintains represent various branches of the “Paugussett confederacy.” The Shermans, however, were not in attendance, nor were any Panns. Three of the individuals identified in the photograph shared the surname “Alling,” which, in the variant form “Allen,” is also the surname of some of the individuals the petitioner maintains were part of the Turkey Hill descendants. However, these three people do not appear on any other documents submitted. The petitioner would have to submit evidence to demonstrate that the

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surname was anything other than a coincidence; further, the petitioner would then have to demonstrate interaction between the Shermans (Golden Hill) and the Allings (Turkey Hill) during this time period.

### George Sherman and Ethel Sherman<sup>21</sup>

Much of the documentation regarding the petitioner during this period refers to William Sherman's son, George Sherman, and George's daughter, Ethel Sherman. George Sherman lived on the Trumbull property after his wife's death in 1904, but it does not appear that his children (Edward, Walter and Ethel) lived with him after that. Census records from 1910 indicate only George Sherman living in Trumbull (U. S. Bureau of the Census 1910a). By 1920, Ethel Sherman and Edward Sherman were both married (Walter Sherman died, unmarried and childless, in 1916), the former living in Bridgeport with her husband and children, the latter enumerated in New Jersey with his second wife, her father, and an adopted daughter (U. S. Bureau of the Census 1920c).

The evidence available for this period does not demonstrate the existence of an identifiable community. George Sherman's occupation on the 1910 and 1930 censuses was listed as "mason," and newspaper articles confirm this. However, there are no descriptions of George Sherman teaching his skill to any other members of the group, or of doing this work alongside any group members in what could be described as shared or group labor under the regulations. The petitioner maintains that George Sherman operated a vegetable stand that was stocked with produce grown by Indians in New Milford during the 1920's and 1930's as an indicator of George Sherman living in an Indian community (Petitioner 10/1/1999, 97). They do not, however, name these "cooperative" farmers. None of the current generation of older GHP remember the names of the "New Milford Indians" who supplied his produce. Information from the 1900 census indicates that several members of the Schaghticoke Cogswell family lived in New Milford, as did other Schaghticoke descendants (Schaghticoke PF 2002; 132-3). If these were the "Indians" the petitioner was referring to, then George Sherman's interaction with these Schaghticoke individuals does not demonstrate any proof of economic cooperation or community between any identifiable Golden Hill Indians.

As for George Sherman's daughter Ethel Sherman (1893-1993), whom the petitioner maintains was a leader during this time, there is even less information regarding her early years. An interview given by Ethel Sherman when she was quite elderly alluded to her father having abused her mother and her guilt about not having contacted the police at that time. George Sherman's enumeration by himself in 1910 leads to the interpretation that the 17-year old Ethel Sherman was already living outside her father's household, and possibly had left much earlier. She

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<sup>21</sup>Throughout the report, references will be made to Ethel Sherman, who was married several times. By the end of her life, her full name was Ethel Sherman Piper Baldwin Travis Peters. She will be referred to throughout this document as "Ethel Sherman".

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married in 1913 and had two children by 1920 (a third child had died as an infant). She divorced her husband in 1922, and in those years between her first and second marriages lived with her aunt Caroline Sherman Bosley and then with her uncle William Sherman, Jr., both in Bridgeport (Seifer 12/1994). She remarried in 1923.

Several interviews state that as an adult, Ethel Sherman gave other “members” of the purported group money (Petitioner 6/14/2002, Section 3, 15), but do not identify who received these gifts, or when or how the gift-giving occurred. Money given to close family members for birthdays or Christmas does not demonstrate an allocation of group resources across broad family lines as called for in the regulations. In the interview conducted when she was elderly Ethel Sherman stated she had worked in a factory, but never named the factory or the location. The Bridgeport City directories of 1929-1931 listed her with no occupation, but the 1932 directory gave her occupation as “spiritualist medium” (*Bridgeport City Directory* 1932, 140).

The petitioner maintains that Ethel Sherman’s brother (it is never stated which brother she was referring to: Walter Sherman, who died in 1916 at the age of 25, or Edward Sherman who died in 1974) had a restaurant in which she worked (Petitioner 6/14/2002; 90), but there are no references to exactly when it was operating, where it was located, or what other members of any identifiable group were supposed to have worked there. Ethel Sherman identified a woman named “Aunt Mame” as a group member, but the petitioner made no attempt to try to discern the identity of this woman. The use of the term “Aunt” may well have been a courtesy title, and she may not have been a family member at all. Mary Sherman, the sister of George Sherman, may be the woman she was referring to, but she died in 1905 when Ethel Sherman was only 13. It is also possible that she was referring to the road house run by her father, rather than any establishment run by either of her brothers. In three interviews with Edward Sherman a few years prior to his death (*Hartford Courant Sunday Magazine* 1/20/1966; *Bridgeport Telegram* 4/26/1968; *Trumbull Times* 3/19/1972), he mentioned many of the jobs he had held during his life, including merchant marine, porter, and teamster, but he never mentioned owning a restaurant. If the owner had been Ethel Sherman’s brother Walter, no one ever explained what happened to the restaurant after his death in 1916.

George Sherman was enumerated on the 1930 Federal census as living on Nichols Farm in Trumbull, Fairfield County, Connecticut. He was listed as an “Indian,” specifically a “mixed blood” of the “Golden Hill Tribe” (U.S. Bureau of the Census, 1930a). Living with him at the time was another individual named William Murray, also identified as an “Ind.” who was entered as a “mixed blood” of the “Shinnecock Tribe.” Ethel Sherman’s identification on the 1930 census, meanwhile, is ambiguous. The available record of the city of Bridgeport shows her living with all five of her children, all of whom are listed in the “race” column as “neg.” Ethel Sherman’s identification appears to have been crossed out or smudged, although the abbreviation

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“neg” can be read through what looks like a slash mark (U.S. Bureau of the Census, 1930b).<sup>22</sup> There is no other information available to demonstrate how any other members of the extended Sherman family were enumerated at this time.

Although she was not living in Trumbull at the time, Ethel Sherman had been expressing an interest in the land occupied by her father for several years. She added a new element to the previously-mentioned land-in-trust issue when she wrote to the Bureau of Indian Affairs in 1924 asking if her father and his non-Indian companion could exclude her and other family members from the property (the issue of the land will be more thoroughly discussed later in the text). After additional years of letter-writing and petitioning, the land in Trumbull which she had been referring to as a reservation actually *became* a State reservation, when in 1933 the State recognized it as such and appointed the local constable to serve as overseer. Thus, for the first time in 131 years, from the 1802 sale of the Bridgeport property until 1933, there actually was a reservation specifically set aside for a Golden Hill Indian entity. There is no evidence, however, to demonstrate that any members of an identifiable group of Indians except Ethel Sherman petitioned for a clarification of the status of the Trumbull property, or that the status of the land was of any importance to anyone other than her.

In later years, Ethel Sherman claimed that she was made a “chieftess” at a New York gathering of 20 “chiefs” around the time the land was entered into reservation status, and that this had been done at the behest of her father. “With my father’s permission and happiness I became his and my brothers, Chieftess of the Golden Hill Reservation” (Sherman to Barrell, 1959). No list of these 20 “chiefs” was ever provided, although they may have been affiliated through one of the many pan-Indian groups popular during the 1920’s and 1930’s. In this same 1959 letter, which is similar in detail to a newspaper article written at the time of the 1933 ceremony (Unidentified Newspaper 10/1933), she identified a “Chief Reindeer” (Shoshone), “Red Wing” (Winnebago), “Standing High” (Winnebago), and “White Wing” (Winnebago) as having taken part in the “ceremonies” held on the actual reservation when the State reappointed an overseer for the Trumbull property. She did not, however, make any reference to any group “members” other than her father and brother, and neither is specifically referred to as having attended the “feast” in New York (although in a July 17, 1939, letter to the *Bridgeport Telegraph*, she did say that her father had attended the Trumbull service). The photograph accompanying the newspaper article not only neglected to include her father and brother, it did not include Ethel Sherman. The only people featured were the four visiting “Indians” and the constable who became the overseer (*Bridgeport Post-Telegram* 10/4/1933). Whoever the other individuals involved in the 1933 ceremony may have been, there is nothing in the record to demonstrate that they had a bilateral political relationship with a Golden Hill entity, or that they had the authority to name anyone a

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<sup>22</sup>The 1930 Census became available April 1, 2002, and information from it was not included in the petitioner’s last submission (dated June 17, 2002). The information included in this report was located by BIA researchers, but the record has not been thoroughly examined. The petitioner is encouraged to continue examining the document.

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“chieftess.” No evidence has been submitted that any members of the “vibrant” community that the petitioner claims existed around the reservation attended this ceremony.

In summary, in the 47-year period from the death of William Sherman in 1886 to the establishment of the Trumbull property as a reservation in 1933, the petitioner has not demonstrated significant social interaction between members of a group. This is compounded by the lack of a clear definition of just composed such a group or Indian entity during this period. Some Sherman family members continued to reside on the property, but that is the only evidence presented by the petitioner in regard to any “group” interacting during these years. There is no documentary evidence submitted to indicate any community that extended beyond Sherman family members. Even connections among those family members appear to have been volatile. The mere presence of other people of Indian descent in the general vicinity does not demonstrate that these people were part of a community. No evidence has been submitted to demonstrate that events identified as important by the petitioner, specifically the issue of the Trumbull property and the “feast” that marked Ethel Sherman’s investiture as “Chieftess Rising Star,” were of any importance to a recognizable group entity. There are no available records of reunions, dinners, powwows, or life-crisis events for this period as has been shown in other cases. There are no available examples of gatherings taking place at certain times of the year (planting, harvest, or solstices), Christian observance (Easter, Christmas, Ash Wednesday) or even around those dates which are part of the American secular calendar (4th of July or Decoration Day). At best, there are occasional newspaper articles referring to George Sherman as “the last of the Pequannock Indians” during the 1930's (*Bridgeport Post* 8/23/31, 11/3/35).

Therefore, the evidence presented for the period 1886 to 1933 does not meet criterion 83.7(b) for this period.

#### *Evidence for Community, 1933 to 1973*

The information provided by the petitioner regarding the mid-20th century centers on very few individuals, specifically a very few closely related Sherman/Pipers. There are no interviews in the record with “the tribal member on the street,” so to speak. Indeed, when the petitioner’s researchers tried to solicit such interviews concerning the 30- year period spanning 1940 to 1970, they obtained only 5 from a possible 33 members, and 3 from non-members.<sup>23</sup> Of the eight total interviews, three were conducted with children of Aurelius Piper, Sr.; one was with his nephew,

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<sup>23</sup>The petitioner maintains that it had submitted tapes of these interviews to BIA (Petitioner 10/1/1999, 104-6). However, a careful check of all GHP items sent to BIA did not turn up any taped interviews. The petitioner did not include the date of submission in the Supplement, or whether these interviews were on audiotape or videotape (The BIA does have eight videotapes submitted by the petitioner, but the interviews referenced here are not on any of those tapes).

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and another was with his second cousin (the son of his mother's first cousin, Helen).<sup>24</sup> Of the three remaining interviews, one was conducted with a non-Indian spouse, and the other two were with Narragansetts who claimed to have had knowledge of the purported group during that period (Petitioner 10/1/99, 104-6).<sup>25</sup> Therefore, out of 33 members who had been 18 years of age or older during the time period in question, the petitioner presented five interviews from within the membership. The sample, then, is certainly dominated by Pipers.

Regarding the lack of participation of the other members, the petitioner's document states:

Five had medical conditions that resulted in memory loss (e.g. strokes, substance abuse, Alzheimers), six were unavailable at the time the interviews were conducted (e.g. on military duty overseas, in prison, in a substance abuse program), three did not want to be videotaped or audiotaped, and *eight said that they simply did not remember anything* (all of these individuals had moved away from southwestern Connecticut while they were still children), and three simply refused and would not give a reason (Petitioner 9/17/2001, Oral History Reference to the Period 1940-1970, 11-12) [emphasis added].

The fact that eight people could not remember anything regarding the activities over the course of 30 years is significant if taken in conjunction with other statements made regarding interaction between purported group members living outside the area. If the GHP members were keeping in touch with each other by telephone and letter, at least one of the people in the periphery would have remembered something from that 30-year span. The dependence on interviews only from the immediate Piper family or close relatives (nieces or nephews) does not demonstrate significant interaction among members as a whole.

Furthermore, this is not an isolated incidence of distance impairing memory or communication. Throughout the petition the only voices heard in interviews and articles belong to Ethel Sherman, her father George, her brother Edward, her son Aurelius, or his two sons (Aurelius, Jr. or Kenneth). Ethel Sherman's daughters, who remained in Connecticut during the years their

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<sup>24</sup>The petitioner states in their supplemental brief that he was a nephew of George Sherman. To be more accurate, he was actually George Sherman's grand-nephew, the grandson of George's sister Caroline.

<sup>25</sup>The petitioner also inaccurately characterized the data in its own analysis, "Oral History Reference to the Period 1940-1970". In this analysis, the statement is made that the pool of interview subjects was to consist of "those tribal members who were adults (18 years of age or older) during the period 1940-1970 . . . the number of Golden Hill tribal members . . . was 33" (11). Of those 33, the document then states, "A total of eight individuals agreed to be interviewed"(11). The report then went on to characterize the sample as consisting of "five immediate family members of the Piper family and three other descendants/spouses of descendants of William Sherman"(13). However, the actual list of people interviewed, there were only five Golden Hill *members* interviewed. The other three subjects were a non-Indian spouse and two Indians from another tribe who were not spouses of descendants of William Sherman. This changes the number of tribal members who did not give interviews from 25 to 28.

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brother left the state, do not weigh in at all. They would seem to be prime interview subjects; yet, they are never part of the discussion. Ethel Sherman's first cousin, (Harriet) Helen Bosley, had five children; yet they do not appear in any documents prior to the group's formal organization in the 1970's. Their absence further demonstrates the lack of interaction between members.

There is almost no information on any identifiable Golden Hill "members" other than the George Sherman, Edward Sherman, Ethel Sherman or Aurelius Piper, Sr. for the first two-thirds of the 20th century. Even after 1974, when the group became more politically active, references to members other than Aurelius Piper, Sr., his mother or his children are difficult to find. Quotes are rarer still. There are no available records of any GHP members serving as witnesses for each other, acting as godparents to any of each other's children, or attending events such as graduations, weddings, or funerals. The Piper/Baldwin siblings seemed to have had some connection with the Catholic Church at some point in their lives (their mother and sister were both buried in Catholic ceremonies, according to newspaper accounts), but the group has not demonstrated any consistent relationship with a particular church or Christian denomination that might provide evidence of social interaction with other Golden Hill members.

### The Tinney Family Line

Much of the information in the petitioner's 2002 supplemental submission centered around the inclusion of members claiming descent from Turkey Hill Indians ( see Appendix E, Descendants of Levi Allen and Delia Merrick/Myrick), and maintained that the historical ancestors of a Turkey Hill group and the Golden Hill group had all been members of one "Paugussett confederacy" which had existed since the pre-Contact period. However, there is no documentary evidence for a confederacy between the historical Pequannock, Paugussett, or Potatuck. The tribes lived in the same geographic area, spoke similar languages and intermarried, but there is no information in the record to lead to the conclusion that they were politically unified (Wojciechowski 1992, 39-48; Franz Wojciechowski to *Waterbury Republican* 6/13/ 2001). The State dealt with the two groups separately, appointed separate overseers for each, and established separate reservations. Furthermore, there is no evidence in the record that the two groups ever acted together in any political fashion. They never approached the State together to have complaints redressed, never lived on each other's lands, and never shared financially in any of the other's funds.

Information included regarding the Tinney genealogy does indicate that there was interaction between some members of the Tinney and Piper families during the 1940's and 1950's. This is based on their residences at the times of the birth of some of the Tinney and Piper children. For example, Lena Sanders Piper, wife of Aurelius Piper, Sr., was born in South Carolina. She gave her address as 12 Factory Street, Bridgeport, Connecticut on her son's 1945 birth certificate. A death certificate for a Tinney child described this same residence as a "three family tenement" (Rafford 1999, 13). Two years later, Ernestine Goodson of Darlington, South Carolina, had

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become Mrs. Conrad Tinney, and listed the same address on Conrad Arthur's 1947 birth certificate (Petitioner 6/14/2002, Supplement to Residential Analysis, Vol. II). In 1949 Ernestine Tinney was living with her husband at 41 Water Street. In 1957, Easter May Charles, also of Darlington, South Carolina, became the second Mrs. Tinney at that residence when she married Howard Frederick Tinney and gave birth to Darcelle in 1958 (Petitioner 6/14/2002, Supplement to Residential Analysis, Vol. II). The relationship, then, between the Tinneys and the Pipers may have had just as much to do with the three non-Indian mothers, all from South Carolina and living in the same apartment building or neighborhood, as with the supposed ties between a Turkey Hill entity and a Golden Hill one. The information at present does not indicate that the women from South Carolina were sisters or relatives, but if they were, then some of the Tinney and Piper children may be cousins, but not through a paternal Golden Hill line.

The petitioner's 1999 submission included the statement:

At the time the tribe's residency analysis was conducted, it did not include data on Tribal members descended from the Tinney line of Paugussett Indians. Although the Tribe originally included these members in its initial Petition for federal acknowledgment, it later removed these members at BAR's suggestion until further evidence respecting their genealogy could be developed . . . the Tinney family's descent from the Paugussett community of Derby, Connecticut has been confirmed. In light of this confirming evidence the Tribe has begun incorporating data respecting the Tinney branch into its residency model (Petitioner 10/1/1999, 26).

This statement is not accurate. None of the Tinney family appear on any of the group's membership lists before 1999, including those submitted to the State during the 1970's. The first reference to any member of the Tinney family in the petition documents occurred in 1973, when Fred "One Leaf" Tinney was declared Aurelius Piper, Sr's "Alternate", presumably to the Connecticut Indian Affairs Council (CIAC). This document, signed by Aurelius Piper, Sr., states, "I do hereby appoint Fred Tinney (one Leaf) a Pequot Indian to be my alternate. . . He will at all times be accorded respect, and granted the same privilege [*sic*] as a Golden Hill tribal member" (Tribal Government Documents 9/17/1973, Petitioner 3/1994, Appendix III). Fred Tinney also signed as a "witness" to Evelyn Sherman's request for permission for Aurelius Piper to live on the Trumbull reservation to aid her and her ailing husband Edward Sherman (Tribal Government Documents 10/24/1973, Petitioner 3/1994, Appendix III).

When Edward died in 1974, Fred Tinney appeared at the funeral as "Chief One Leaf" and announced that Aurelius Piper, Sr had now become "the chief of the Pequot nation and chief of the Golden Hill Indians" (*Trumbull Times* 3 /7/1974). Later in 1974, on letterhead for "The Council of the Descendants [*sic*] of the Golden Hill Indians" listing Fred Tinney as "Alternate," Aurelius Piper declared Tinney was his alternate on the Connecticut Indian Affairs Council. This letter to the members from Aurelius Piper, Sr. further stated that Tinney was also a representative

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on the Federal regional task force in Boston (Petitioner 6/18/1993, Vol. III, Section 6, Appendices of Supporting Documents). However, there is no indication from the petitioner's earliest membership lists (including the documents sent to the Connecticut Indian Affairs Council) that the petitioner considered the Tinney family members as a part of their membership. The petitioner has not explained why Fred Tinney, an alternate representative for the group to the CIAC, did not appear on the membership lists in the 1970's and 1980's. Neither did any members of his family appear on the lists. After the group changed its letterhead in 1975, his name no longer appeared in any other documentation generated by the petitioner. The statement made by the petitioner that the Tinneys had been included in the petition and then removed at BAR's suggestion is not borne out by any evidence.

Fred Tinney was also associated with several other Indian groups during his lifetime. At one point during early 1970's, he also declared himself to be a chief of the Eastern Pequots (Petitioner 6/14/2002, Ferris in PEP Response 8/2/2001, Ex. 68). In April of 1974, he addressed the CIAC as "a Connecticut Indian representative," but did not list a tribal affiliation (CT FOIA, CIAC Minutes, File 61, 4/2/1974, 9). After his death in 1982, Stilson Sands, the then-chairman of the CIAC asked for a moment of silence "in memory of Pequot Fred Tinney, who had passed into the spirit world" (CT FOIA, CIAC Minutes, File 61, 1/4/1983; 167). In a telephone interview, Irving Harris, a Schaghticoke, also maintained that Fred Tinney had always represented himself as a Pequot (Seifer 4/24/1997, 9), which is slightly problematic, considering that Tinney served, albeit briefly, with Harris on the New England Schaghticoke Association council in 1969 (Newspaper article 1969, no source). In short, Fred Tinney associated himself with any number of Indian organizations throughout his lifetime, but does not appear to have been officially enrolled in any tribe or unrecognized group. Further, of all of the Tinney siblings, Fred acted alone. None of his many siblings is documented as having been involved with any of these organizations, and none is recorded as having interaction with the petitioner.

Fred Tinney may have had some additional interaction with the Piper family at social gatherings. One interview conducted with Truman and Theodore Cogswell, in support of the Schaghticoke petition for Federal acknowledgment, mentioned an annual summer picnic where many Indian families from all over southeastern New England attended. The interview specifically named Fred Tinney and some of the Pipers (Schaghticoke PF 2002, Cogswell Family Interview 11/15/2001). The interview, however, does not give any dates or decade for these picnics, describe where the picnics took place, or name which members of the Piper family attended. The interview subjects (twin brothers) also state "We used to play with all the kids." Considering that the Cogswells were born in 1934, the statement can be approximately dated to the 1940's. Aurelius Piper, Sr., however, was in the military during the early 1940's, and his oldest child was not born until 1945 while his father was still in the service (Petitioner 6/17/1994, Tab 1). His sister Ruth had no children; his half-sisters were named "Baldwin" rather than Piper, and all of their children were born during the late 1940's and early 1950's. The information regarding these picnics is not substantial evidence of interaction between the Tinneys and the Pipers because of the vagueness of the information.

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### Ethel Sherman

Although there is no evidence that Ethel Sherman's rise to "Chieftess" in 1933 was acknowledged by the identifiable Golden Hill entity at the time, she quickly became the most visible member of the group to outsiders. The relationship between her father and her, however, continued to be volatile until his death in 1938. After he died, one newspaper article reported that George Sherman had threatened both Ethel Sherman and Edward Sherman several times with a gun when they had come on the property (*Trumbull Star* 2/9/1939).

After George Sherman's death, Ethel Sherman's brother Edward returned to Connecticut and applied to the State to live on the reservation. He also seems to have made some inquiries into the sale of the property, but was informed that if the property was ever sold, any funds from it would have to reimburse both the town and the State for care they had provided for his dying father. There is no evidence in the record that any members of an identifiable group cared for George while he was ill. Further, Edward Sherman was reminded that his sister had as much right to the property as he did, and there might be additional heirs, including some people living in Huntington (*Trumbull Star* 2/9/1939). His application was accepted and he and his non-Indian wife moved onto the reservation. Edna (Jackson) Sherman, Edward Sherman's second wife, appears to have died or divorced her husband at some point before 1946, when he married Evelyn (Young) Cundiff. Both lived on the reservation until their deaths in the early 1970's.

Ethel Sherman continued to live in Bridgeport, and articles about her appeared in several local newspapers over the next few years. For example, an article in 1933 detailed her plans to marry Frank Travis, who was described as an Indian from Kansas (no tribal affiliation was given). According to the account, Ethel Sherman could not say just when the wedding would take place, because in "the Indian custom, I cannot speak unless he tells me what to say" (*Bridgeport Post* 11/29/33). There were no further descriptions of these "customs," however, and they remain a mystery. The quote did not say the "customs" were those of the Golden Hill, the Pequannock, the Paugussett, or the tribe of her future husband. It simply said it was "the Indian custom." When Ethel Sherman sued her second husband for back child support in 1939, the *Bridgeport Post* (7/12/1939) and *Bridgeport Telegram* (7/12/1939) both referred to her as a "self-styled chieftess." In a letter to the editor, she vigorously denied being "self styled," and referred again to the meeting at which "20 chiefs" had given her the title (*Bridgeport Post* 7/17/1939).

Much of the information submitted by the petitioner during this time relates to the relationship between the Sherman siblings and access to the Trumbull property. This information is equally important when discussing the political influence of the two Sherman siblings, and will be thoroughly discussed under criterion 83.7(c). However, the data is important to understand the social community at the time.

Just as Ethel Sherman's relationship with her father had been contentious, so would be her relationship with her brother. Letters written over the next few years would express her

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dissatisfaction over the people living with her brother on the reservation, and with her brother himself. More than once, she contacted lawyers to ask about liquidating her interest in the property. Occasionally in letters written to Connecticut authorities, she wrote regarding other persons, but these were nearly always references to her children, her brother, or her father. The rest of the “community,” which the petitioner claims to have existed at the time, is never mentioned in the available record. There are no members of the Tinney/Allen descendants mentioned in any available documents written by Ethel Sherman during this time, or any mention of her cousin (Harriet) Helen Bosley or any of her five children.

The petitioner maintains that Ethel Sherman, in addition to being a “Chieftess,” was also a “clan mother.” A document entitled “Practice and Usage of the Golden Hill Tribe Concerning Membership” (CT FOIA, 6/25/75) contains the signatures of the 83-year-old Ethel Sherman as well as that of 82-year-old (Harriet) Helen Bosley, her first cousin. Both added the title “clan mother” to their signatures, which seems to indicate that the title was being used by the oldest females in the group. Neither specified of which “clan” they were supposed to be the mother. No information has been submitted by the petitioner regarding the number or names of any “clan” grouping among the GHP (unlike, for example, the Iroquois or Navajo, who have numerous clans as well as rules regarding the relationship of individuals as they are circumscribed by one’s position in a clan). The role of “clan mother” is not well defined, but one responsibility involved in the position was the ability to name “chiefs.” Aurelius Piper, Sr. maintained in *A Quarter-Acre of Heartache* that only the “clan mother” could name a “chief” or remove him from his office (Smith 1984, 8-9). The book gave no information about how Ethel Sherman became invested with the power herself. No evidence has been presented to demonstrate that Ethel Sherman ever made her brother a “chief,” but he did somehow assume the title “Chief Blackhawk” by the 1960’s. The petitioner also maintains that Ethel Sherman named her son, Aurelius Piper, Sr., “Chief Big Eagle” in or around 1959, although there have been no documentary evidence or interviews presented that describe any ceremony or acknowledgment by the rest of any identifiable group entity of this “naming.” Aurelius Piper, Sr., who had served in the Army and Navy during World War II, spent most of the years after the war as a truck driver up and down the East Coast. He became a very important figure in the post-1972 period, but during this earlier time, he was busy establishing his business and family.

The petitioner maintains that esoteric knowledge was passed on orally between group members at regular powwows and gatherings, yet fails to name a specific gathering, produce evidence of a powwow, or discuss what constituted this knowledge. One newspaper clipping from the mid-1970’s stated that the first powwow in 150 years was going to take place on the Trumbull reservation; the petitioner’s 2002 response maintained that this was an exaggeration and that gatherings had been held regularly in other places (Petitioner 6/14/2002, see *Oral History References to the Period 1940-1970*, 8). However, the petitioner again failed to give any specific examples of when or where these gatherings took place. If meetings took place in people’s homes, no documents presented by the petitioner have contained information stating in whose homes they were held, how often they occurred, or what issues were discussed. The petitioner

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has not submitted any evidence, such as fliers, brochures, newsletters or other evidence used by petitioners to announce or recount these events.

One of the claims made in the petitioner's submission "Keeping Under the Radar: Paugussett Survival Strategies Before and After European Contact" was that Ethel Sherman would surely have been able to detail what was discussed at meetings held during the 1930's through the 1970's if only someone had asked her in an interview (Petitioner 6/14/2002, see Rudes 2002, 14). However, the fact that no one else could or was asked to provide this type of information begs the question of just how important these meetings were in the first place, or if they occurred at all. If many people had attended and had been concerned about the issues being discussed, some of those members could be called upon to provide details from that period. Even people who were not adults at the time might have memories of what went on at those meetings, or at least where they were held. The petitioner should consider exploring alternative sources for that particular information, and then provide specific, not general, answers to the questions of where these meetings were held and what was discussed. Saying, for example, that "plans for the future of the tribe" were discussed is not sufficient. The petitioner needs to describe what these plans were. If these issues and meetings were of import to the group, then several people should be able to remember and describe them.

The petitioner has not submitted any documentation which would demonstrate any interaction between the Sherman siblings and any other people supposedly identified as part of a larger GHP community. A Sherman family cousin, Harriet Helen Bosley (daughter of Caroline Sherman), had lived in Bridgeport all during this time the time, but she does not appear in any of the available documentation until the 1970's, when the group began to organize formally. The petitioner has not submitted any documents, such as sign-in books from weddings or funerals, which have been used by other petitioners in the past to indicate who was attending life-crisis events (see, for example, Match-e-be-nash-she-wish PF 1995; Muwekma FD 2002). There are no descriptions of holidays or gatherings, no suggestions of shared labor activity. The assertion made by the petitioner that "The Chieftess would also be present at every birth and death of a Tribal member" (Petitioner 10/1/1999, 104) has not been substantiated. During World War II, there are no records indicating that men belonging to the community enlisted together or worked together in wartime employment. Some of the interviews with members of the group indicate that walking or taking the bus to visit among the various individuals and families took place; however, the abstracts of the interviews available to the BIA do not mention visiting specific individuals or specific homes of any GHP members beyond their close families. Considering that all but one of the people who gave an interview were close relatives of each other, the visiting that is described might well be attributed to family members getting together. More information might be gleaned if the BIA had access to the interviews themselves, and the petitioner is encouraged to resubmit full transcripts of those interviews for analysis. However, as it currently stands, the information that has been submitted does not demonstrate significant levels of social interaction between the members to satisfy criterion 83.7 (b) and demonstrate that a distinct community existed during this time.

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### *Evidence for Community, 1973 to the Present*

Evidence of community submitted by the petitioner during this time consists of numerous newspaper articles, membership rolls, meeting minutes, and documents generated by individual members, such as correspondence. There are also many examples of correspondence between State and local officials, and a membership analysis dated 2002.

The year 1972 marked the beginning of the leadership of Aurelius “Big Eagle” Piper, Sr. There is no doubt that Piper was responsible for the “revitalizing” of a Golden Hill entity. He gained national and international attention as an advocate for Native Americans, as well as for his “battle” over the quarter-acre reservation which would, by its conclusion, involve the town of Trumbull, the State, domestic and foreign media, and the American Indian Movement (AIM) (this incident will be described in more detail under criterion 83.7(c)). Under his leadership, the Golden Hill Indians gained representation on the Connecticut Indian Affairs Council, and even obtained an additional land base consisting of approximately 100 acres in Colchester, Connecticut in the 1980's.

The many newspaper articles, State documents, and Federal grant applications from this era are almost exclusively focused on Aurelius Piper, Sr. and his agenda (the others refer to his mother, who was often interviewed due to her longevity). There are very few references or quotes from any other individuals who were supposed to be members of the group. His description of his legal battle with neighbors over the maintenance of the 1/4-acre property in Trumbull gives little idea of the support he was receiving from his own claimed constituency, not even family members other than his son Kenneth bringing him food, fuel, or sitting with him during his vigil. While he makes many mentions of the presence of other Indians, he seldom specifies where these other Indians came from. *Quarter-Acre of Heartache* demonstrates the presence of Indians visiting Trumbull (for example, there are several images of AIM's Clyde Bellecourt and Russell Means attending events in the 1970's), but the book is lacking in photographs or information relating specifically to the members of his own group. There are no photos or any mention of the participation any of Piper's adult children during the conflict (Kenneth Piper, whose role in the group's history is thoroughly discussed under criterion 87.3(c), was only 16 at the time, yet he was with his father throughout the entire ordeal). There is also no mention of any of the Tinney descendants during this time.

This pattern of “group silence,” with few GHP voices either confirming or dissenting from Aurelius Piper, Sr.'s agenda, continued until the 1990's and the schism that developed between Aurelius Piper, Sr. and Aurelius Piper, Jr. on the one hand, and his son Kenneth Piper (who was by that time using the name “Moonface Bear”) on the other. Various family and extended-family members chose one side over the other, but the schism that developed does not appear to have outlived Kenneth Piper's death in 1996. No descriptions of any sort of reconciliation have been presented in the petitioner's submission.

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### Current Interpretations of Group History

The documentation submitted by the petitioner and other parties of the GHP during the first few years of their formal organization paints a picture of an organization without a common understanding of its own history or origin. Prior to the 1970's, most articles referring to the petitioner's antecedents referred to them as "Golden Hill Indians" and many also referred specifically to their Pequannock origins (*Bridgeport Telegraph* 2/10/39, *Bridgeport Post* 4/27/68). However, in the early 1970's, interpretations regarding the group's history began to change. For example, in 1973, when the CIAC was amended to include the Golden Hill on its list of State-recognized tribes, State Representative Ratchford, a supporter of Golden Hill inclusion, was asked by State Representative Osler whether or not the Golden Hill were part of the Mohegan tribe. Ratchford replied:

That has been debated among the Indians. I would point out that they, too, have their difficulties in the area of recognition as to who is and who is not and who is within a tribe. However, the majority opinion currently among the Indians is that the Golden Hill is a separate tribe and not something that is either subordinate to or secondary to the Mohegan Tribe (Lynch 2/24/1997, Section 4).

In February 1974, Fred Tinney proclaimed Aurelius Piper, Sr. to be chief of the Pequots, which were historically two separate tribes. The minutes of the Golden Hill council meeting from June 22, 1975, even includes a reference to the possibility of a connection to one of the Iroquoian tribes: "Until it has officially known that we do come back under the Onida [*sic*] tribe of the Six Nation's which at this time is a slow progress" (Petitioner 6/14/2002, Bates Numbered Documents 627). This may have been a reference to the Indians of Connecticut who left the area to join the multi-tribal settlement at Oneida during the colonial period. If it were, it reflects a view of history that does not conform with what is known about the migration to Oneida. The people who left Connecticut were not "under" the Oneida until they left the area and joined the settlement. The ancestral Golden Hill Indians were certainly not "under" the Oneida, either, being that they were a politically autonomous group. Therefore, the contemporary group claiming descent from the Golden Hill could not "come back under" the Oneida because the historical group had never been "under" them in the first place.

After the initial confusion of the early 1970's, the group seemed to have settled on an interpretation of history which included a Paugussett confederacy, of which the Pequannocks and Potatucks were members (the tribes from which the ancestral late 18th-century Golden Hill Indians could claim descent). This interpretation does not conform with the best available history, which does acknowledge a similarity of culture and language between the aboriginal tribes of the area, but stops short of accepting the notion that the groups were politically unified (Wojciechowski 1992). Nevertheless, it is still the version of history that the group has accepted for itself, and is reflected in several of the group's documents. For example, the group's 1991 supplement to the practice and usage document supplied to the State defines those as eligible for

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membership “any person who is a descendant of the Golden Hill Sherman, Shoran, Shrum families or any other documented Paugussett prior to 1930, documented Paugussett’s are those on Overseer’s Reports, State recognized, or who have been known to live amongst us” (CT FOIA Ex B-27, 1). This is also the interpretation of history under which the petitioner has included 148 Tinney descendants who are claimed to be the heirs of a historical Turkey Hill entity, even though they had never been enumerated with the group before 1999. This inclusive interpretation also permitted the group to construct a Residency Analysis in 2002 enabling them to claim any Indian in Fairfield or New Haven counties enumerated on a Federal Census from 1870-1930 as a member of the Golden Hill Paugussett, without any substantiating information as to what their actual affiliation might have been (this Residency Analysis will be discussed later in this criterion). The analysis over time does not include information as to whether or not the same people were being counted or identified as Indians from one census to the next.

The petitioner’s submission also offers some contradictory interpretations of its own history within its own submission. The June 2002 submission makes much of basket making and the history of basketry within the constituent GHP ancestors. Basketry was (and in some cases still is) an important part of the economic and artistic fabric of Indian groups all across the country, and it is certainly true that Connecticut Indians such as Molly Hatchet (ca.1738-1829) were well-known for their basketry skills. However, although it is true that many members of the GH Indians were involved in basketry in the 19th century, there is little evidence that the group ever utilized basket making as part of any shared economic activity. In fact, the evidence all seems to point in exactly the opposite direction. The people who made baskets were often solitary, or perhaps working with one immediate family member to secure income for their own needs ( for example, Molly Hatchet, Jerry and Eunice Mack). Materials for basket making required almost no capital investment, and could be gathered efficiently and processed and woven fairly quickly by one person. There is nothing to demonstrate that GHP ancestors pooled their resources and labor to produce baskets, or that the proceeds benefitted anyone other than the immediate seller. Nevertheless, the March 27, 2002, interview with Aurelius Piper, Jr. (“Quiet Hawk”) also offers information which directly contradicts the petitioner’s earlier submissions regarding the importance of basket making:

**Fringer:** Okay. One of the earlier bar [sic] applications that I went through emphasized basket weaving as one of the main cultural unifiers of the tribe and your dad says that’s not so.

**Quiet Hawk:** Basket weaving was one of the things that were [sic] done, but *they were done by the women* (emphasis added). Some people attach too much importance when they read something in the literature than what is actually, you know, if you had the basket—if you say what was Golden Hill known for widely in the state or the colony. Is it the basket weaving or the hard cider, they would say the hard cider.

**Fringer:** Okay. And that’s much...

**Quiet Hawk:** It is more commercialized— the basket weaving—as making

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sandwiches on the side of the road or selling fruit on the side of the road. The basket weaving was just a . . .

**Fringer:** To generate an income stream.

**Quiet Hawk:** Yeah.

**Fringer:** Doesn't have, say, the cultural significance that the beadwork has.

**Quiet Hawk:** Doesn't have the cultural significance of the beadwork or the hard cider (Petitioner 6/17/2002).

The statement regarding basketry as woman's work is incorrect. As any number of the petitioner's own documents demonstrate, the making of baskets and brooms was done by both Connecticut Indian men and women (for example, Jerry Pann and Jim Mack). And while much of the basket making was indeed done for sale, there is at least one example of a very significant cross-cultural exchange between the Paugussett basketmaker Molly Hatchet and the families she visited during her lifetime, as described in Orcutt and Beardsley:

Whenever a child was born, she was sure to appear and present the baby with a basket-rattle containing six kernels of corn. If the mother had more than six children she put in one more kernel, and so on in arithmetical proportion (Orcutt and Beardsley 1880, 51).

There is not enough information about the pre-contact Paugussett to know if this was a traditional gift to a newborn, or if it was simply something Molly Hatchet herself originated. That the rattles were described as a gift is also significant, as the authors make clear that these were not sold, but given.

All in all, then, to claim that basket making did not have the cultural significance of hard cider manufacture (which was being purchased *for* the Indians by the overseer in the 1820's) or beadwork does not mesh with available information submitted by the petitioner.

The claims made by the petitioner regarding ritual activity among the group need far more substantiation than any of the activities referred to are significant to the group as a whole, and require more evidence than the statements by one person. For example, the same March 2002 interview with Aurelius Piper, Jr. ("Quiet Hawk") describes a ritual that appears nowhere previously in the petitioner's documents, and for which there is no other corroboration:

**Fringer:** Do you know– I understand that George mostly made hard cider. Is that was [*sic*] he sold in the speakeasy?

**Chief:** It was hard cider.

**Fringer:** Okay, and making cider goes back a long way with your people?

**Chief:** Yes, it has been in the tribal history of– basically, the leadership used it to make money– for the upkeep of the reservations and for the money– and to give little monies out to the tribal membership.

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**Fringer:** Right. Did the – was it used ceremoniously – for ceremonies by the tribe itself?

**Chief:** Well, they used it in such a way because they didn't drink.

**Fringer:** Oh.

**Chief:** They really didn't drink. They basically used it as an economic tool. And it was used at ceremonies as part of their gifts afforded them- you know. They– the tribe honors those things that allowed the life and the culture to go forward. And all these things were improving– the fruit, the apples and everything else it brings to the tribe.

**Fringer:** Uh-um. So, there might have been, for instance, a ceremony in the spring time to bless the apple orchard or to help the orchard and the total harvest of all. . . .

**Chief:** Uh-um (Petitioner 6/17/2002).

This exchange is problematical for several reasons. It appears that the references to George Sherman, his road house, and hard cider referred to bootlegging in the 1920's during Prohibition, not to any cider-making or consumption as a tribal tradition that continued to exist. There is only one ambiguous reference to the historical Golden Hill Indians making cider, and that took place in 1772. The overseer Daniel Morris noted that the Indians received payment during the month of September for 3 ½ barrels of cider. It does not say whether the Indians made it or whether they received the money because the fruit had been grown on their land (the records also record several payments for crops such as oats, corn and, carrots). There is no other evidence for hard cider being made by any of the historical Golden Hill Indians. This by itself does not mean that it might not have acquired ritual significance at some later date, but there is no evidence to indicate that it ever did.

Secondly, there is no evidence at all to support the statement that the historical Golden Hill Indians did not drink. The overseer's reports from 1820's list numerous purchases of cider for (not from) the Indians, as well as two quarts of rum for Dolly Sherman when she was ill (Overseer's Report 1824). William Sherman's diary lists at least three occasions when Henry Pease, the last identified Golden Hill Indian, visited him drunk (including February 17, 1877, when William Sherman, Jr. went drinking in Bridgeport with Henry Pease and his wife and spent all of his mother's money). There is also no evidence to indicate that any people the petitioner now identifies as "leaders" ever sold the cider and shared the proceeds with group members. Ethel Sherman's 1924 letter maintains that it was just the opposite and that her father was giving all his proceeds to Sarah McGee, his "white" companion (Baldwin to Burke 7/1/1924). Most important, there is no mention at any other place or time of cider being used in any sort of ceremonial context. There is no description of who would have taken part, no description of how or where this ceremony would have taken place, and no information on its frequency. If this was or is an important portion of the group's ritual life, then more information must be submitted.

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### Cultural Distinctions

The Algonquin dialect spoken by the historical Golden Hill Indians has long since died out, and only a few words remain. Aurelius Piper, Sr. may have added a few terms to his own vocabulary when he undertook a study of Algonquin languages, but whether anyone else in the group knows or uses those terms cannot be determined from the information submitted. One letter from 1975 to Brendan Keleher (CIAC Coordinator) dated February 7, 1975, used the term “onen” in the closing, and continued to do so throughout much of his correspondence (for examples, see Tribal Government Documents 4/3/1975, 8/14/1938, 3/18/1992, Petitioner 3/1/1994, Appendix III). Much of his correspondence after 1982 uses the term “saygo” as a salutation; “saygo” is indeed a salutation used by the Oneida people, but it is from the Iroquoian language family rather than the Algonquin language family. The Golden Hill’s Pequannock predecessors were clearly Algonquin speakers, and even though some of the Golden Hill predecessors moved to join the multi-tribal community at Oneida in the late 18th century, their original language would have been an Algonquin dialect. Aurelius Piper, Sr.’s use of the term is not linguistically correct for this ancestral population. His son Kenneth (“Moonface Bear”) did use some words and phrases which appear to be of Algonquin origin in documents, although he was wont to include a translation for what he was supposed to be saying. For example, in a March 23, 1991 submission to Governor Lowell Weicker, he referred to “the Golden Hill Paugussetts, who are aboriginal descendants spanning from generation to generation, Mishquee Matakay Ninnin Nuwaugks” (Tribal Government Documents 3/23/91, Petitioner 3/1994, Appendix III). However, there is nothing to indicate that the use of language was anything more than symbolic or that the use went beyond a very few individuals.

Aurelius Piper, Sr. often complained about the lack of participation in cultural events on the reservation in Trumbull. Minutes from a December 17, 1978, meeting indicate his displeasure when “A discussion followed on past experience concerning Bead Work. The Chief became quite upset and said that he really didn’t know [sic] what became of the workshop. He said these are the type of things we should follow though at our meetings” (Tribal Government Documents 3/23/91, Petitioner 3/1994, Appendix III). In his appointment of his son Kenneth Piper to the position of sub-chief in 1982, he wrote, “I see no other member of the Golden Hill Tribe, with any interest whatsoever in the culture heritage or the welfare of its people and members” (Tribal Government Documents 5/31/82, Petitioner 3/1994, Appendix III). A magazine interview also stated that members other than Piper’s immediate family (here referring to his two youngest children) rarely attended religious ceremonies, cultural events, or tribal meetings (*New Journal* 9/7/90, Petitioner 1993 Black Binder N). In another letter to one of his children, he wrote:

Mabel called and signed with AID for a job and she said they they [sic] was going to learn her her culture. She said Tinna had to sign with New Haven to learn how to bead I told her I been here nine years and no one has come to learn a thing about there [sic] culture or to bead. All they have to do is come and read the

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books, I have the language not AID” (Tribal Government Documents 3/2/92, Petitioner 3/1994, Appendix III).

These statements, along with the lack of additional evidence, do not support the petitioner’s contention that there has been an active or involved membership. From the evidence presented, the petitioner appears to lack significant social relationships. No evidence has been submitted to demonstrate any gatherings, such as annual pow-wows or festivals, held or sponsored by the group at the Colchester reservation, Trumbull reservation, or any other location. Even after 1974, when the group became more politically active, references to members other than Aurelius Piper, Sr., his mother or his children are difficult to find. Quotes are rarer still. There are no records of any of the GHP members serving as witnesses for each other or attending life-crisis events such as graduations or weddings. The group does not attend any one church or belong to any one denomination (there is evidence that as late as 1886 three Sherman siblings were baptized together in the Methodist Episcopal Church in Nichols, but that relationship does not seem to have persisted past those individuals). Aurelius Piper, Sr.’s son Gilbert is identified as a Christian minister, but no evidence is given to indicate that any other members attend his church (or if he has or has had a congregation of his own). Newspaper photographs of Edward Sherman’s funeral identified only Fred Tinney as “Chief One Leaf,” and the people in the photograph serving as pall bearers are not identified by the newspaper or the petitioner as Golden Hill members. Newspaper accounts of the 100th birthday party of Ethel Sherman include mention of her son, three grandchildren and one great-grandchild (*New Haven Register* 4/3/93, Petitioner 3/1994, Appendix II), but do not include information regarding any other Golden Hill members in attendance. No additional photographs or record of this celebration were submitted. The petitioner did submit a videotape of the grave side service for Ethel Sherman’s funeral, but did not include any additional information to clarify who was in attendance. It is therefore impossible to tell who in attendance was actually a Golden Hill member. The one person conspicuous by his absence was Aurelius Piper, Sr., who was in Maine at the time and did not return for the interment. He sent a letter to be read during the service, in which he declared “In honor and memory of mother, I have gathered a herd of deer so that there will always be food for our peoples to eat. All of my mothers life she had made sure that her children and people had something to eat” (Tribal Government Documents 4/24/1993, Petitioner 3/94, Appendix III). The petitioner also did not include evidence such as a sign-in book for this or any other funeral, which would help determine group attendance at these important events.

In terms of kinship, the Sherman-descended portion of the petitioner is, and seems to function as, an extended family. Most of the social interaction appears to take place among members of individual family lines, but even when interactions do appear to have taken place across family lines, the relationships are often so close as to be between cousins. The petitioner has not described any special relationships formed through god-parenting or any equivalent institution. Aurelius Piper, Sr., as the patriarch of a large portion of the group, does appear to have occasionally offered care to some of his grandchildren, but there is nothing to indicate that any sort of fostering relationship is widespread among the group. A document submitted by the

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petitioner makes the claim that Ethel Sherman “served as surrogate mother in charge of the welfare of Indian girls” (Petitioner 6/1993, Appendix N), but no evidence has been submitted to identify any of the girls for whom she was supposed to have cared, when she cared for them, or whether or not they were Golden Hill or belonged to another group. In order to support assertions of community, the petitioner should offer more evidence to demonstrate relationships across the group that go beyond members of individual’s immediate families.

The GHP’s 1994 historical narrative states, “It was tribal custom that once an individual was over the age of eighteen, or had children of their own, they became Head of a family” (Petitioner 3/1994, Appendix VII, 60). The duties of a “Head” are articulated in one of the petitioner’s documents, which states, “In many instances, these adult members are heads of households consisting of other (sometimes many) Tribal members. By well-established custom and usage, these adult members of the Tribe. . . are speaking not only for themselves but also for their entire family” (Tribal Government Leaders and Authority Documents, 4/1/1994, Appendix XII). However, minutes from the October 1, 1978, meeting held by the group present as very recent in origin the establishment and identification of people as “household representatives:”

It has been decided by discussion of these tribal members present that [*sic*] the committee will be made up of a representative from each ‘household’. This was decided to [*sic*] be the best way of protecting everyone’s interest by making sure there is someone responsible, in every home, to understand what is going on and than [*sic*] bring the information to those persons he or she represents; so that when it comes time to make a group decision everyone has had the opportunity to understand what is involved. And if they don’t, then it’s their responsibility to find out why their representative isn’t doing his or her job.

The attached kis [*sic*] is a list of those tribal households represented at this meeting and their respective representatives, Some effort will be made to secure representation for those ‘households’ not represented at this meeting job (Tribal Government Documents 10/1/78, Petitioner 3/1994, Appendix III).

It is not clear why it was necessary to appoint representatives if the position of “heads of families” already existed. The minutes, however, indicate that a new position was being instituted because of a lack of involvement from individual group members or a lack of leadership from the “head of a family” to keep the household informed. The petitioner should submit documentation detailing the involvements of heads of families or household representatives. The petitioner should also submit evidence to document that the “heads of households” actually spoke or speak for their households the petitioner maintains they represent.

The documents submitted by the petitioner regarding religious beliefs do not provide evidence under the regulations. The group’s 1994 historical narrative states that Gilbert Piper is a Christian minister and the group’s spiritual leader (Petitioner 3/1994, Appendix VII, 101). However, the petitioner’s documents contain no information regarding what exactly this role

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entails. The minutes of the Golden Hill Tribal Council from June 22, 1975, refer to the election of someone named Little Tree to the position of “Medicine Man” for the group (Tribal Government Documents 6/22/75, Petitioner 3/1994, Appendix III). The petitioner does not explain who this person was, if the roles of spiritual leader and “Medicine Man” overlapped, if the position of “Medicine Man” was still in existence 19 years later, and if so, if Little Tree was still serving in this position. The petitioner should submit evidence to demonstrate that these individuals interact (or interacted) with the membership as a whole, in order to demonstrate that these positions are more than symbolic.

The petition also describes at some length what is required to give a child an Indian name. According to the petition, the “Chief” (and only the “Chief”) must call in a “spiritual” man to examine the child and determine what the name should be (Petitioner 3/1994, Appendix VII, 101). The petition does not, however, explain whether the naming ceremony is part of the duties of the group’s spiritual leader, or if this “spiritual” man is someone different entirely. The petition also does not give any indication of how many children are named in this manner, at what age the children are named, how often these naming ceremonies occur, if they are private gatherings of only the immediate family, if they involve the whole group, or if an adult can also receive a name in such a manner. Again, more first-hand information from other members regarding the significance of ceremonies such as this needs to be included. The petition also states that, “The naming of Little Eagle was unusual since for over 200 years, nearly all tribal members had been given “Christian” names at birth” (Petitioner 3/1994, Appendix VII, 102). Considering that Little Eagle was the 10th of Piper’s children and the only one given a descriptive name, even an interview with the “Chief” regarding that decision would support the argument that this is something with true relevance for this group.

The petitioner also maintains in its 1994 petition that group traditions regarding wedding ceremonies must be followed in certain ways. These “ways,” however, remain a mystery. Only two examples regarding marriage were given, and both are lacking in detail. The first is a reference to Ethel Sherman’s announcement of her wedding to Frank Travis in 1933, which was discussed in an earlier section of the text. The other example refers to one of Aurelius Piper, Sr.’s marriages, in which he haggled over the bride-price (Petitioner 3/1994, Appendix VII; 102). Although the petition refers to intense negotiations lasting all day, it does not say how the situation was eventually resolved, or if the marriage ever took place (none of his spouses was identified as Indian in any primary documents submitted to BAR). Bargaining over bride-price is something that occurs in many cultures, and may have been the custom of the family of his intended bride rather than his own. However, there is no evidence that this practice existed among any of the other Connecticut tribes at any time after the 1700’s. Considering that no evidence of marriage between two Golden Hill members in the last 200 years has been presented, the “bride” must have been from another group. More importantly, the petition does not describe these customs as something in which many or most of the group members take part when they marry, or if this was an attempt to reinstate some long-abandoned aboriginal practice. If particular marriage customs and practices are important to the group, the petitioner must present

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more and detailed information of those customs and practices.

The 25 CFR Part 83 regulations specifically state that evidence of community must exist *broadly* among the members of a group, but most of the information to demonstrate community has been given by only a few individuals. In order to demonstrate that the group has cultural patterns that are different from the rest of society and that they function as something other than generic symbols of “Indianness,” the petitioner must include evidence from a variety of group members on how ceremonies, beliefs or kinship affect their lives and their identity as members of the petitioning group.

#### Discrimination Against Members

The period of the 1970's and into the 1980's shows evidence of discrimination against Aurelius Piper, Sr. as he struggled against the neighbors regarding the 1/4-acre of land in Trumbull (discussed more thoroughly under criterion 83.7(c)). Regarding issues of identity, Aurelius Piper, Sr. was quoted as saying

There are Indians in Bridgeport who won't admit it today. My daughter is in a (housing) project. She gets along better because people think she's Puerto Rican. A lot of Indians just don't want the trouble (*News-Times*, undated, no page number In Petitioner Black Binder N).

By the 1990's, the land claim suits filed by the group resulted in some vitriolic attacks in the media ridiculing the African-American ancestry of those in the GHP (for example, *Hartford Courant* 6/21/1993), so much so that the State chapter of the National Association for the Advancement of Colored People (NAACP), came to the Paugussett's defense. In a letter to the mayor of Bridgeport, the Greater Bridgeport Branch of the NAACP wrote in support of the group's land claims in Bridgeport (Branch to Ganim 9/17/1992, Petitioner 7/18/1993, Book V). A year later, in a report dated July 28, 1993, the Connecticut NAACP wrote “The NAACP acknowledges that the discrimination charge of ‘disparate treatment’ has been raised because of the African American connection with the Chief of the Golden Hill tribe” (Report of NAACP Special Committee on Land Claims and Federal Recognition for the Golden Hill Paugussett Indians of Connecticut 7/28/93, BAR Administrative Files, emphasis in original). The deficiency with this particular evidence is that it is not until the 1970's that such discrimination against a Golden Hill entity first appears. The petitioner should offer additional evidence to demonstrate that as a group, and by virtue of their membership in this group, the members of the GHP were discriminated against before the 1970's.

#### Community Among the Tinney Family Line

The petitioner's 2002 submission includes some information which it claims provides support for the existence of community among the Tinney descendants, purported descendants of the

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historical Turkey Hill Indians. These included a photograph of several men identified as members of the Tinney family, as well as an undated letter from one of the descendants. In this letter, he writes that he remembered his family gathering at a piece of land in Ansonia, Connecticut, owned by his uncle that they referred to as “the reservation:”

I remember the rock formations that my Grand Uncle Fred painted to show how they resembled the various animals in the area. I remember that we cooked outdoors to celebrate holidays and special occasions. I remember that my grandfather, my mother and my uncles spent some of the time here teaching us the traditions of the tribe, and I remember that the family gathered on this property for many years. We learned that we owned much more land than we had here but that it had been taken away from us a long time ago (Petitioner 6/17/02, 700).

These recollections do not demonstrate the existence of relationship between an identifiable Turkey Hill entity and the Golden Hill group. It does not say that any of the Golden Hill members participated in these gatherings, or if any other family lines were present other than the author’s close relations. The letter goes on to say that they “have continued to maintain our traditional tie to Chief Big Eagle, who has been the tribal leader for most of my life.” However, the petitioner has not submitted documentation that shows the Tinneys were maintaining ties with those claiming descent from the Golden Hill Indians, and the evidence that has been presented has repeatedly demonstrated the absence of any Tinney descendants in the petitioner’s membership until 1999. If the petitioner wishes to maintain that the purported Turkey Hill descendants have maintained social relations with the purported Golden Hill descendants, it must include more evidence, such as additional primary documents and probative interviews, to demonstrate a relationship between those claiming Golden Hill ancestry and those claiming Turkey Hill ancestry.

### Group Population Data and Petitioner’s Revised Residence Analysis

This proposed finding relied on primary documents and secondary works as the most reliable sources to determine group population figures for the period before 1973. In March 2000 the petitioner supplied a residence analysis which it claimed estimated the group’s membership and living patterns from 1760 to 1999. In several different submissions, the petitioner has made varying assertions regarding the relevance of this data. In March 2000, the petitioner stated the analysis showed “a strong continuous presence in the Trumbull area from colonial times to the present” (Petitioner 3/1/2000, 1). It also claimed this “extremely high concentration of tribal members in and close to their primary area more than satisfies the requirements of 25 CFR 83.7(b)(2)(ii)” (Van Hook to Fleming, 3/20/2000).

In June 2002 the petitioner argued “the remarkably close proximity in which the Tribe’s members lived, together with the documentary evidence of actual interactions, and the existence of State recognition of the Tribe, *taken together*,” made “it far more than ‘reasonably likely’ that

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tribal community and political influence exist” (Petitioner 6/14/2002, 22, emphasis in the original). Despite such claims, however, the residence analysis was of severely limited usefulness in confirming population data and living patterns, because it contained several major flaws.

First, the residence analysis included persons who were allegedly descended from a Connecticut Indian group, the Indians at the Turkey Hill reservation, historically identified as a separate entity from the Golden Hill (Van Hook to Fleming, 3/27/2000). As described previously, the State viewed these groups as distinct political and legal entities, ones which, at various times, had their own reservations and State-appointed overseers. Accordingly, individuals who were allegedly descended solely from the Turkey Hill group, and who failed to maintain consistent interactions and significant social relationships with the Golden Hill group cannot constitute a part of the historical population of the Golden Hill, nor can their place of residence over time be evidence of historical community between the claimed ancestors of this portion of the petitioner and any Pequannock or Golden Hill entity.

Second, the petitioner claimed “the information utilized for the residence analysis” included such material as census tabulations, special censuses, tribal rolls, marriage certificates, family bibles, overseer reports, letters, and proxies<sup>26</sup> (Petitioner 3/1/2000, 1-2). The petitioner, however, failed to indicate, by citation or description, which of the documents were used to establish the residence of specific individuals at particular periods of time, making it extremely difficult to evaluate and validate the findings in the analysis.

Furthermore, most of the documents in the petition that could have presumably been used to estimate group membership from the late 1820's to the early 1970's identified only individuals who were or alleged to be descendants of a historical Indian entity. They do not describe a viable social and political entity, presumably with some degree of social interaction and significant social relationships, at a particular place and time. None of the Federal censuses in the available record through 1920, for example, enumerated a specific Golden Hill entity; rather, they identified as Indian certain individuals, scattered throughout southwestern Connecticut, without ascribing any “tribal” status.<sup>27</sup> The only special census contained in the petition was a 1823 tabulation of the Golden Hill by a State official, containing the names of only nine persons, while the only “tribal” rolls were created by the petitioner after the early 1970's. Nor is it clear what documents the petitioner used to establish the settlement patterns of people at specific times.

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<sup>26</sup>Presumably, the petitioner is referring to voting proxies. The petitioner has provided two examples of proxies being used in the course of the group's formal organization: these are discussed under 83.7(c).

<sup>27</sup>The 1930 Federal census did identify George Sherman as a “mixed-blood Golden Hill” Indian, but it does not appear that anyone else on the census was identified as such. The information from the 1930 Federal census was not included in the 2002 Residency Analysis.

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Third, the geographical boundaries for the “primary tribal residence areas,” as defined in the residence analysis, were simply too large to prove that more than 50 percent of the members ever resided in an area exclusively or almost exclusively composed of members of the group, or that they ever lived close enough together to facilitate social interaction, as required by the regulations.

For example, the residence analysis described a “locus” area in southeastern Connecticut used to determine who lived “five, ten, or fifteen miles away.” That area contained six towns: Ansonia, Derby, Orange, Seymour, Shelton, and Trumbull (Petitioner 3/1/2000, 2). The region within 5 miles of the locus area took in these 6 towns and 16 additional ones from the surrounding environs. The 10-mile area encompassed another 27 towns in addition to the above. Extending the perimeter to 15 miles added another 41 towns. All told the petitioner’s “primary tribal residence areas” consisted of 90 communities, making up most of Fairfield and New Haven Counties, and portions of Litchfield and Hartford Counties (Petitioner 3/1/2000, 2-3).

This residence area involves a very large land base. The “locus” area alone embraces more than 100 square miles, while Fairfield County amounts to about 625 square miles, and New Haven County equals more than 605. The driving distances within this region can be quite substantial. For instance, the distances from Trumbull, the location of the Golden Hill State reservation since 1933, to various towns within the “primary residence area” range from an estimated low of approximately 7 miles to neighboring Bridgeport to an estimated high of 46 miles to Roxbury, a town on the northwestern perimeter. The distance from Branford, one of the most eastern towns, to Ridgefield, one of the most western, is about 48 miles. And the distance from Norwalk, one of the most southern, to Southington, one of the most northern, is around 55 miles.<sup>28</sup> Such a large area, even in a region with decent roads and transportation systems, is not conducive to regular social interaction. No presumption of social interaction can be made relying upon a geographical area of this size.

Besides its substantial size, the area has historically been one of the most populous regions in Connecticut, where since the 18th century non-Indians have vastly outnumbered Indian groups like the Golden Hill. For example, the population of Fairfield County grew from 36,250 in 1790 to 882,567 in 2000, while during the same time New Haven County’s increased from 30,830 to 824,008. The vast bulk of this population growth came from non-Indians, for as late as 2000, the Indian population in Fairfield and New Haven Counties was 3,761.<sup>29</sup> During this same time, the

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<sup>28</sup>All estimated driving distances were calculated by using MapQuest.com and are roughly from the center of one town to another.

<sup>29</sup>Census figures compiled by the Connecticut Department of Economic and Community Development and obtained from the State of Connecticut’s official website: [www.state.ct.us/ecd/research/ceis/population](http://www.state.ct.us/ecd/research/ceis/population). The figures in the 2000 residence analysis also conflict widely with the petitioner’s own analysis of the Federal census data from 1890 to 1930. According to the petitioner, the Fairfield County and New Haven censuses identified 56 Indians (this

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alleged population of the Golden Hill living within the 15-mile area, according to the estimates contained in the 2000 residence analysis, only grew from 46 to 129 (Petitioner 3/1/2000, 5).

Such a small and widely distributed membership, within a densely populated region inhabited overwhelmingly by non-Indians, does not allow for the presumption that the members were in close contact with one another and interacting extensively and regularly.

Fourth, the 2000 residence analysis is an extensive revision of the 1994 residence analysis submitted by the petitioner. The revised analysis contained considerably more names than the earlier one because it included persons allegedly descended from the Turkey Hill Indians, particularly a genealogical line identified as the Tinney Family. As stated before, the Turkey Hill group was a separate political and legal entity. The residence patterns of the ancestors of these post-1999 members of the petitioner, without evidence of consistent interactions and significant social relationships with the claimed Golden Hill portion of the petitioner, do not demonstrate social community for the petitioner. Moreover, none of the petitioner's membership lists from 1973 to 1999 ever included the names of any persons who claimed descent from these groups. Nor did the 1994 residence analysis include them as members (Petitioner 6/27/1994, 1-12). These facts suggest the petitioner's argument that the Turkey Hill group and the Tinney family line have always been part of its social community is of very recent construction. Federal acknowledgment regulations state that "associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations (25 CFR Part 83.3(c)).

The addition of these members in 1999 has created contradictory numbers for the estimated group membership both historically and contemporaneously. For example, in the 1994 residence analysis, covering 1800 to 1994, the number of Golden Hill started at 47 in 1800, increased to 71 in 1850, gradually dropped to a low of 34 in 1910, and eventually climbed to a high of 141 in 1994. However, in the revised analysis, covering 1760 to 1999, the population tally started at 29, and grew by the decade to a high of 207 in 1990. Selecting dates at a fifty-year interval from both analyses also shows the differences in the estimated numbers. For 1800, the 1994 analysis estimated the membership at 47, while the revised one listed it as 78. For 1850, the 1994 number was 71; the 2000 total was 141. For 1900 and 1950, the 1994 numbers were 43 and 59 respectively; the 2000 tally was 131 and 147 (Petitioner 6/27/1994, 1-12; 3/1/2000, 1-12).

The figures in the residence analyses also conflicted widely with those from various membership lists produced by the petitioner since the early 1970's. Three lists from the 1970's gave the

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would have included Indians of all kinds since no specific tribal status is mentioned) in 1890, 11 Indians in 1900, 30 Indians in 1910, 84 Indians in 1920, and 73 Indians in 1930 (Petitioner 2002, PF Summary Chart-Criterion (b), 189). The 2000 Residence analysis for the 15-mile area, which took in most of these two counties, identified 133 Indians in 1890, 116 in 1900, 97 in 1910, 96 in 1920, and 107 in 1930. The petitioner has not shown that these individuals were part of a Golden Hill group that may have existed in any of those years.

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number of members as 19, 51, and 54. The 1994 residence analysis, however, put the number of members for that decade in the high 90's, while the 2000 survey provided an estimate of between 185 and 190. Six membership lists from 1990 to 1994 gave numbers ranging from a low of 20 to a high of 81 (see Appendix F, GHP Membership Lists F1-F3). Yet, the 1994 analysis showed a membership between 138 and 141 for the same period. The 2000 survey listed between 203 and 207 persons. There is no apparent explanation for the striking differences between the residence analyses and the membership lists, even though the latter presumably reflected the best estimate of the group membership for the time they were compiled (Petitioner 6/27/1994, 1-12; 3/1/2000, 1-12).

The 1994 residence analysis also comprised a much smaller land base than the 2000 survey. According to the petitioner, the earlier analysis purported to “estimate the number and percent of tribal members who live or have lived within a five, ten, or 15 mile radius of Trumbull Connecticut,” home of the group’s State reservation in Fairfield County, rather than the “locus” area of six towns in the later analysis. The primary residence area of the 1994 analysis involved only 54 communities, while the 2000 survey included 90 (Petitioner 6/27/1994, 1-12; 3/1/2000, 1-12). Such drastic differences between the two analyses, created only eight years apart, suggest that the petitioner lacks an accurate and consistent understanding of its primary residence area and membership numbers. Therefore, for all the reasons stated above, the residence analysis of 2000 does not demonstrate evidence for historical or modern community under criteria 83.7(b) and (c).

The evidence presented to demonstrate community among the petitioner from the period of 1973 until the present does not rise to a level that would meet criterion 83.7(b). The information provides evidence for the beliefs and actions of only a few individuals, and does not include sufficient information to demonstrate that these are widespread among the group. The evidence does not rise to the level of supporting community as defined under criterion 83.7(b).

### **Summary**

The petitioner meets criterion 83.7(b) only until 1823. Between 1824 and approximately 1850, the Golden Hill Indians, which had been under severe stress since the late 1700's, lost their social cohesion and ceased to exist. In 1841, that two women petitioned the State as the sole heirs to the Golden Hill fund. After they disappeared from the record in 1849, no mention was made of the Golden Hill until 1876, when land was purchased for Henry O. Pease. After this land was sold three years later, no official documents referred to any Golden Hill entity. The 1930 Federal census did identify George Sherman as a mixed-blood Golden Hill, but this identification referred only to one individual, not to an identifiable group. The Trumbull property was made a State reservation in 1933, but the evidence presented is not sufficient to demonstrate that this was done at the behest of a group.

The evidence presented to demonstrate community interaction for the period 1886 to 1973 is

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sparse. There is little evidence to support any group members gathering to celebrate special occasions, life crisis events such as weddings or christenings, or religious holidays. After 1973, when the group began to organize under the leadership of Aurelius Piper, Sr., there is some evidence for interaction between members. However, the evidence presented during this time period concentrates on the activities of only a few individuals and does not demonstrate that the beliefs and actions of these individuals are representative of the group as a whole. Further, the evidence does not show any interaction between members of the petitioner who claim descent from the historical Golden Hill Indians and the historical Turkey Hill Indians until the Tinney descendants' inclusion on the petitioner's 1999 membership roll.

To meet the criterion, the petitioner must supply more information to demonstrate interaction between group members. The petitioner has also not demonstrated that a Golden Hill entity existed; rather, the evidence appears to support the conclusion that a few individuals who claimed descent from the historical Golden Hill Indians operated independently of each other. Evidence to substantiate the existence of a Golden Hill community may include information from many sources. They include, but are not limited to, photographs of social events (for example, birthday parties and graduations) with group members clearly identified, sign-in books from funerals and weddings, and evidence of group members serving as witnesses and/or co-signers for each other. The petitioner is also encouraged to submit interviews from a cross-section of the membership in order to demonstrate that the beliefs held by some members are held by people across the group. Additionally, the petitioner is encouraged to continue searching local and State archives for deeds and records which would show Golden Hill members acting or working together.

To demonstrate an assertion of descent from two historical tribes, the Golden Hill Indians and the Turkey Hill Indians, which amalgamated and functioned as a single entity, the petitioner will need to submit evidence of that political fusion. Further, the petitioner should submit considerable information regarding the relationship between those members claiming descent from the historical Golden Hill and those claiming descent from the historical Turkey Hill because the evidence submitted to demonstrate an ongoing, sustained relationship between the two sets of descendants is insufficient.

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

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*Historical Methodology for Political Influence or Authority, 1630's to 1802*

The historical Golden Hill Indians, from which the petitioner claims to have evolved, first came into sustained contact with non-Indians in the 1630's, when they were known as the Pequannock tribe.<sup>30</sup> They were located in the lower Housatonic River basin in southwestern Connecticut. From the 1630's to the early 19th century, this region produced a substantial number of colonial, local, and State records. The materials submitted in evidence in regard to criterion 83.7(c) are extensive, but cannot be said to be comprehensive for all time periods. The preamble to the 25 CFR Part 83 regulations noted that in acknowledgment cases:

the primary question is usually whether the level of evidence is high enough, even in the absence of negative evidence, to demonstrate meeting a criterion, for example, showing that political authority has been exercised. In many cases, evidence is too fragmentary to reach a conclusion or is absent entirely . . . language has been added to 83.6 codifying current practices by stating that facts are considered established if the available evidence demonstrates a reasonable likelihood of their validity. The section further indicates that a criterion is not met if the available evidence is too limited to establish it, even if there is no evidence contradicting the facts asserted by the petitioner . . . It has been the Department's experience that claimed "gaps" in the historical record often represent deficiencies in the petitioner's research even in easily accessible records (59 FR 38 2/25/1994, 9280-9281).

The regulations state the political process "is to be understood in the context of the history, culture, and social organization of the group" (25 CFR 83.1, 59 FR 9293). Previous Federal acknowledgment decisions indicated that for the colonial period to the early 19th century, evaluation of political influence or authority should not be restricted to the specific forms of evidence listed in 83.7(c), but evaluated much more briefly, and generally, under the provisions of the definition of political influence or authority in 83.1. The relevant language 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

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<sup>30</sup>The term Pequannock was generally used until around the 1740's. Thereafter, the records began to refer more frequently to the group as the Golden Hill Indians or tribe, or the Indians living at Golden Hill, while the term Pequannock gradually faded into disuse by the late 18th century. In 1852, the historian DeForest mistakenly claimed the tribe was only a subdivision of the Paugussett, so they were sometimes identified afterwards as both Golden Hill and Paugussett (Wojciechowski 1992, 66; Conn. Documents 5/19/1659; Schenck 1889, 2).

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these criteria at every point in time . . . (83.6(e)).

In many instances, for the historical development of the Golden Hill from the 1630's to 1802, the individual documents can be interpreted only in the broader and more general context of the existence of a reservation which was administered, first by the Colony, and then by the State. During this time, Connecticut legislation established the context for the administration of the Golden Hill reservation. The documents generated, by their very nature, showed less about the internal structure of the tribe's politics and more about its external relationships with non-Indian authorities. For this period, the BIA has examined the documentation in broad developmental stages and interpreted isolated political documents in light of the general continuity of the reservation population as shown by a variety of other records.

The BIA chose this approach because the essential requirement of the Federal acknowledgment regulations under 83.7 is tribal continuity. For earlier historical periods, where the nature of the record limits the documentation, such continuity can be best ascertained by examining combined evidence rather than by attempting to discern whether an individual item offers the needed proof to meet the criterion at a certain date. This analysis of the evidence regarding political authority between first sustained contact and 1802 presents selected "high points" in mostly chronological order to show how the evidence is evaluated. It should be read with the Description and Analysis for 83.7(b) for the same period, because much of the specific documentation cited in that section provides evidence for both community and political influence.

### *Political Leadership for the Paugussett Proper and the Turkey Hill Indians and the Pequannock and the Golden Hill Indians in the Early Historical Period*

The Paugussett proper, from which derived the historical Turkey Hill Indians, and the Pequannock, from which evolved the historical Golden Hill Indians, were separate tribes with a similar culture and language (Wojciechowski 1992, 39-48). The documentation for the early colonial period also shows they were independent political entities. According to Wojciechowski, the deeds formally establishing the Golden Hill reservation in 1659, demonstrated the Indians on this land always called themselves Pequannock or Pequanock but not Paugussett. When the English first settled the area in 1637, the chief of the Pequannock was Querihéag, while the sachem of the Paugussett proper was Ansantaway. None of the deeds approved by the Pequannock contained the name of Ansantaway or of his sons, Towtanimoe and Ackenach (Wojciechowski 1992, 42, and Appendix B, Documents 5, 7-13, 16-23).

In 1671, several documents identified Ackenach as the only sachem of the Paugussett proper. At the same time, other records described an Indian called Musquatt as the chief of the Pequannock. Musquatt's name is absent from any of the deeds for Paugussett proper. These records show the Paugussett proper and the Pequannock were separate political entities. The Connecticut colonial government assigned the Turkey Hill Indians, who evolved from the Paugussett proper, their own reservation in 1680. The Golden Hill Indians, formerly part of the Pequannock, had their own

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reservation as early as 1639 (Wojciechowski 1992, 42-43, and Appendix A, Documents 18, 21-22, 26). Connecticut always viewed these two groups as separate political and legal entities with their own reservations and overseers (Wojciechowski 1992, 126-127; Siefer 12/3/1995, Appendices 2-9, 11). The available evidence does not show the two groups ever formed a single autonomous political entity. Therefore, evidence of political authority for the historical Turkey Hill Indians does not demonstrate the same for the historical Golden Hill Indians, or vice versa. If the petitioner wishes to substantiate its assertions concerning a long standing amalgamation of these two groups, it needs to submit direct evidence in support of its hypothesis. The following summary focuses only on the political influence of the historical Golden Hill and its predecessors.

#### *Political Influence or Authority for the Pequannock Tribe and the Golden Hill Indians, 1630's to 1761*

The name Pequannock refers to the tribe and its villages within the territory along the Pequannock River in modern-day Bridgeport. Some of these villages were Cupheag (southern Stratford), Uncaway (Fairfield), Sasqua (western Fairfield and Westport), and Aspetuck (Weston and Easton). In the 1630's, when English settlers first migrated to the area, the chief sagamore of the Pequannock was Queriheag, whose main residence was near the western portion of Ash Creek on the boundary between what is today Fairfield and Bridgeport. The Sasqua were a subdivision of the tribe with their own chief. Shortly before the Pequot War in 1637, their chief was Owassacomb. According to Wojciechowski, land ownership in the tribe passed by custom through the male line (Wojciechowski 1992, 59, and Appendix B, Documents 9 and 23).

Documents from the period suggest the sagamore and other positions of leadership were hereditary in nature, although not necessarily passed directly from father to son. Besides the sagamore, the Pequannock had several other types of leadership. A 1683 document notes the tribe usually made important decisions in consultation with the sachems, captains, and male elders. Deeds from the 17th century frequently had several cosigners who were not sachems. Sometimes women also signed the deeds. These deeds often indicated tracts of land could only be sold with the consent of the entire tribe. Considered as a whole, these land transactions suggest the Pequannock sachems exercised political influence through consensus and consultation with other tribal members (Wojciechowski 1992, 60, and Appendix B, Documents 4-5, 9, 14, 20-24.)

These land transactions between the tribe and colonial authorities listed some leaders and gave limited information, from an external viewpoint, concerning the aboriginal political structure. Precedent does not require detailed information concerning the political processes of historical tribes in the early contact period (Narragansett PF 1982, 11; Gay Head PF 1987, 10; Mohegan PF 1989, 5; Eastern Pequot PF, 103).

Despite English domination of their lands, the Golden Hill continued to exercise some degree of

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political autonomy. During the mid-1650's, a dispute between the settlers and the Indians over the boundaries of the Golden Hill reservation forced the General Court to intervene and arbitrate. In May 1659, the court formally reserved 80 acres of land at Golden Hill for the Pequannock. Then in 1671, the tribe relinquished all its land claims in the rest of Stratford, which at that time included the modern towns of Shelton and Monroe, and the eastern portions of Bridgeport and Trumbull (Wojciechowski 1992, 66).

For the remainder of the 17th century, the settlers continued encroaching on tribal land. The tribe expressed their displeasure through several petitions to the General Court during this period (Wojciechowski 1992, 67- 68 170-171 Appendix B, Documents 3, 6-12; Conn. Documents 1678, 1678-1679, 1688). In one instance, the General Court granted the tribe compensation for damages in a land dispute (Wojciechowski 1992, 68). Evidence of resistance to land infringements by the local non-Indian population has been accepted in other findings as reflecting the ongoing existence of political influence or authority within the group (Eastern Pequot PF 2000, 72).

There is also evidence in 1707 that the colony still permitted the Golden Hill Indians to practice their own form of justice when it turned over an Indian accused of murder to the group to be tried according to tribal custom (Wojciechowski 1992, 67). A colonial record from 1725 shows the “head” or “chief” of the group was required to make reports regarding the activities of “his subjects” to a colonial official every fortnight (Lynch 4/24/1997, 1.6). In 1761, the Golden Hill still had a sachem recognized as a leader by the colony (Wojciechowski 1992, 69). Because the colony dealt with a group that had recognized leaders and the evidence shows the group acting in concert to exercise political influence, the petitioner meets the autonomy requirement of 83.7(c) from 1637 to 1761.

#### *Political Influence or Authority of the Golden Hill Indians, 1761 to 1802*

In 1761, John Shoran, the last sachem of the Golden Hill died. As discussed in the Description for 83.7(b), at that time there were only two families left on the reservation, which had shriveled from 80 to 8 acres due to encroachment by settlers and diminishing tribal population. The male heads of the two families, Tom Sherman and John Chops, neither of whom were Pequannock, were fighting in the French and Indian War. Their continued absence gave the colonists the opportunity to evict the rest of the tribe from the reservation, which they did in August 1763 (Wojciechowski 1992, 69; Stiles 1916, 133; Conn. Documents 10/5/1763).

Two months later, the tribe, including several absentees who believed they had rights to the reservation, petitioned the General Assembly of Connecticut for restitution of their lands. Presented with the complaint, the General Assembly recognized only the rights of Tom Sherman, now returned home, Eunice Shoran, and Sarah Shoran. It rejected the claims of John Chops and

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the absentees.<sup>31</sup> Next the Assembly appointed a special committee to hear the complaints of the Indians and a guardian to oversee their affairs. After an investigation, the committee decided the Indians had a legal right to the land, but because only two families remained, it suggested the colonists be allowed to keep their improperly obtained holdings and the tribe be compensated with property elsewhere. But the General Assembly rejected this recommendation and sent the committee back to work. A second report concluded the tribe should be given back all 80 acres. Finding this conclusion equally unacceptable, the General Assembly established a new committee, which worked out a compromise solution in 1765. The committee agreed to offer the Golden Indians 12 acres of the original reservation, the Nimrod Lot, and another 8 acres three miles to the north, called the Rocky Hill lot, supposedly as a winter residence. Some corn and blankets were included in the agreement as an added incentive (Wojciechowski 1992, 69-70; Conn. Documents 10/1763, 10/5/1763, 3/10/1764, 10/1764, 5/1765, 10/25/1765, 10/31/1765).

The guardians (1763 to 1801) selected to oversee the tribe's affairs on the new reservation, however, were often abusive. Daniel Morris, one of the colonists accused of taking the Indian land in 1763, became the overseer in 1768. He cut down all the trees on the Rocky Hill lot and sold the timber for a profit. In addition, he used the Nimrod Lot to plant his own corn, and permitted his son to molest some of the Golden Hill girls. In 1774, as the abuses mounted, the tribe sought the assistance of a non-Indian neighbor, Aaron Hawley, to petition the General Assembly to investigate the overseer's behavior. The Assembly once again appointed a committee to examine the complaint, but the American Revolution intervened and it never finished the work. The State established a new commission, and in 1780, it issued a report highly critical of Morris, who resigned and was replaced by another overseer (Wojciechowski 1992, 70; Conn. Documents 10/24/1774, 5/1775, 5/13/1776, 4/13/1780, 5/1780, 11/30/1780).

In 1797, some townspeople from Stratford again tried to obtain the land at Nimrod, this time by petitioning the State legislature. The petitioners argued the Indians neglected the lot and that its tax exempt status inhibited the growth of the community. They also complained the Golden Hill Indians were displeased with the way the new overseer, Aaron Hawley, managed the tract. In response, the legislature established yet another commission, which spent most of its time investigating Hawley. Hawley persuaded the commission that the tribe owed him money for services, and he requested payment with land from the reservation. In 1799, the General Assembly obliged and offered him a portion of the reservation. Satisfied, Hawley resigned as

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<sup>31</sup>As explained in the Summary under the Criterion for 83.7(b), colonial records showing some members of the tribe for a variety of reasons living in the surrounding towns rather than on the reservation is not evidence that the group has ceased to exist (Conn. Documents 10/25/1765). Instead, these documents suggest the tribe recognized the affiliation of these persons and respected their claims to an interest in the lands and rights of the Golden Hill Indians. For example, a 1765 report on the petition listed the names of Tom Sherman, Eunice Sherman, Sarah Sherman, and several other Indians who were absentees with some kind of legitimate claim to the reservation (Conn. Documents 10/31/1765). The colonial documents for the land claim controversy of 1763 to 1765 demonstrate the continued survival of a Golden Hill community both on the reservation and the surrounding area from the 1730's to the 1760's (Narragansett PF 1982, 9; Gay Head PF 1985, 2; Eastern Pequot PF 2000, 70).

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overseer two years later. The General Assembly now appointed another commission, with instructions to explore the possibility of selling all the reservation. Upon completing its deliberations, the commission chose to recommend this idea as the best option (Wojciechowski 1992, 71; Conn. Documents 10/24/1801, 10/1801).

By this time, Tom Sherman, one of the petitioners in the Golden Hill land protest of 1763 to 1765, had died. His son, Tom Sherman, Jr., and the remaining tribal members proved incapable of resisting these attempts to buy the reservation and eventually agreed to support a petition from the town of Stratford to sell the land. The sale took place on December 19, 1802, and netted \$1,576, which the State entrusted to the overseer to support the tribe until they became extinct (Wojciechowski 1992, 71; Conn. Documents 4/30/1802, 10/1/1802, 10/1802, 1/19/1803). As stated in the Description for 83.7(b), the Golden Hill Indians, under considerable external pressure, supported the sale of the reservation and establishment of a tribal fund to provide support in their best interests. Viewed in that light, the land sale of 1802 may have constituted a collective political act to protect the tribe's existence, which by that time was growing more precarious as their numbers and political cohesion diminished.

Petitions such as those from 1763 to 1765, 1774 to 1780, and 1797 to 1802 have been accepted in previous acknowledgment decisions as sufficient evidence regarding political influence for the later 18th and early 19th centuries. Therefore, this material is sufficient to meet 83.7(c) for 1761 to 1802 (Mohegan PF 1989, 6; Eastern Pequot PF 2000, 105). In addition, all the evidence just analyzed is sufficient to meet the requirements of 83.7(c) for the 1630's to 1802 for the historical Golden Hill Indians.

#### *Evidence for Political Influence or Authority, 1802 to 1886*

The petitioner's documentation does not indicate that the Golden Hill Indians mobilized any number of group members or significant resources from its members for group purposes for the next 131 years, from 1802 to 1933. After the 1802 land sale, the members of the Golden Hill appear to have acted independently of each other. There is no evidence in the available record to demonstrate any type of pooling of resources or labor. In 1823, the group included nine members of an extended family, and the available documentation indicates that they were looking out for themselves. The 1823 document made note of the fact that part of the group resented the overseer treating the group "as members of one family,- expending more upon the sick, the aged & the infirm, than upon the young strong and health; . . . A part of the indians [*sic*] dislike this practice & are desirous of having each his equal share.-" (Lynch 4/24/1997, Appendix Section 5, 5.4; emphasis in original). There is no evidence in the record which would identify the "part" of the group that disliked the overseer's dispensation of funds, nor is there any evidence to indicate whether any of the group ever formally petitioned to protest the method of dispensation.

The evidence discussed in criterion (b) for this time period does not demonstrate that the activities related to Ruby Mansfield and Nancy Sharp *alias* Pease exercised political authority or

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a bilateral political relationship among members of a tribe. The women petitioned the General Assembly on the basis that they were the only members of the tribe left alive, even excluding the mention of their own children (who were never named in any of the documents produced by the overseer) (Conn. Documents 1841).<sup>32</sup> Their petitions were for the benefit of themselves and their children, not a broader Golden Hill community. By 1854, even the small holdings the two heirs had managed to accumulate were gone. The overseer had requested that the land be sold in 1849, with no mention of any rights of inheritance for the aforementioned children. By 1854 the land had been sold and the unnamed children of Ruby Mansfield and/or Nancy Sharp *alias* Pease were on their own.

Nothing in the evidence concerning William Sherman's land purchase in 1876, or his quit-claiming it in 1886 demonstrates that he was a part of an American Indian community, that his actions were important to a group that extended beyond his own family, or that anyone other than his family was affected by his purchase.

### *Evidence for Political Influence or Authority, 1886 to 1933*

Most of the information regarding leadership in the late 19th and 20th centuries revolves around the 1/4-acre in Trurnbull. The petition emphasizes the importance of the land and how leadership was demonstrated by various individuals in matters concerning the property. However, when one takes a closer look at the documents provided, it becomes apparent that this was mainly an issue to specific members of the Sherman family (particularly George Sherman, Ethel Sherman, Edward Sherman and Aurelius Piper, Sr.), rather than to any members of an identifiable group. Indeed, the available evidence does not demonstrate the existence of a group outside the Sherman family with an interest in that matter, or any other concerns, until the 1970's. An examination of the documents demonstrates that even among the Sherman family, concern for the land was voiced not to ensure it for a group, but to secure an individual's interest in the lot. In order to use the issue of this land as evidence under 83.7(c), the petitioner will need to submit evidence that shows the issue was of concern to the group as a whole, rather than certain individuals.

In the years following William Sherman's death, his sons, William, Jr. (1857-1934) and George (1862-1938), acted as though the property was theirs. In her 1924 letter to the Commissioner of Indian Affairs in Washington, Ethel Sherman wrote of her father George:

My father has lived for 20 years with this white woman [Sarah McGee] on this

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<sup>32</sup>Although other historians had indicated that the statement that Ruby and Nancy were the sole survivors was "not strictly accurate" (Hurd 1881, 68), there is demonstrable proof that it was actually not true at all. Adonijah Chops, who was listed on the 1823 document along with Ruby and the other seven members, is listed in the Connecticut Church Records as having died in 1848 in Litchfield County (Petitioner 6/17/1994, CT Church Records, Index– Harwington First Congregational Church, 1791-1861). Manning's *History of the Town of Harwinton, Connecticut* indicates that Chops was living in Litchfield county as early as 1837 (1860, 124-5).

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Indian land and she drives all of my grandfathers [sic] children and grandchildren away . . . in the summer she tends to the business and keeps the money . . . he had given all his money to this woman she wouldn't give him any, so I had to go to the town of Trumbull for help . . . drove his grandson 17 years old off because she didn't want him there, he came down to the city after him and begged him to come up because he said he would be a lot of help to him. But this white woman said if she wanted a drink, she couldn't smoke if she wanted to because the boy was allways [sic] around and she wouldn't sleep in the house if he was to stay up there, So [sic] my father put him off . . . can my fathers [sic] oldest brother that is my grandfathers first son . . . and is respectable and my grandfathers oldest daughter, my fathers grandson . . . and myself [sic] can we go up there not to live just to walk around to sit down My Aunt and Uncle are old that is the only childhood home they know they would like to go up there sometimes but they or I can't because this white woman will call him aside then tell him to drive who ever is there away . . . He makes cider and hooch and sells it and keeps a road house nights.<sup>33</sup> It does seem as thou [sic] some of the other people in the family can go up there and build a house. But they all leave every thing to me because they say they are to [sic] old to fight my father and his woman . . . Have we the right to go up with my aunt, uncle, my children on the land for a Sunday or Holiday afternoon. Has this white woman the right to drive us off. She would not let my dead brother my other brother my Uncle that died two years ago or any of the family of my grandfather live there 6 months because then she said we would be a citosen [sic] of Trumbull, and she was going to claim that land . . . she said she had my father write to Washington and they told him he was to keep all the rest of the half breeds off if he wanted to (Baldwin to Burke 7/1/1924).

As discussed in the previous section, the 1/4-acre has entered an uncertain status after William Sherman's death, yet the town allowed William Sherman Jr. to register a quitclaim deed to George Sherman in 1931, and a later town clerk allowed George Sherman to quitclaim the property to Sarah McGee in 1933. From the documentation submitted, it is unclear exactly how the land became a reservation. A newspaper article from 1933 indicates that Ethel Sherman filed an application with a lawyer named Earl Smith, which resulted in the local constable being appointed overseer (Petitioner 4/1/94, Appendix II, Bates Stamp 18, 19). However, even after the State had clarified the issue, the town clerk still allowed Sarah McGee to quitclaim the land back to George Sherman in 1934, even though newspaper articles reported that the State had made the land a reservation the year previously (Trumbull Land Records 1931, Vol. 32, 406, 410; 1934, Vol. 39, 137).

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<sup>33</sup>This may be the 'restaurant' Ethel Sherman described as belonging to her brother in her interview in the 1990's.

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The confusing nature of the history of the land aside, Ethel Sherman's actions regarding that land were taken alone. Her letter stated that "the others" (presumably her uncle, William Sherman Jr., and aunt, Caroline Sherman Bosley) claimed they were too old and tired to fight with her father, but there is nothing, such as a letter signed by members of a group or similar evidence identifying who these "others" were. There is no evidence to indicate that this was a matter of great concern to a group of people, or that anyone else was aware of the letters being written supposedly on their behalf. There is no evidence submitted to indicate that Ethel Sherman was able to gather a number of people together or access any money or resources from them to pursue the legal fight for the property, or that she or any other named individual was acting in a leadership capacity, either formally or informally, for a community of Golden Hill Indians. There is no evidence in the record of the composition of any such group from 1886 to 1933. The petitioner has not submitted any court records from the 1933 lawsuit which named an overseer for the Golden Hill for the first time in 36 years. There is also no mention of the Tinney descendants, whom the petitioner maintains descend from the historical Turkey Hill Indians. Therefore, the evidence submitted by the petitioner in regard to Ethel Sherman's intervention in the land issue does not satisfy criterion 83.7(c) for 1924 to 1933.

#### *Evidence for Political Influence or Authority, 1933 to 1972*

George Sherman continued to live on the property in Trumbull for five years after it had been entered into reservation status. After his death in 1938, his son Edward Sherman returned to Trumbull, Connecticut, from New Jersey and took up residence on the property, where he resided until his death in 1974. He indicated to the Town of Trumbull that he intended to live on the property, and to renovate the house. The Town informed him that the status of the land was now in the hands of the State, and indicated to the State Park and Forest Commission (SPFC) that they thought the land should be sold in order to reimburse them for caring for George Sherman while he was sick. Edward Sherman's father had apparently been assisted by both the Town of Trumbull and the State (Commissioner of Welfare), and both agencies were apparently seeking to be reimbursed (\$388.20 and \$980.45, respectively). A 1939 letter from Albert Turner to the SPFC indicated that Edward Sherman was "in possession of the premises, claiming tribal rights, but would like to purchase on suitable terms" (Conn. Legislative Materials 5/1/1939). The SPFC replied that it did not have the authority to sell tribally held lands, and even if it did, it could not use the proceeds to pay the outstanding debts of any individual Indian, only to reinvest the proceeds for the benefit of the tribe (Conn. Legislative Materials 5/25/1939). This indication that Edward Sherman had expressed an interest in purchasing the property outright contradicts the petitioner's arguments that the leadership wanted to secure the land for the use of a group.

Additionally, the fact that both Trumbull and the State had contributed a sizable amount of money toward George Sherman's upkeep is indicative of the lack of any mobilization of a group to provide for its old and impoverished members, especially if the old and impoverished person was the "Chief." There is no information given in any of the documents to indicate that a group helped to care for the ailing George Sherman.

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At the time of Albert Turner's 1939 inquiry to the SPFC, the letter stated that Ethel Sherman was "at present making no claim" to the Trumbull land (Conn. Legislative Materials 5/1/1939). However, as Ethel Sherman had once quarreled with her father, she later came to quarrel with her brother over access to the reservation, so much so that in 1941 she retained an attorney to pursue selling her interest in the land. A letter from her to the SPFC included in the petition indicates that some confrontation occurred between her and her brother because there were other people living on the reservation. According to her, she went to tell her brother that she wanted to bring "two very old government Indian chiefs from Red Rock Oklahoma" to visit the reservation, but "right away I saw it was bad for me to be there at this time." The copy of the letter is incomplete, but her last line referred to the "white family living you [SPFC] have living in the Indian house with my brother Edward" (Petitioner 4/1/1994, Appendix III, 5). The identity of this family is unknown, but their presence apparently made her extremely angry. The July 17, 1941, letter from Murray Reich to the SPFC stated:

Mrs. Baldwin also tells me she is very much dissatisfied with conditions as they now exist there, that she is often denied the use of the reservation and sometimes permission to enter it . . . Because of the conditions which have for sometime [sic] existed on the reservation and which continue to exist, and because the present occupants thereof are using it so as to practically deny her rights to it, she has been made to feel that she has not rights to use it or interest in it. Under the circumstances, she wishes to dispose of her interest in the reservation to the State for whatever it may reasonably be worth (Petitioner 4/1/1994, Reich to SPFC 7/17/1941).

The reply from the State (Clayton Squires, Director of State Aid; in 1941 the State transferred oversight of Indian groups from the SPFC to the Commissioner of Welfare) reiterated the previous position that the agency had no power to sell the land, or any authority to intervene in the disagreement she was having with her brother (Conn. Legislative Materials 7/24/1941). Again, this attempt to "cash out" her share of the property contradicts the petitioner's statements that Ethel Sherman was interested in preserving the land for an identifiable group. Furthermore, it continues to demonstrate her acting alone. No concerns for other people are mentioned, only "her" access, "her" displeasure, and "her" rights.

Although Ethel Sherman could not sell her share of the property, she continued to write letters to determine if she had the right of residency. Samuel J. Tedesco, Counselor at Law, wrote to the Commissioner of Welfare stating that:

This office has been consulted by Ethel Sherman Baldwin of Bridgeport concerning her right in the Golden Hill Reservation. . . . Would you kindly advise me as to whether or not your records reveal the person who is entitled to occupy the premises described. Documents in the possession of Ethel Sherman Baldwin show that she is entitled to possession (Petitioner 4/1993, Exhibit III).

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Indeed, the town of Trumbull had, in 1933, issued a document stating her right as a descendant of the Golden Hill Tribe of Pequannock Indians to the property (Petitioner 3/1994, Appendix IV, 157). The State responded again that it did not have the authority to dispose of or adjust interest in the property, and that she was the sister of the present occupant (Conn. Legislative Materials 9/4/1946).

The situation on the reservation appears to have quieted itself, because there is no further correspondence in the available record between the State agencies and Ethel Sherman for 13 years. In 1950, a welfare investigator generated a document in which he expressed his opinion that the town and Edward Sherman would be better off if the land was turned over to Edward Sherman outright at the next meeting of the legislature (Conn. Documents 10/17/1950). This never happened, and the land remained in trust. However, in 1959, inquiries into the land began again, this time with an inquiry from Arthur Levy Jr. of Friedman and Friedman, Attorneys at Law. Mr. Levy was representing Aurelius Piper, Sr. and his sister Ruth Piper (their other sisters were not part of this action). The letter states:

My clients are children of Aurelius H. Piper and Ethel Peterson [*sic*], formerly Ethel Baldwin, and whose maiden name was Ethel Sherman. Mrs. Peterson [*sic*] is a direct descendent of the Golden Hill Indian Tribe of Bridgeport, Connecticut. My clients therefore are direct descendants of the Golden Hill Tribe of Pequannock Indians, Algonquin clan,<sup>34</sup> and they belong to the Golden Hill Indian Reservation. My clients are desirous of knowing whether they can obtain some type of certificate setting forth their interest in said Golden Hill Reservation. (Conn. Documents 9/22/1959).

The letter was forwarded to the Welfare Department, for SPFC had ceased to be the overseer for Indians in 1941. This fact suggests that the Sherman family had not had regular dealings with the State since they did not know which agency had jurisdiction over its affairs. The reply, dated October 15, 1959, confirmed that the two children were indeed the children of Ethel Sherman, but could not give any type of certification of interest in the property because of the number of other possible unknown claimants. The State reiterated its position that it could only hold the property as trustee for the benefit of all Golden Hill members (Conn. Documents 10/15/1959).

On September 30, 1959, Ethel Sherman wrote to the Welfare Department, asking if her name and the names of her children were entered on the State's Indian register. She asked only after herself and her offspring, stating that, "Because of the Indians [*sic*] 'dark-skin,' they have a greater need for such protection than more fair individuals" (Petitioner 3/1994, Appendix IV, 6-8). In reply, the State notified her that all of her children were listed as part of the record (Conn. Documents 10/15/1959).

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<sup>34</sup>"Algonquin" is a language family and not the name of a clan.

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Ethel Sherman apparently switched law firms again, and by 1960 was represented by the same firm as her children (Friedman & Friedman). On February 18, 1960, Arthur Levy again contacted the State Welfare Department and advised them that his office represented Ethel Sherman. He also asked to verify that all of her children were present on the State's records, including the information that Ethel Sherman's daughter Julia had died and was survived by a son (Petitioner 6/1993, Volume II, Appendices, Section 2). The State replied that it had information regarding all of her children (including Ruby, who had died as an infant), but asked for additional clarification regarding birth dates, marriages, names of spouses, and the birth dates of any children from those marriages (Conn. Documents 3/11/1950). The one additional letter in this exchange clarified the identity of one of the children, but it did not contain any of the information asked for by Mr. Barrell in his previous letter.

In 1968, Ethel Sherman again wrote to the State Welfare Department, incensed she had been denied a place to live on the Golden Hill lands and that a friend of her sister-in-law had died in the house on the Trumbull property:

When I ask for what is due a Golden Hill Indian,- a home on the Golden Hill lands,- made for the children and children's children by my grandfather—Chief Tom Sherman,<sup>35</sup>- in Nichols, Conn.— It was not made for life use for white women. A white women [*sic*] lived her life out, and died up in the room that was,- my bedroom- when I lived there,- being born in that Indian house<sup>36</sup> . . . There is much land,- and a -hunting ground- that goes with the Indian reserve-. There is money from the sale of Golden Hill that was put in the bank,+ put out to draw interest-, so the old history books tell, + my grandfather<sup>37</sup> - and my full-blooded Indian father told me. There should be enough land and money to build me a house on Indian land to live out my days- same as the white women [*sic*] who have no rights on Indian land,-lived +died there . . . Would you please give this your attention,-the, —building me a small house, on the -Golden Hill Indian

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<sup>35</sup>It is unclear here whether Ethel is referring to Tom Sherman,( who would have been her great-great-great grandfather if William Sherman's mother was Ruby Sherman's daughter), Tom Sherman 2<sup>nd</sup> (who would have been her great-great grandfather if William Sherman's mother was the daughter of Ruby Sherman), or William Sherman, her grandfather, who was the man ultimately responsible for the land in Trumbull becoming tribal property. If she was referring to Tom Sherman, then she was incorrect in thinking that he had established a reservation or that he had been a chief. In fact, his living in the area at all was by virtue of his marriage to the Pequannock Eunice, because he was a Potatuck, and the land in Trumbull was set aside for the Pequannock. If she was referring to Tom 2<sup>nd</sup>, he also never established any reservation or was identified as a chief. If she is referring to William, he was never identified as a "chief."

<sup>36</sup>Her birthplace on her 1913 marriage certificate to Aurelius Piper and her son Aurelius Piper's birth certificate were both given as Bridgeport.

<sup>37</sup>William Sherman, her most immediate paternal grandfather, died seven years before she was born.

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lands, for the Indian daughter of a full-blooded Indian, George Sherman (Petitioner 3/1994, Appendix IV, 9-10 ).

She also accused her brother of denying the existence of other group members: “P.S. Edward Sherman in the papper [sic] said he was the last one living. Everyone else was dead -, that belonged on the Golden Hill Reserve” (Petitioner 3/1994, 9-10). The copy of the letter provided to BAR has an oddly shaped blot that may have been an attached newspaper clipping; under the section is written “This is very wrong and should be corrected.” The section is completely illegible, so there is no way of knowing just what she was indicating. It is a clue, however, to other newspaper articles written during that time period that might help clarify the situation. A *Bridgeport Telegram* interview with Edward Sherman, dated April 26, 1968, was titled “Last Indian of Tribe Recalls Varied Past,” and Ethel Sherman may have been referring to that article. However, nowhere in the text was Edward Sherman ever quoted as saying anything about anyone being dead. This particular article mentions his sister, although it uses the surname “Baldwin,” rather than “Peters” (she had remarried in the late 1950's), and refers to her as “chieftess Rising Star of the Pequots” (*Bridgeport Telegram* 4/26/68).<sup>38</sup> She may also have been referring to an article entitled “Last of the Tribe to Celebrate” (*Bridgeport Post* 4/27/68), which also refers to Edward Sherman as “the last of the Pequannocks.” However, in an earlier interview he had stated that there were 200 left: “He said the rest of the Golden Hill survivors now live up around Kent and New London” (*Trumbull Times* 5/6/60).<sup>39</sup> Ethel Sherman also did not state in her letter just who the other “not dead” members of the group were supposed to be.

Considering that Ethel Sherman had agitated to have the 1/4 quarter acre lot made a reservation, it seems difficult to explain why, 33 years later, she would write the State making claims for a house on land that she knew the purported group did not own (such as the “hunting grounds”), and for money which she must also have known had already been spent. There is no mention of her agitating for any additional land or money when she first approached Connecticut regarding the property. The State informed her that there was no money available for the construction of new homes on any of the State’s reservations, and that the money set aside for Golden Hill (presumably out of the State’s Indian appropriations budget) had been spent on repairs to the house occupied by Edward Sherman. The reply did not address the claims regarding the additional land she had mentioned (Conn. Documents 6/28/1968).

The sum total of this correspondence between 1924 and 1971 does not demonstrate that the

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<sup>38</sup>More than one article written about the Shermans during the 20<sup>th</sup> century (*Trumbull Times* 3/19/1972) referred to their “Pequot” ancestry, even though the Pequannocks were in no way related to the Pequots.

<sup>39</sup>Edward Sherman was not the most reliable source for information about the group, or their history. He was also quoted in the same article as saying, “My grandfather’s tepee stood on Golden Hill St. where the courthouse is now. This was his camping ground.” There is no evidence that William Sherman ever erected any tepee (or a wigwam, which would have at least been regionally accurate) anywhere.

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purported “leadership” of George Sherman, Ethel Sherman, and Edward Sherman existed. The combination of letters, lawsuits and documents does not show that there was a group to be led. Instead, a few members of a family jostled for position over both the right to live on or to sell a particular piece of property that in 1933 was established as a State Indian reservation. There is no evidence offered by the petitioner or in any of the State’s files to indicate that any other individuals sought access to the property or inquired as to their “interest” in the property. There is only once instance in the record in which she cites the interests of anyone other than herself or her children. Nor did she mention any of the other members of a purported community now claimed by the petitioner to have existed at the time, particularly the Tinney descendants who make up two-thirds of the members on the petitioner’s 1999 membership list. The reference in her 1968 letter to the “children and the children’s children” is the nearest Ethel Sherman came to referring to anyone else. Yet this appears to be a rhetorical device rather than an actual indication of an existing descent group. Had she named names or had other members of the group sign the letter to demonstrate that “they” were indeed still alive, that would have added some evidence to support the petitioner’s claims of leadership. Considering that the vast majority of the group’s members claiming descent from the historical Golden Hill Indians were direct descendants of Ethel Sherman, it does make sense that they grew up believing that she was representing the interests of the entire group; in that sense she was, because she was looking out for her children, and they are the ones who came to form the core of the GHP. However, there is no evidence in the record that any group, as it was purported by the petitioner to have existed at the time, actually existed or was represented by Ethel Sherman’s efforts.

Therefore, the material submitted by the petitioner to demonstrate leadership from 1933 to 1972 does not provide sufficient evidence to satisfying criterion 83.7(c). An analysis of the early and mid 20<sup>th</sup>-century documents indicates that all of the individuals now credited by the petitioner as leaders were acting to guarantee their own interests, not the interest of a wider group. In order to overcome this deficiency, the petitioner must produce evidence of the leaders acting in the interests of an identifiable group that extends beyond one branch of one family and of a bilateral relationship between those leaders and their members.

#### *Political Influence and Authority, 1972 to Present*

The overwhelming majority of the material submitted by the petitioner during this time concerns the actions of Aurelius H. Piper, Sr.,<sup>40</sup> otherwise known as “Chief Big Eagle.” Under his leadership, the group currently calling itself the Golden Hill Paugussetts eventually took shape. He was the driving force behind the group, and garnered considerable amounts of local, national, and even international media attention. He involved himself in several pan-Indian organizations,

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<sup>40</sup>Aurelius Piper, Sr. (“Chief Big Eagle”) is technically Aurelius, Jr. Ethel’s husband was the first Aurelius H. Piper, and her son was referred to as “Aurelius, Jr.” in many early documents. Aurelius added to the confusion by naming not one, but two of sons after himself. Aurelius, Jr. (also known as “Chief Quiet Hawk” and “Ricky”) and Aurelius III.

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from the Connecticut Indian Affairs Council to the American Indian Movement, and actually secured approximately 100 acres of land in Colchester, Connecticut, for the use of the group. He also appears to be the first person using the title “Chief” to actually agitate for a recognizable and identifiable group of people calling themselves “Golden Hill Indians,” even though most of the members of the group were his close relatives. Documents presented by the petitioner include (but are not limited to) numerous newspaper articles, State documents, and an ‘as-told-to’ autobiography entitled *Quarter-Acre of Heartache*.

Piper and his sister Ruth were the children of Ethel Sherman’s marriage to Aurelius H. Piper. Ethel would later claim that her husband was of Cherokee descent, although no information to support that assertion has been supplied by the petitioner or any other party.

Aurelius Piper, Sr. wrote in his autobiography that he ran away from home at the age of nine because of the prejudice and discrimination against Indians in Connecticut. He wrote specifically of schoolteachers pulling his sister’s hair and having to fight to protect her from other children (Smith 1985, 37). However, his mother had married Harold Baldwin in 1923 and gave birth to the first of his half-sisters in 1925; family dynamics may well have played a part in his decision.<sup>41</sup> He reported that he made his way to Maine, and eventually lived with the family of a man named Gordon Tweedy for several years (Smith 1985, 38). He did state that he returned to Connecticut from time to time. In 1930, the 13-year old Aurelius was with his (recently divorced) mother and sisters in Bridgeport, at least long enough to be enumerated on the Federal census (U.S. Bureau of the Census 1930a).

After serving in the Army and Navy during World War II, Piper appears to have spent most of the next 20 or so years up and down the East coast as a truck driver. He also married three times, and was involved in at least two other relationships that produced children. He had fathered eight children by the late 1960's, and would later father two others in the 1980's with his fourth wife. Some of these children would later become active in the GHP organization.

The earliest documentation submitted by the petitioner regarding the adult Aurelius Piper, Sr. and his role in the tribe was in reference to the Trumbull reservation. In 1959, an inquiry was made by Arthur Levy, Jr. of Friedman and Friedman, Attorneys at Law. Mr. Levy was representing Aurelius Piper, Sr., and his sister Ruth (their half-sisters were not part of this action). The letter (which was quoted in an earlier section of the text) inquires as to whether or not the two could get a certificate of interest in the Golden Hill reservation (Petitioner 6/1993, Volume II Appendices, Section 2, Levy to Barrell 9/22/1959). The reply, dated October 15, 1959, stated

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<sup>41</sup>Aurelius Piper, Jr’s 1994 videotaped interview referred to these family dynamics when he discussed an episode in the group’s history. He stated that the Smiths, who were involved in the “revolutions” of the group in the 1990's, did so in part because their mother was the child of Ethel’s second marriage and that she had “spent a fortune” on her daughters from that marriage. He maintained that her children believed they were the only “true” members of the group, by virtue of the fact that they were also lighter-skinned than their other relatives.

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that the State could not give any type of certification of interest in the property because of the number of other possible claimants, known and unknown. The State reiterated its position that it could only hold the property as trustee for the benefit of all Golden Hill members (Conn. Documents 10/15/1959).

In 1963, the State received another inquiry regarding the Trumbull property, this time from the Allegheny County Board of Assistance in Pennsylvania. Mildred (Nash) Piper, one of the ex-wives of Aurelius Piper, Sr., had in her possession the October 15, 1959, letter from Arthur Levy to the State. According to the letter written by the caseworker, “Mr. Piper has since left the household, his whereabouts are unknown, but told his wife that this claim would benefit his children, Auriliuse [*sic*] Jr. and Rhonda Lynn” (Petitioner 6/1993, Volume II, Appendices, Section 2, Mucio to Barrell 6/25/1963). There is no mention of whether Piper’s other six children were also supposed to benefit from this claim. The State responded that the only benefit that might come to the children someday might be the right to live on the land, but that no other gain could come of the property (Petitioner 6/1993, Volume II, Appendices, Section 2, Barrell to Mucio 6/31/1963).

The petitioner’s documents also include a letter from the State to Aurelius Piper, Sr., who appears at the time to have been living in Maine. While the June 9, 1969, letter that generated the reply is not included, it appears to have included another inquiry into accessing money from the sale of Golden Hill property. The response reiterated that the funds for Golden Hill had been depleted in order to pay for repairs to the Sherman home in Trumbull. The letter also stated that Connecticut law specifically prohibited expending money for the benefit of Indians not residing on State reservations. The original letter also appears to have made some reference to the State of Maine and its regulations regarding Indians, because the reply states that Connecticut has no knowledge of Maine’s tax laws regarding Indians, etc. Finally, the letter ended with reassurance that, “When it becomes appropriate to consider disposal of the Golden Hill Reservation, every effort will be made to notify all surviving tribal members” (Conn. Documents 6/18/1969).

There was another letter from Aurelius Piper, Sr. that was not included in the petition, but generated a response from the State Welfare department. This letter may have made some reference to other “Golden Hill lands,” because the reply stated that the State was unable to provide an answer as to what happened to other lands belonging to the reservation (Conn. Documents 2/22/1971). It is uncertain to which lands Mr. Piper would have been referring to, because there were no other lands belonging to the Golden Hill reservation as it was established in 1933 (the reservation in Bridgeport had been sold in 1802). The acreage purchased for Ruby Mansfield and Nancy Sharp *alias* Pease were never entered into reservation status and had been sold in 1854. Piper’s mother had maintained in earlier letters that her children had lived, fished

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and hunted on the reserve,<sup>42</sup> and if that were so, then they would have been aware of the 1933 boundaries. The letter also indicates that Piper had voiced an additional query in his letter:

In reply to your other question, the Indians in Connecticut are not disowned by the State, rather, they are accepted by the white man's society and treated in the same manner as any other resident of the State of Connecticut and they enjoy equal rights. You might say in some cases that Indians get better treatment than others since they do not pay property taxes on reservation property and their special [illegible] are met by the Welfare Department (Conn. Documents 2/22/1971).

That Aurelius Piper, sr. provided leadership for the petitioner after 1973 is undeniable; however, documents from the years prior are far more ambiguous regarding his relationship to the GHP. The documents provided to demonstrate the beginnings of the leadership of Aurelius Piper, Sr. during this period instead show a continued concern over the status of the Trumbull property. One letter indicates that he and his sister were interested in securing their interest in the Trumbull property without mentioning the interests of their other half-sisters. Another seems to suggest that he had told one of his ex-wives that his interest in the Trumbull property would benefit his children, although how exactly it was supposed to have done that is not specified. The makeup of a Golden Hill group that included anyone beyond part of Aurelius Piper, Sr.'s immediate family or close kin is not apparent. The record does not demonstrate his or anyone else providing leadership to a broader Golden Hill community.

### Aurelius Piper as "Chief Big Eagle"

The early 1970's marked the beginnings of Aurelius Piper Sr.'s full-scale involvement in the organization which would eventually be called the "Golden Hill Paugussetts". Edward Sherman became very ill in 1973, and his wife Evelyn wrote to the State requesting that Aurelius Piper, Sr. be given permission to live on the reservation (Conn. Documents, Petitioner 3/1994, Appendix IV, Sherman to Keleher 10/24/1973).<sup>43</sup> Prior to Edward Sherman's illness, Piper appears to have lived in Pennsylvania (as shown by the birth certificates of his children Aurelius III and Rhonda Lyn) and Maine, as well as Connecticut. When his uncle became ill, Piper came back to help the elderly couple. It is not known how much, if any, contact had been maintained between uncle and nephew in the previous years, considering that his mother had been so bitter towards her

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<sup>42</sup> "As a girl on the Reservation I ran the trap lines, so did my children, fished, hunted, snared game in the hunting grounds, picked berries and roots for winter use, and worked in the gardens and fields in season, same as the Indians taught me when I was a girl living on the reserve"(Ethel Sherman 9/30/59). How she would have done all of this on one quarter acre of land is never explained. She may well have been referring to the entire town of Trumbull, or to lands *in the vicinity* of the reservation, but it seems unlikely she did all of this on the small amount of land which became the reservation.

<sup>43</sup>This letter appears to have actually been written by Brian Keleher for Evelyn Sherman, who was not in good health herself. The writing of the letter was witnessed by Fred Tinney.

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brother in her letters over the years. Ethel Sherman and Aurelius Piper, Sr. later maintained that she had named him “chief” in 1959, including giving him the name “Big Eagle” (Tribal Government Documents, Sherman to Sarabia 7/17/1984, Petitioner 3/1994, Appendix III), but no explanation of where or exactly why this inauguration happened has ever been provided by the petitioner, or if other members of the group had any input into this decision. Whatever the relationship, Piper was present at his uncle’s funeral in February of 1974. Also present was Fred Tinney (“Chief One Leaf”), who announced at the grave side ceremony that Aurelius Piper, Sr. had now become “the chief of the Pequot nation and chief of the Golden Hill Indians (*Trumbull Times* 3/7/1974).” However, Piper had already written to the State of Connecticut using the title “Chief Big Eagle” on October 5, 1973, giving a Maine address on the letterhead for “The Council of Decendants [*sic*] of the Golden Hill Indians”. A document submitted by the petitioner also indicates that the group was organizing itself in the months before. The document, entitled “Minutes of the Monthly Meeting of the Council of the Descendants of the Golden Hill Indians, Inc.” is dated July 30, 1973. There is no listing of who was present, but Geronimo Piper, Kenneth Piper and Ruth Piper Maxwell (by proxy), elected Aurelius Piper, Sr. as president of the organization. Aurelius Piper Sr.’s then-wife Mary (the mother of both Geronimo and Kenneth) was elected to serve as the organization’s secretary. She was identified in the document as “a non blood kin of the Golden Hill Indians or descendant of said tribe but is interested in the welfare of the said tribe and its descendants” (Tribal Government Documents 7/30/1973, Petitioner 3/1994, Appendix III)

By mid-1973, Piper had seven statements from individuals attesting to their genealogy, their membership in the group, and authorizing him to act on their behalf in matters pertaining to the Golden Hill (Tribal Government Documents, Petitioner 3/1994, Appendix III; Bates Stamp 16-19, 22, 27, 38). It appears that he had been establishing the basis to incorporate the group as a State corporation, and may have filed incorporation papers on August 1, 1973 (this was referenced in the minutes of the meeting held July 30<sup>th</sup> of that year). By taking this action, he became the first person in the 20th century to actually exert political leadership in the name of the Golden Hill Indians with the involvement of an group of people also identifying themselves as Golden Hill Indians. The individuals, however, were all very close relatives of Piper (three children, his mother, his sister, a niece and a nephew) and did not represent a cross-section of the group as it is now asserted by the petitioner to have existed at the time. There are, for example, no statements from any of the Tinney descendants, or the Burnie descendants living in California (descendants of Edward Sherman’s son’s stepdaughters/nieces; this family line is thoroughly discussed under criterion 83.7(e)). The letterhead for the organization later listed all but one of the people who submitted these statements as “Directors” of the corporation.

#### Membership Issues:

Aurelius Piper, Sr. was the first person acknowledged by the State as having legal status as leader of a group of individuals identified as Golden Hill Indians. Notices of meetings from this period were submitted by the petitioner, informing members of upcoming events and requesting their

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participation in events. The petitioner, however, has not submitted any concurrent mailing lists to demonstrate just who these notices were being mailed to. Meeting minutes all throughout the next several years indicate that there were concerns regarding the low levels of participation from the rest of the group, and what might be done to rectify that situation. Piper also began to network extensively with other Indian organizations. Still, documents generated by the group demonstrate an unawareness of just who actually constituted its own body. A 1973 list entitled “Tribal Members and Descendants (Known)” was submitted to the CIAC. This list consisted of only 19 names, most with incomplete addresses. For example, three Smith members have no addresses at all. This same list included only six of the eight Piper children currently alive at the time (no explanation is given for the exclusion of the other two, but it may have been because they were under the age of formal membership as defined in the then-current governing document). It ended with the phrase “Also all tribal members and descendants unknown, who might also have an interest by virtue of being members of the Golden Hill tribe” (CT FOIA Documents 6/27/1973).

Membership issues and participation continued to be an ongoing concern throughout the group’s formal incarnation. Piper had submitted his genealogical information and that of some of his children and other relatives to the State for inclusion in their Indian files (see Tribal Government Documents 1/12/1974, 1/21/1974, Petitioner 3/1994, Appendix III), but others were slow to do the same. In regards to one branch of the family, he wrote, “On the Allens children they will have to send you the birth dates of their children when ever they claim them, and their marriage dates, as I can not hold up the tribes records because they can not get with it” (Tribal Government Documents 7/26/1974, Petitioner 3/1994, Appendix III).

Very few people appear to have been taking part in the organization. Minutes of a council meeting held in October 1976 indicate that seven people were present, approximately 13 percent of the group as constituted at that time (an undated membership list *circa* 1975 listed 52 members). At that same meeting, “it was decided that it was necessary to update our tribal roll to see what kinds of committments [*sic*] and support we have from other tribal members. some [*sic*] effective method of contacting other tribal members will be developed in the near future to discuss their interest in tribal matters” (Tribal Government Documents 10/3/1976, Petitioner 3/1994, Appendix III). At that same meeting, a possible reason for the lack of participation was also discussed: “The ccuncil held a brief discussion on mix-blood Indians. Specifically on the possibility people in our tribe being ashamed of their Indianness because their “Blackness” is more important. . .and this being the reason for such limited participation on the part of other tribal members” (Tribal Government Documents 10/3/1976, Petitioner 3/1994, Appendix III). Whether or not this matter was ever further discussed was not noted in additional minutes, but lack of participation continued to be an issue. An announcement (undated, but written some time between April 20, and May 17, 1977) stated:

We are also attempting to filter out the dead weight in our membership. It is a waste of our time and limited resources and energies to continually attempt to

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secure support from those of our members who have no desire to participate in tribal activities. We are again updating our membership rolls. Your absence at this meeting (5/17/1977) will indicate your desire to have your [sic] name and that of your children removed from the active membership roll; which will consequently forfeit [sic] your right to participate in the decision making processes of tribal activities (Tribal Government Documents 1977, Petitioner 3/1994, Appendix III).

The minutes for the meeting referred to in this document were not included in this submission, so it is not possible to determine who attended or if this announcement motivated any inactive members to become involved.

Membership issues were addressed again at a meeting held October 8, 1978. The minutes of that meeting indicate there was still confusion or concern over who exactly was to be considered a member: "Who is eligible for Tribal Membership? It was decided by council that all descends [sic] of the Sherman Family are tribal members" (Tribal Government Documents 10/8/1978, Petitioner 3/1994, Appendix III). There was no mention of any of the Tinney/Allen descendants who the petitioner now maintains were part of the community at the time.

### Interaction with Connecticut

One of the issues which occupied much of Piper's time in the early days of the organization was getting the State to make repairs to the house on the Trumbull reservation. The old house had been in serious disrepair for a number of years, and although various State agencies had made or paid for occasional repairs, the building was, by the 1970's, virtually uninhabitable. The State proposed demolishing the house and building another residence somewhere else in the town, but Piper objected strongly to this proposition and insisted that the State raze and rebuild a new house on the land. The 1/4-acre, he insisted, was sacred to the Golden Hill Indians, and no other land would do. After considerable amount of negotiating, and enlisting the help of the CIAC, Piper succeeded in having the State rebuild a new house on the previous site.

In 1976, Piper became the subject of local and international attention when a lawsuit by a neighbor initiated the so-called "war over the quarter-acre." When the State began to raze and construct a new log cabin on the Trumbull property, the neighbor sued the State, maintaining that he had purchased the land from Sarah McGee (who had been accused by Ethel Sherman back in 1924 of trying to make a claim to the land) and that the State had no jurisdiction over the property. According to documents he submitted to the State, McGee "left the property to George Sherman with a life use to his son. It was the intention of all parties at that time that the property would then revert back to the Estate of Sarah McGee, who I hold title from directly" (Kucej to Keleher 7/26/1976, Conn. Documents, Petitioner 3/1994, Appendix IV). This same document accused Piper of allowing his dogs to attack his tenants, making death threats, and displaying firearms, presumably to intimidate those same tenants. Additional allegations made in local

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newspaper articles included rock-throwing and excessive noise (*Trumbull Times* 11/10/76, *Trumbull Times* 11/17/76, Petitioner 4/1/1994, Appendix II).

The neighbor's lawsuit caused the cessation of work on the log house that was being built to replace the old Sherman residence while a title search was conducted. The State maintained that it did indeed have authority over the property, and eventually produced the documents which proved the neighbor's claims as groundless. Piper, meanwhile, had spent the time living in a shed on the property, as well as in a tepee which an Indian sympathizer had lent him. The incident drew media attention from across the country and the world, and attracted Indians from other tribes as well as members of the American Indian Movement.

Construction resumed in November 1976, but the tension between the neighbor, Piper, and the town increased. A suspicious fire on the night of March 3, 1977, reduced the tepee to ashes, and the fire drew even more media attention and supporters. AIM supplied another tepee, and Piper's vigil went on. The house was eventually completed and occupied by Piper in the spring of 1977, but by that time, the neighbor had switched his focus from suing the State over the property to alleging that he owned a small shed on the reservation property as well as the driveway. He also publically challenged Piper's ancestry and the reservation status of the land and sought a permit from the town of Trumbull to demolish the shed. Piper had threatened to shoot anyone who came on to the land, but cooler heads prevailed and a restraining order was obtained which prevented the demolition from taking place. An insurance policy was also taken out on the shed to protect it while a survey was being conducted to determine the reservation's borders (Lewendon to Piper 12/6/1978, Conn. Documents, Petitioner 3/1994, Appendix IV). Attorneys from Connecticut Legal Services advised the Golden Hill that a class A-1 survey of the property would bolster their case, and contacted two organizations on their behalf (American Indians for Development and the National Council of Churches) to solicit funds to pay for the survey (Lewendon to Niccla and Piper 11/2/1978, Conn. Documents, Petitioner 3/1994, Appendix IV). The CIAC also voted to join the Golden Hill as a party plaintiff in the lawsuit (CIAC Minutes 5/1/1979, GHP Response 1994, Bates Stamp 343). The survey, when completed, was recognized by the Department of Environmental Protection as "the official document for that parcel" (Pac to Aganstata 11/13/1979, Conn. Documents, Petitioner 3/1994, Appendix IV), and verified the Golden Hill's claims to the boundaries of the reservation. The State, however, later declined to participate in the lawsuit between the Golden Hill and the neighbor because of disagreement over whether another survey (performed in 1976) reflected the genuine boundaries of the reservation (Pac to Lewendon 1/6/1981, Conn. Documents, Petitioner 3/1994, Appendix IV). The dispute was eventually settled when the State arranged for a land swap with the neighbor, but the Golden Hill later sued in 1984 to have the case reopened and have the land transferred from the State directly to the name of the Golden Hill. A Special Act, dated June 15, 1984, was passed which accomplished this goal:

The commissioner of Administrative services shall convey by quitclaim deed to the Golden Hill Paugussett Indian Tribe, whatever interest the state of Connecticut

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may have in the Golden Hill Paugussett reservation in Trumbull, Connecticut, being approximately one-quarter acre located on Shelton Road in the town of Trumbull. The state treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section and the commissioner of administrative services shall have the sole responsibility for all other incidents of such conveyance. (Conn. Legislative Materials 6/15/1984).

The petitioner's documents characterized these incidents involving the Trumbull reservation as key in establishing Piper's role as a chief. It certainly brought him to prominence in the media, and makes up most of the text of *Quarter-Acre of Heartache*. However, his description of the legal battle with the neighbors gives little idea of what support he was receiving from his own constituency. His references to other Golden Hill members during the struggle are limited to himself, his son, and one unnamed "assimilated" member Piper alleges knew about the pending lawsuit, but did nothing to alert him to the litigation (Smith 1985, 78). In the lawsuit Piper filed against Kucej, he claimed to have brought the action on "his own behalf and on behalf of the class consisting of all members of the Golden Hill Tribe of Indians. The persons who constitute this class are so numerous that joinder of all members is impracticable" (Tribal Government Documents 11/23/1976, Petitioner 3/1994, Appendix III). Yet there is little mention of any of these "numerous" tribal members (other than his son Kenneth Piper and occasionally his nephew Roger Smith) bringing him food, fuel, or even sitting with him during his vigil. Minutes from the council meetings held during this time indicate that the group was addressing the issue during meetings, but the meeting minutes only reflect the participation of the same few individuals who had been involved with the organization since the beginning. The photos in Piper's book and in newspaper articles demonstrate the presence of Indians from other tribes (for example, there are numerous references to AIM's Clyde Bellecourt and Russell Means attending events in the 1970's). However, the book and the news articles lack photographs of the members of the petitioning group. There are no mentions of any of Piper's adult children coming to the aid of their father during the conflict. His son Kenneth Piper was only 16 at the time, yet he was with his father during the entire episode.

The "threat" to the reservation and to Piper's own safety does not appear to have mobilized any members of the group who were not already politically active in the organization, or deepened the involvement of those who had previously been active. The incident may have brought the attention of the media to "Big Eagle," but the evidence presented does not demonstrate the involvement of a significant portion of the group, or that the group was composed of anyone other than members of Piper's family.

### Broader Political Involvement

When the CIAC formed in the early 1970's, the council had not included a seat for the Golden Hill because their records indicated that only Edward and his wife were in residence on the reservation, and that he was too old and sick to participate. Aurelius Piper, Sr's interpretation of

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the exclusion was as a conspiracy on the part of the State and the other tribes to exclude the GHP (Smith 1985, 45-8). Piper claimed to have provided the State with the names and addresses of 50 members of the group (*Bridgeport Post* 3/31/74), although neither the State nor the petitioner has included this particular list in the submissions in regard to the petition. The council allowed Piper to sit in on the meetings as a non-voting member (CT FOIA, CIAC Minutes, File 61, 11/16/1973), and then allowed him to become a full-fledged member after a year.

A July 16, 1974, letter from Aurelius Piper, Sr. addressed “To All Tribal Members” indicates that the organization was still informal. In it, Piper informed the recipients that a meeting would take place on August 4, and that “this will be the first time in one hundred years or more that a tribal meeting of the Golden Hill people will take place on their own reservation.” He also emphasized the importance of regular monthly meetings, and encouraged people to take an active part in the organization. Piper was also busy writing letters to various State and Federal officials try to clarify the situation of the group in terms of political rights as Indians and even inquired into the Golden Hill fund (Tribal Government Documents 10/5/1973, 2/9/1974, 2/10/1974, Petitioner 3/1994, Appendix III).

In March 1975, the corporation of “The Council of Decendants of the Golden Hill Indians, Inc.” was dissolved. According to the documentation, the decision to terminate the corporation was reached at a meeting because “we are a traditional people” (Tribal Government Documents 5/11/1975, Petitioner 3/1994, Appendix III). The group then continued on in a new form, this time using the title “Golden Hill Tribal Council.” The name changed, but the membership seems to have stayed approximately the same, since all but two of the names on the letterhead of the “Council of Decendants” were the same as those appearing on the “Golden Hill Tribal Council.” Eleven months later, the “Golden Hill Development Corporation” (GHDC) was incorporated “To develop [sic] and maintain a cultural center for the display and preservation of artifacts indigenous to the Eastern Woodland tribes,” among other things (Tribal Government Documents 4/6/1976, Petitioner 3/1994, Appendix III). Membership in this particular corporation was not limited to members of the Golden Hill, but “to any person of American Indian extraction and to any other person interested in the preservation of the Eastern woodland Indian cultural identity.” Piper and his nephew Roger Smith were listed as President and Vice President, while a non-Golden Hill (Leslie Panchula) served as Secretary. The “Golden Hill Indian Council” (which appears to have been the same organization as the “Golden Hill Tribal Council”) continued to operate at the same time, with Roger Smith serving as its chairperson as well as the alternate to the CIAC.

Although the GHDC’s initial charter in 1976 made no mention of acquiring land as one of its objectives, Roger Smith informed the Golden Hill Indian Council at their May 22, 1976, meeting that the actual purpose of the corporation was “to secure surplus property or (ies) [sic] through Federal and assistant [sic]. This property is to be used to build schools for education, recreation, arts and craft etc” (Tribal Government Documents 5/22/1976, Petitioner 3/1994, Appendix III). There is some indication that the group members who were actively participating felt that

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obtaining land for the group to live on was important, but it was of particular importance to Aurelius Piper, Sr. Smith and Piper worked together for a while, but in August 1977 Piper wrote to Leslie Panchula, then Secretary and director of the GHDC, in regards to actions taken by Roger Smith. According to the letter, an offer of 10.7 acres of surplus land in Shelton had been withdrawn because the Department of Health, Education, and Welfare (HEW) had received correspondence from Roger indicating that the group was not interested in obtaining the property. This action, Piper maintained, was done without notification to the rest of the group or the approval of the president and treasurer (Tribal Government Documents 8/17/1977, Petitioner 3/1994, Appendix III). Although language in the letter indicated that Smith's actions would result in his removal from the board, this does not appear to have happened. Minutes from a council meeting held in October 1978 indicate that Smith did attempt to resign, but that his resignation was not accepted by the "chief" (Tribal Government Documents 8/17/1977, Petitioner 3/1994, Appendix III). Roger Smith continued to serve on both the Development Corporation and the Tribal Council.

Several months after the August 1977 letter, Piper wrote to the GHP council relinquishing his role in the CIAC, on the development corporation, and in another organization called ASD (this appears have been a typographical error for AID, or American Indians for Development). Piper's letter expressed frustration with the group because of what seems to have been his perception of the council's attitude:

I gave my body soul and mind to the Golden Hill Tribe. My money my land, my family. For Seven years I have worked to bring you together as a tribe and nation. But except for one or two, you people have assimilated into the main stream of society. I can no longer carry the nation. But when members say at a council meeting that I am giving them a screwing, It is time to sever all relations as your rep...For no more will I carry the load. You must start now or you will not exist (Tribal Government Documents 12/19/1977, Petitioner 3/1994, Appendix III) [punctuation and spelling sic].

This would not be the first or last time he would accuse the members of having assimilated into the mainstream of society and not being "Indian enough," nor the last time he would claim to be the only one "carrying the nation." He had also voiced that sentiment during his disagreement with Roger Smith over the acquisition of surplus land when he wrote to Ms. Panchula; "I know now that he has assimilated into the white man's society" (Tribal Government Documents 8/17/1977, Petitioner 3/1994, Appendix III). It is not clear if Aurelius Piper Sr.'s threat to resign from the CIAC or AID did take place at that time, or if he continued to serve in both positions. He submitted letters of resignation to both organizations in December 1979. In his letter to the CIAC he again expressed the same sentiment as he had in 1977: "It has been a pleasure working with said council (CIAC), but it is now time for that the Golden Hill Tribe; either come together or be assimilated into the main stream [*sic*] of society. No one person can carry the tribe" (Tribal Government Documents 12/27/1979, Petitioner 3/1994, Appendix III).

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In 1979, the GHDC had obtained a \$69,000 grant from the Department of Housing and Urban Development in order 69 acres in Colchester, Connecticut, to which they eventually added an additional 45 acres totaling 108 in all. Piper wrote another letter to his nephew Roger Smith at some point in 1980, where he continued to express his frustration with the rest of the group:

I have always been Indian I will always be Indian and live as an Indian, I will always represent the people of the Paugussett nation. I have represent them long before you people ever thought to be Indian. This is to big a job for one man to carry I cannot carry it by my self. I cannot keep going on paying the freight for the whole tribe. You your self do not come and get the mail and take to the council, or work on as you should. With me there to carry the load they will do nothing but sit on there butts and nit pick. Now if they want land and houses and anything else they will have to get up off it and get to work. You people have a funny way of looking for your chief to represent them when he never even sees them or talk to them. I have been there from 1973 not just yesterday” (Tribal Government Documents, Piper to Smith 1980, Petitioner 3/1994, Appendix III).

This letter also alludes to some other conflicts which may have been occurring among the group during this time, particularly over the residence in Trumbull:

Now to talk about the house, that is the one thing that everyone thinks they should be able to walk in and do what ever they wish, but they do not put no time into it to keep it up. It is what it was built to be a chiefs house<sup>44</sup> and museum and a library and a school. It has been assigned to me from the state they are the owners of said house. It will be as stated till the day I die. You people are not the one that has assigned the house to me if it was left to you people hell you would not be where you are at today. So far you or them have not done anything to even warrent [*sic*] asking if it can be used as a meeting place or tribal office, it is now only the office for the museum library and the artifacts that I put in there with out help from any one person there. The only thing that I got for my troubles is that every one but thinks they should live in the house or be able to walk in and do what they want no way. In other words the house will be used just what it was built for, chief use, museum and library and a place to house the artifacts that I have placed in the house, the tribe does not own one thing in that house. It is all my personel [*sic*] collection and my own money and time put in there to make it what it is (Tribal Government Documents, Piper to Smith 1980, Petitioner 3/1994, Appendix III).

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<sup>44</sup>At no point in any of the State’s documentation did any agency refer to the house on the Trumbull property as a “chief’s house”. The house was built to replace the previous dwelling, but there was never any mention of it being only for a “chief” or any other specific person.

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The Golden Hill Development Corporation and the Golden Hill council had coexisted for several years, but in 1981, a document generated during a meeting of the Golden Hill Development Corporation announced the dissolution of the Golden Hill council and a return to “Traditional tribal ways and Government.” The reason given for the dissolution was that the council “has been unresponsive to the welfare and needs of the people” (Tribal Government Documents 5/24/1981, Petitioner 3/1994, Appendix III). The same document referenced a Council meeting held the day before where the four people in attendance voted unanimously to disband the council. The resignation letter of Roger Smith indicates that there had been disagreements between himself and Piper, but does not elaborate on them: “the position of Tribal Chairperson and the chief are so closely related and essential to the strength of the tribal body that there must be harmony between the two offices I have been unable to foster that harmony between the Chief and myself” (Tribal Government Documents 1981, Petitioner 3/1994, Appendix III). After the dissolution of the council, Piper again reasserted his role as “Traditional Chief” and as well as Chairman of the GHDC (Tribal Government Documents 7/6/1981, Petitioner 3/1994, Appendix III). Telegrams from Roger and Aaron Smith officially resigning from the council were not dated until November of that year (Tribal Government Documents 11/14/1981 and 11/16/1981, Petitioner 3/1994, Appendix III).

In the July 6, 1981, document, Piper also stated that “all administrative and legal business is entrusted to the Golden Hill Development Corporation, which is devised [*sic*] of a board of members consisting of tribal members and associates and to which I am Chairman of the Board, in the best interest and for the people of the tribe.” Piper, however, was the only member of the corporation who was a Golden Hill member. The other three (Dennis Pellegrini, Leslie Panchula, and Melanie Picard ) were all non-GHP members. Minutes submitted by the petitioner indicate that the GHDC met in August of 1981, and had secured a HUD grant for \$30,000. However, by October of that year, a disagreement over how the funds should be spent developed between Piper and Dennis Pellegrini (the Executive Director). According to an article in the *Hartford Courant* (10/4/1981), Pellegrini wanted to spend the money on education for the tribe, while Aurelius Piper, Sr. insisted that it be spent on housing. Aurelius Piper Sr. also felt that as the only Golden Hill member of the GHDC, he had the right to dissolve it. Because the two could not agree on how to invest the money, it was returned to HUD. An additional document, sent from Aurelius Piper, Jr. to Aaron Smith, mentions Dennis Pellegrini, and references a conversation between the two on November 23, 1981. In the letter, Aurelius Piper, Jr. (not yet known as “Quiet Hawk”) wrote:

I can no longer sit quietly while a mockery is being made of our heritage, nor can I quietly sit by while our tribe is being torn apart by the inclusion of what I consider to be white opportunists with white ideologies. I have not now nor have I ever condoned any action that would include whites in any form of policy making capacity which also includes making any white a member, honorary or otherwise. To go along with any suggestion and statements made by Mr. Pelligrini or others, may signal an end to any future growth of our nation (Tribal Government

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Leadership Documents 11/23/1981, Petitioner 3/1994, Appendix XII).

However, it was not Aaron Smith who put ‘whites’ in policy-making capacities. Smith had resigned from the Tribal council, but only after it had been dissolved. The GHDC was put into power by Aurelius Piper, Sr. by virtue of his July 6, 1981, memo. The available documentation gives no indication of what led up to the implication of an unsavory relationship between Aaron Smith and Dennis Pelligrini. No other documents mention incorporating honorary members or “whites.” Subsequent documentation does not include mention of any of the people who had served on the GHDC board, which suggests it ceased its activities with the Golden Hill.

The tribal council was supposed to have been dissolved in 1981. However, in 1982, a letter of intent to petition for Federal acknowledgment to was submitted to the Bureau of Indian Affairs, signed by Aurelius Piper, Sr. This letter stated “it is the wish of the Tribal Council of the Golden Hill Paugussett Tribe to inform you that the Golden Hill Paugussett Tribe is petitioning for Federal Acknowledgment” (Tribal Government Documents 4/8/1982, Petitioner 3/1994, Appendix III). It is unclear as to who made up this “council,” considering that several documents refer to the dissolution of the “tribal council” in 1981. In 1983, a document generated by Piper also referred to a “council” which appears to be different from the one that had been dissolved back in 1981: “We are still goverened [sic] by a traditional hereditary chief as always. The people are the council” (Tribal Government Documents 3/28/1983, Petitioner 3/1994, Appendix III; emphasis in original). The petitioner may wish to clarify the history of this/these council(s), particularly if one of these was/is the council that named “Chief Quiet Hawk” as “Council Chief” in 1990.

Chiefs “Moonface Bear” and “Quiet Hawk”

In 1982, Piper named his son Kenneth (later known by the names “Moonface,” “Moonface Bear,” “Moon Face Bear”) to be the first of his “sub-chiefs.”<sup>45</sup> According to a document generated by Aurelius Piper, Sr., Kenneth Piper had been chosen because Aurelius Piper, Sr. was fully occupied maintaining the land in Trumbull and a “survival school” in Maine, and because, “After a long thought, I see no other member of the Golden Hill Tribe, with any interest whatsoever, in the culture heritage or the welfare of its people and members. It is time now that the one most suite able be appointed as chief of the new reservation in Colchester, Conn” (Tribal Government Documents 5/31/1982, Petitioner 3/1994, Appendix III; all spelling and punctuation [sic]). There is nothing in the documents to indicate that any other members of the group were

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<sup>45</sup>Kathleen (Tina) Highsmith had appeared on the letterhead of the “Golden Hill Tribal Council” several years previously as a “sub-chief,” but no documentation submitted by the petitioner demonstrated any actions taken by her in this capacity.

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consulted or had any input into his decision to give this responsibility to his son.<sup>46</sup>

Kenneth Piper had spent considerable time with his father over the years and had accompanied him through the “war for the quarter-acre” (“Haveing [sic] fought and faced the peril of life and death, in fighting to save the Indian Reservation in the town of Nichols, Conn. from the beginning to the end and the hard ships that he endured at the age of 15 years”). Documents submitted by the petitioner indicate that Kenneth Piper had been involved with the politics of the group at an even earlier age- he was involved with the “Council of the Decendants of the Golden Hill Indians” when he was 13 (Tribal Government Documents 7/30/1973, Petitioner 3/1994, Appendix III). He, like his father, had previously been a CIAC representative, as well as involved with a number of Indian organizations or movements across the country. According to the document, he was to be a “sub-chief” under his father, but a “full chief” of the Colchester reservation, a distinction which would cause a considerable amount of controversy in the years to follow. He also started referring to himself as the group’s “war chief” in documents as early as 1983 (Tribal Government Documents 8/29/1983, Petitioner 3/1994, Appendix III). There is no evidence to describe whether or not he was given the title at any kind of ceremony, or if he started to use it of his own volition. In either case, his father affirmed the title by addressing him by it as well in a separate document generated the same day (Tribal Government Documents 8/29/1983, Petitioner 3/1994, Appendix III). He would continue to use the title “war chief” throughout the rest of his life.

Kenneth Piper appears to have taken to the Colchester posting enthusiastically. He was often photographed over the next few years by himself and with others on the reservation. He and a few others in Colchester made plans for gardens, ceremonies and even attempted to raise and sell horses to generate income. It is not clear, however, who accompanied him. Some may have been Golden Hill, but used aliases such as “Little Bear” (*Norwich Bulletin*, undated, in Petitioner’s Administrative File 8/9/1993) which have not been coordinated with the names on the group’s membership rolls. For example, a 1984 newspaper article identified one man as “Fire Dancer, a Paugussett Warrior” (*Hartford Courant* 7/15/1984), but without additional information, there is no way to tell whether this individual was a member of the Golden Hill. According to a letter written by Ethel Sherman in her role as Clan Mother, the only person on the reservation in 1984 who was enrolled with the Golden Hill was Kenneth Piper (Tribal Government Documents 7/17/1984, Petitioner 3/1994, Appendix III). Therefore, although it

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<sup>46</sup>In a magazine interview in 1990, the elder Piper made the only reference to any input from other people into his decision to place Kenneth in charge of the Colchester property:

Chief Piper says that he only named his son war chief of the Colchester reservation to get Moonface out of trouble. “He went out there after he got through running drugs for his sister in Bridgeport. He had nowhere to go,” said Piper. “At the time, people said maybe by being out in the woods by himself, he’ll learn something.” (*The New Journal* 9/7/1990, Petitioner Submission 6/1993 Binder N).

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does appear that Kenneth Piper had some support for the agenda he would eventually advance, there is no telling how much of the support came from other Golden Hill members.

Kenneth Piper appears to have assembled a contingent of people, some who appear to have been militant. In 1984 a four-day vigil was held to protest State jurisdiction over Indian land, specifically whether or not the State Police had the right to enter reservations without tribal consent (*Hartford Courant* 7/15/1984). The paper refers to a number of armed people at the camp, and although Kenneth Piper was not photographed with a weapon on this occasion, he would be in future articles.

Even though Aurelius Piper, Sr. had placed Kenneth Piper in charge of the Colchester reservation, the two would later disagree over what exactly that meant. Kenneth Piper maintained for several years that his appointment gave him exclusive say over whatever actions or development was to take place on the property. One document generated by his father seemed to confirm this view.

As of May 31, 1982, Moon Face Bear, War Chief of the Nation, was appointed full chief by me, Chief Big Eagle, and was sanctioned by the Clan Mother, as full Chief of the Golden Hill Paugussett Colchester Reservation. All affairs relating to the Colchester Reservation are in the hands of Chief Moon Face Bear (Tribal Government Documents 8/29/1983, Petitioner 3/1994, Appendix III).

Aurelius Piper, Sr., however, later insisted that the true authority continued to reside with him, and that what authority Kenneth Piper did have was only over the Colchester reservation. During 1984, Kenneth Piper was apparently meeting with some members of the Eastern Pequot on their reservation, who were involved in a bitter internal struggle over membership. His meetings with certain members of that group apparently caused hard feelings with other Pequots, and also appears to have angered Ethel Sherman into sending him a telegram to remind him that her was “only chief in charge and the care taker of the Colchester Reservation. Chief Big Eagle holds power of attorney for the Golden Hill Paugussett Tribe pending now and in the future. The Eastern Pequot situation is a tribal matter within the Pequot Tribe” (Tribal Government Documents 7/16/1984, Petitioner 3/1994, Appendix III; punctuation added). This letter was written shortly after the vigil regarding State jurisdiction over Indian land, and seems to indicate that the press coverage had given the impression that Kenneth Piper’s support for the Pequot group translated into his speaking for all the Golden Hill. Several months later at the December 15 meeting of the CIAC, one of the Eastern Pequot members accused Kenneth Piper of “leading the Sebastians down there with ‘Drug Trafficking’ and ‘Homosexuality,’ and the chairman of the CIAC asked Piper specifically to stay off the reservation (CT FOIA, CIAC Minutes 12/15/1984). Kenneth Piper did not immediately respond to the charges, but in March 1985 did state that the charges were untrue and that any further accusations would result in legal action (CT FOIA, CIAC Minutes 3/9/1985). No further allegations appear to have been made, but this would also not be the last time that Kenneth Piper’s authority would be called into question.

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In 1990, Kenneth Piper submitted a document outlining his authority over the Colchester Reservation (Tribal Government Documents 1/25/1990, Petitioner 3/1994, Appendix III). A month later, he appointed his half-brother Aurelius Piper, Jr. to the position of “Council Chief” of the Colchester reservation (Tribal Government Documents 2/15/1990, Petitioner 3/1994, Appendix III). No additional information has been submitted to demonstrate that Aurelius Piper Jr.’s appointment was done with the prior approval of Ethel Sherman (the “clan mother”) through any consultation with group members, or any consultation between Kenneth Piper and Aurelius Piper, Sr. The appointment was later reaffirmed and expanded to “Council Chief” of the entire group by Aurelius Piper, Sr. on May 1, 1990,<sup>47</sup> and reiterated on February 22, 1991 (Tribal Government Documents 5/1/1990, 2/22/1991, Petitioner 3/1994, Appendix III). However, the petitioner has not submitted evidence of the composition of a council led by Aurelius Piper, Jr. A document sent to him from Kenneth Piper, dated March 18, 1990, reported that an informal tribal meeting held in Milford on that date yielded the suggestion that the “body reform the tribal council so that the progress at hand would not be in question concerning the tribe’s position” (Tribal Government Documents 3/18/1990, Petitioner 3/1994, Appendix III). There is no real evidence in the record to substantiate the assertions such a council existed or that Aurelius Piper, Jr. represented or led such a council.

Prior to these two appointments, Aurelius Piper, Jr. (who began using the name “Quiet Hawk” when signing documents in 1991) had only been sporadically involved with the political apparatus of the group. In an undated (but pre-1994, as it was received by BAR, April 1, 1994) interview submitted on videotape, he stated that he had fought against becoming a responsible member, but had eventually accepted the responsibility (Quiet Hawk Video Interview 1994, Petitioner 3/1994). Prior to 1990, he had served in the Marines and had earned a degree in social work. After his appointment, he became very active in the GHP organization.

At some point in the late 1980's, Kenneth Piper began floating ideas for economic development on the Colchester reservation. The available documentation implies that he did this unilaterally, without getting input or approval from his father, brother or any other GHP members. In 1990 Kenneth Piper announced that he had signed an agreement with a developer to build a bingo operation on the reservation. Aurelius Piper, Sr. publically went on record against the project. One memo, sent to the Army Corps of Engineers (undated, but written sometime in 1990) not only prohibited any bingo operation on the property, but authorized the Army to enter the property. He wrote that “what ever action you need to take you have my and the chief negotiator Aurelius H. Piper 2<sup>nd</sup> permission to go on the land see that they go by the law” (Piper to Department of the Army, undated, Petitioner 6/1993, Black Binder N). Support for the project does not appear to have materialized, and in August 1990, a letter signed by Aurelius Piper, Sr. and Aurelius Piper, Jr. indicates that Kenneth Piper agreed to cease his plans to develop a gaming operation on the Colchester reservation (Piper to Piper and Sauzo

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<sup>47</sup>The May 1, 1990, announcement refers to Aurelius Piper, Jr. as “second oldest son of Chief Big Eagle;” all documentation presented to BAR has listed him as the eldest son.

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8/16/1990, Petitioner 6/1993, Black Binder N). However, although the Colchester casino plans were halted, new plans for another gaming facility were announced to the public when the group filed the first of a number of lawsuits claiming land in Bridgeport and neighboring towns.

Aurelius Piper, Sr. reiterated his authorization of Aurelius Piper Jr.'s appointment to the position of "Council Chief" on February 22, 1991. Aurelius Piper, Jr. also been appointed CIAC representative in April of 1991 by his father (Tribal Government Documents 4/1/1991, Petitioner 3/1994, Appendix III). However, a memo from Aurelius Piper, Jr. to the chair of the CIAC appointing Kenneth Piper as his alternate to the CIAC without the signature of his father (Tribal Government Documents 10/11/1991, Petitioner 3/1994, Appendix III) touched off a flurry of actions. The senior Aurelius Piper interpreted his son's naming of his brother to the alternate position as a usurpation of his authority. He then sent out a memo mistakenly dated February 27, 1991, but actually written in 1992:

Quiet Hawk does not have the power to set up a three chief council without, AS THE STATEMENT READS, caucusing [*sic*] with me and having the approval of myself and the tribe...FURTHERMORE, THIS IS TO INFORM YOU AND ALL OTHER DEPARTMENTS AND INTERESTED PARTIES: I...DO HEREBY REVOKE all appointments, sub-chiefs or whatever they may call themselves effective immediately as of February 27, 1992. ONLY the Clan Mother can appoint the CHIEF. A letter is on file that the Clan Mother has stated that I, chief Big Eagle, have the right to make any decisions for the tribe. Quiet Hawk did not "caucus" as was agreed upon when he named Moonface. He did not have the authority to appoint Moonface without my approval as well as the tribe (Tribal Government Documents 2/27/1992, Petitioner 3/1994, Appendix III; emphasis in original)

Additional documents also indicate that other agencies were uncertain of Kenneth Piper's authority to represent the group, or denied it altogether (Tribal Government Documents 2/3/1992, 2/26/1992, Petitioner 3/1994, Appendix III). A letter dated March 3, 1992, and signed by Kenneth Piper and Aurelius Piper, Jr. made several allegations about their father's competency and his being led astray by outside forces, and declared "We do not recognize the absolute authority of Big Eagle and neither does the majority of the tribe" (Tribal Government Documents 3/3/1992, Petitioner 3/1994, Appendix III). Another letter appears to have been mailed to group members announcing a general meeting on March 7, 1992, made reference to "Chief Big Eagle's lack of responsibility concerning tribal national security" (Tribal Government Documents 3/7/1992, Petitioner 3/1994, Appendix III), but whether it was made before or after the revocation letter of February 27th is not clear. If a March 7th meeting was held, no minutes were submitted by the petitioner, but another meeting was held on March 21, 1992. It was one of the few meetings with a signed attendance sheet. The attendance list indicates that eight people attended, including Aurelius Piper, Sr., Aurelius Piper, Jr., and Kenneth Piper. The other five people were Aurelius Piper Sr.'s half-sisters Millicent and Ethel, Millicent's son Walter Bailey,

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and Ethel's two sons, Paul and Aaron Smith. The group agreed to maintain the three men in their previous positions, which appears to have rescinded the revocations Aurelius Piper, Sr. had made the month before. All present also signed the document, which identified them all as "Tribal Council Members" (Tribal Government Documents 3/21/1992, Petitioner 3/1994, Appendix III). There is no evidence of any representative of either the Tinney lineage members or the Burnie descendants participating in this or any other meetings during this time, either in person or by proxy.

Tension between the "chiefs" continued, but Aurelius Piper Jr.'s allegiance shifted from his brother to his father. The first of two documents dated March 29, 1993, and signed by Aurelius Piper, Jr. is an apology to the CIAC for the actions of Kenneth Piper at one of their meetings (no date for the meeting is given) (Tribal Government Documents 3/29/1993, Petitioner 3/1994, Appendix III). The second is addressed to William DiBella and also refers to a remark Kenneth Piper supposedly made regarding the Mashantucket Pequots' slot machine agreement with the State. As in the other letter, Aurelius Piper, Jr. apologized for the action of his brother and repeated that he spoke only as an individual and not as a representative of the group (Tribal Government Documents 3/29/1993, Petitioner 3/1994, Appendix III).

In April 1993, Kenneth Piper had tried another economic development option: selling tax-free cigarettes on the Colchester reservation without State authorization. This action drew the attention of the State, who maintained that the sales were illegal. A standoff at the Colchester reservation between Moonface Bear's affiliates and the Connecticut State police lasted 13 weeks. Images of armed guards around the perimeter of the reservation were broadcast in the media, in much the same way the "war for the quarter acre" had drawn attention several years earlier (*Norwich Bulletin* 8/10/1993, A1, Petitioner Administrative File, 8/12/1993). Kenneth Piper was also accused of signing a contract with a company for the management of any casino the group might build in Connecticut. These actions were apparently the last straws for his father and brother. On April 29, 1993, a letter was mailed to tribal members notifying them that they had decided:

From this moment forward, Moonface Bear is officially declared to be a renegade. From this moment forward, Moonface Bear is banished from the Golden Hill tribe of the Paugussett Indian Nation. From this moment forward, Moonface Bear shall no longer be a member of the Golden Hill tribe of the Paugussett Indian Nation. Pursuant to the sovereign powers of the Golden Hill tribe of the Paugussett Indian Nation, the name of Moonface Bear shall forever be stricken from among the names of tribal members (Tribal Government Documents 4/29/1993, Petitioner 3/1994, Appendix III).

On June 17, 1993, the *Connecticut Post* made this announcement public, almost two months after the notice had gone out to tribal members. Kenneth Piper protested that the action was illegal, but in order to demonstrate that they did indeed have the consent of the group to conduct

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this action, Aurelius Piper, Sr. and Aurelius Piper, Jr. collected 18 signed and notarized proxies from group members (the most recent roll which had been submitted by the group, dated 1993, indicated that there were 38 members at the time). Four proxies were submitted by people who were on the group's next roll, in 1994, but were not on the 1993 list. The proxies, however, were all dated between November 1993 and January 1994, the earliest not being submitted until a full seven months after the banishment letter had been sent to the members (Tribal Government Leadership Documents, Petitioner 3/1994, Appendix XII). Of the 18, 8 were signed and submitted by the Burnie descendants, all of whom lived out of state: six in California, one in Utah, and one in Oregon. This is the first record of the Burnie descendants taking part in any group political activities, although they had been on previous membership lists (for discussion of the descent of this family line, see under criterion 83.7(e)). Of the remaining nine members who submitted proxies, three were Aurelius Piper Sr.'s other children, two were grandchildren, one was the daughter of Aurelius Piper Sr.'s nephew Warren Farrar, and three were from the Bosley family line (his first cousin once removed and two of her children). There were no representatives of any of the Tinney descendants claimed by the group in their 1999 membership rolls.

No representatives of the Smith family signed the 1993 proxies, even though they had previously been active in the organization. This indicates that the Smiths may not have supported this action. The proxies also refer to the division in the group because they state "Belinda Smith is not the clan mother of the Tribe."<sup>48</sup> Belinda Smith, for her part, claimed in a 1994 interview that she was not self-appointed, but had accepted the position of "clan mother" after Ethel Sherman died and one of her daughters had turned it down (*Waterbury Republican* 4/3/1994). Warren Farrar, the son of Piper's sister Julia (1928-1951) also sided with Kenneth Piper and the Smith family members, and formed the "Golden Hill Paugeesukq Nation," who reinstated Kenneth Piper as a member in good standing and maintained him as "War Chief." The Paugeesukq maintained that they, and not Aurelius Piper, Sr. and Aurelius Piper, Jr., were the Golden Hill group's true representatives, and also attempted to gain legal control over the Golden Hill's petition for Federal acknowledgment. In 1995, the "Paugeesucq" group also passed a resolution which continued the "suspension" of Aurelius Piper, Jr., which it maintained it had enacted in February 1993, and provided a document signed by seven members in support of the resolution (Golden Hill Paugeesucq Resolution 1/21/95, Petitioner Administrative File 1995). The "Paugeesucq" group was still maintaining it was the legitimate governing body in April 1996, when Kenneth Piper wrote to the BIA (Piper to Maddox 4/6/96, Petitioner Administrative File 1995). However, he entered the hospital in May 1996, a week after being ordered to stand trial

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<sup>48</sup>The proxies also redefine the position of "clan mother." Previous documents emphasized the importance of the clan mother in appointing or validating the selection of "chiefs." For example Aurelius Piper Sr. repeatedly stated that his mother appointed him and that "Only the Clan Mother can appoint a CHIEF" (Tribal Government Documents 2/27/1992 (mistakenly dated 2/27/1991), Petitioner 3/1994, Appendix III). The proxies, however, state "Further, a clan mother does not have the right to exercise any leadership in the tribe and does not have the authority to appoint chiefs" (Tribal Government Leadership Documents, Petitioner 3/1994, Appendix XII).

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on charges relating to the cigarette sales in 1993. He died on May 21, 1996, of leukemia, aggravated by Lyme disease (*New York Times* Obituary 5/23/1996, Petitioner Administrative File 1996). He was buried on the Colchester reservation.

The argument over control of the group does not appear to have outlived Kenneth Piper. There is no further evidence of the “Paugeesucq” organization. Even before Kenneth Piper’s death, as more and bigger land claim suits were filed by Aurelius Piper, Jr. on behalf of the “Golden Hill Paugussetts,” the few people who had previously been visible in the politics of the group gradually faded away until only his half-brother, Aurelius Piper, Jr., was left. The members who had supported Kenneth Piper were never banished, but no documentation submitted by the petitioner has demonstrated any further involvement of members. Aurelius Piper, Sr. retired to Maine in 1993, and although he retains the title of “Traditional Chief,” does not appear to be active in the regular affairs of the group. Aurelius Piper, Jr. has continued to represent the group publicly, but the documentation submitted does not show any type of action on the part of the group. The actions that Aurelius Piper, Jr. has taken have all been related to Federal acknowledgment, gaming, and land claims (all three of which are interrelated). There are, for example, no discussions of educational programs or assistance for group members under any of the programs that the group previously accessed (such as HUD or ANA). Even during the mid 1970’s and 1980’s when the group was most active, the actions that were taken were made by a small number of individuals without broad representation across the family lines that the group maintains were involved at the time. Further, there are no representatives of any of the Tinney/Allen descendants that the petitioner included in its 1999 submission recorded as having taken part in any of the group’s political activities.

The proxies, powers of attorney, and other documents the petitioner has submitted to validate the group’s acquiescence to allow a few individuals to control the actions done in the name of the group do not rise to the level of demonstrating a bilateral relationship between members and leaders, most of whom appear to have been either self-appointed or appointed by close family members. To demonstrate a significant political relationship, the petitioner must demonstrate more than a minimal level of involvement from most members of the group. They must demonstrate that the actions taken are important to the membership as a whole, and that the leadership is responsive to the membership’s requests.

Therefore, after examination of the evidence submitted, the petitioner does not meet criterion 83. 7(c) from 1972 to the present.

### Summary

The petitioner has not demonstrated that the GHP or its predecessors maintained political authority over its members as an autonomous entity from historical times to the present. The evidence in the record does not demonstrate that a Golden Hill entity existed after the 1802 land sale, or that any entity existed during the lifetime of William Sherman (1825-1886), the ancestor

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of the portion of the petitioner maintaining descent from the historical Golden Hill Indians, or that William Sherman was a part of any such autonomous entity that may have existed. The evidence in the record does not demonstrate that a Golden Hill entity existed after 1886 that maintained political authority over its membership. The sporadic activities beginning in the 1920's were centered in one family, with no evidence that they represented a tribal entity as required by the regulations. The evidence in the record also does not provide any documentation at all for the portion of the petitioner claiming descent from the historical Turkey Hill Indians. Therefore, the petitioner does not meet criterion 83.7(c) at any time since 1802.

**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.**

#### *Governing Document*

#### Current Governing Document

Determining the current effective governing document of the petitioner has been difficult because at least six documents have been received which provide rules of governance and administration, membership, name, territory, meetings, elections, trade and commerce, and behavior. (See Appendix B for a summary of governing documents submitted by the petitioner.) In addition, almost all of the governing documents submitted are undated and unsigned. BIA was compelled to rely on stamps showing date of receipt to classify the documents chronologically, which is unreliable because some documents were submitted several times, bringing into question whether they were resubmitted for historical background or because they were actually still in force.

The most recent and presumably current governing document for the GHP petitioner is entitled "Constitution of the Golden Hill Paugussett Tribe." It was received with petitioner's submission on April 12, 1993. The Preamble states, "We the people of the Golden Hill Tribe, Paugussett Nation, in accordance with the will of the Creator, establish this Constitution and By-Laws to formally establish our tribal organization." The document is three and one-half pages long with seven Articles covering Name, Territory, Membership, Voting, Chief, Tribal Council, and Amendments. Three identical copies have been submitted to the BIA. The first two were received on April 12, 1993, in a section on Governing Documents as well as in Exhibit A-3. The third was received on June 18, 1993, in volume 7 of a "draft" petition. All three copies are undated and unsigned.

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Attached to this governing document, in all three submissions, is an undated document entitled “By-Laws,” one and one-half pages long, containing six sections presenting rules for Election of Officer, Meetings, Vacancies, Removal (of officers), Referendum [*sic*], and “Tribal Council” Authority. BIA first received a copy of this document on April 12, 1993. All three (identical) copies of this document are signed by a “Chairperson” and three “Directors” (all members of the Sherman-Piper-Baldwin lineage). There is no “Chief’s” signature on this document nor on the Constitution.

A supplementary governing document entitled “Method of Selecting the Leader of the Golden Hill Paugussett Tribe” was received by BIA on April 1, 1994 (Petitioner 4/1/1994, Appendix III, 270-272). BIA received a duplicate copy of this document on November 15, 1994 (Petitioner 4/1/1994, Appendix III, 474-476). The introductory paragraph states,

In accordance with Connecticut General Statutes § 47-66i, chief Big Eagle, leader of the Golden Hill Paugussett Tribe (Hereinafter the “Tribe”), hereby submits to the Governor of the State of Connecticut this description of the Method of Selecting the Leader of the Tribe. This description amends and restates the document entitled “Tribal Practice and Usage, Electing Tribal Chiefs, Golden Hill Tribe, Paugussett,” submitted by Chief Big Eagle to the Connecticut Department of Environmental Protection on August 29, 1988, and forwarded to the Governor on September 18, 1990 (Petitioner 4/1/1994, Appendix III, 270).

Both copies of this document are dated June 30, 1993, but are not signed or certified by the group’s governing body. They end only with the typed title and name “Chief Big Eagle aka Aurelius H. Piper Sr.”

### Previous Governing Documents

A document entitled “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe,” unsigned and dated March 15, 1992, was received by BIA on July 27, 1993, with petitioner’s submission. An identical copy of this document, dated March 15, 1990, and also unsigned, was received by BIA on April 1, 1994 (Petitioner 4/1/1994, Appendix III, 273-276). This four-page document contains extensive, detailed guidelines on membership eligibility, descent documentation, severance and reinstatement, and membership decision-making authority. The last page addresses “Government” by defining the “chief” as the leader of the “tribe” and briefly itemizing his powers and duties. Although this document is dated, it is unsigned, ending only with the typed title and name of the group’s leader, “Chief Big Eagle aka Aurelius H. Piper Sr.” This document was superceded by the current governing document on April 12, 1993. The detailed membership guidelines were not incorporated into the new governing document.

A two-page letter from “Moonfacebear Warchief” to the Hon. Lowell Weicker, Governor of

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Connecticut, dated March 23, 1991 (CT FOIA, GHP documents, “Exhibit B-27.” 1-2), stated that the writer was enclosing “a documentation list to add to the practice and usage filed under Governor William O’Neill.” He also stated that he was including “further legal Statutes to go in accordance with our documentation.” Brief statements addressing Federal acknowledgement criteria 83.7(b), (c), (d), and (e) follow, including a statement of membership definition and membership application process as well as the comment, “The tribal rolls of our members are included in this package.” The “documentation list” and “tribal rolls” were not included in the copy of this document that BIA received from the State of Connecticut (CT FOIA, GHP documents). The letter also mentions that an “internal mechanism has come forth in the choosing of a Counsel [*sic*] Chief, February 15, 1990,” but the mechanism is not described, nor is the chosen “Counsel Chief” named. The letter is signed “Moonfacebear Warchief” (aka Kenneth Piper).

A specialty document entitled “Practice and Usage of the Golden Hill Tribe Concerning Membership” was received by BIA on June 18, 1993 (Petitioner 6/18/1993, “Draft,” Vol. 7), but originated at least as early as June 25, 1975, according to the date stamp on an identical copy received by CT DEP (CT FOIA, GHP documents). However, in footnotes 295 and 296 in the petition narrative (Petitioner, 4/12/1993, Part IV, 88), petitioner describes this document as “traditional rules set down in writing and adopted by vote of the Tribal Council on January 24, 1979.” A duplicate second copy was received by CT DEP on October 24, 1990, and submitted in petitioner’s exhibits (Petitioner Exhibits, 4/12/1993, Vol. I, Exhibit A). It is one and one-quarter pages long and addresses only membership issues such as eligibility, descent documentation, application procedure, and acceptance deadline. Although this document is undated, it is the most certified of any of the governing documents, bearing the signatures of 11 people including a “chief,” a “sub-chief,” 2 “clan mothers,” 5 “directors” and 2 members.

A two-part, five-page document entitled “Rules” and “Rules and By-Laws” was received by BIA with the petitioner’s submission on April 1, 1994 (Petitioner 4/1/1994, Appendix III, 11-15). Although the receipt of this document postdates most of the documents discussed under “Current Governing Documents,” its actual creation predated them all by as much as 20 years. As stated in the first section of the “Rules and By-Laws,” this document was created as the governing guidelines for “The Council of the Descendants of the Golden Hill Indians, Inc.” which was incorporated in the State of Connecticut but the corporation was dissolved on March 3, 1975 (Petitioner 4/1/1994, Appendix III, 55). The one-page “Rules” section contains eight rules for behavior plus guidelines for amending the rules. These “Rules” address a wide variety of topics including bringing guests to “powwows,” voting eligibility, dues payment, public statements concerning the group, lying, drinking, and profanity. The four-page section on “Rules and By-Laws” addresses group name, reservation, objectives, membership eligibility and classification, voting eligibility, annual and directors meetings, election and powers of directors, officers, legal and fiscal guidelines, agents, badges, corporate seal and amendment guidelines. The document itself is undated and only the first part (“Rules”) is signed, solely by Aurelius H. Piper Sr. (“Chief”). An ink “seal” is located to the left of the signature, with an eagle holding a banner, the

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words “Golden Hill Tribal Council” printed above the eagle, and “Chief Big Eagle” handwritten above the seal.

### Subsequent Governing Documents

Three other documents included in petition submissions are appropriately discussed here. These documents were not specifically submitted as governing documents but contain information pertinent to understanding the governance of the group.

A one-page, undated and unsigned document with the heading “... Page 2 ... Rules and Regulations Governing Tribal Body” was submitted to BIA on April 12, 1993 (Petitioner 4/12/1993, Exhibit A-3). It contains brief definitions and rules for meetings, “chief” eligibility, officer eligibility, public statements concerning the group, and behavior prohibitions. In this document, the position of “chief,” all officers and one “director” are restricted in this document to persons “from the bloodline of the Sherman family.”

A one-page copy of Golden Hill Development Corporation Special Meeting minutes, dated July 27, 1981, and received by BIA on June 18, 1993 (Petitioner 6/18/1993, no vol # or page # or section title available), contains a brief listing of the “order of succession” for the leadership of the “Golden Hill Paugussett Tribe.” It also reports a statement by “Kenny” [Kenneth Piper] that “the Tribal Council was incorporated in 1974 and desolved [*sic*] in 1975.” This statement is of particular interest because Aurelius H. Piper Jr. (aka Quiet Hawk) continues to describe himself (and is described by Aurelius H. Piper Sr. aka “Big Eagle,” as well as by other group members) as holding the position of “Council Chief.” Article VI of the current governing document, labeled “Tribal Council,” defines the governing body of the group as “the five (5) member Board of Directors” (Petitioner 4/12/1993, Governing Documents and Exhibit A-3). The minutes state that “Business of and for the tribe was delegated to the Golden Hill Development Corporation by the Chief, ...” and that the “Corporation is to act as the administrative arm for the Paugussett Tribe.” (See discussion of the GDHC under criterion 83.7(c).) The document is signed by “Melanie A. Picard, Secretary/Treasurer.” This person has never been included on the petitioner’s membership list and the surname is not reported in any of the genealogical information submitted by the petitioner. The previously mentioned document, “... Page 2 ... Rules and Regulations Governing Tribal Body,” states that the Treasurer and Secretary must be “from the bloodline of the Sherman family.”

The third item is a one-page document entitled “Tribal Chiefs Description,” received by BIA on June 18, 1993 (Petitioner 6/18/1992, Book X, Tab “Tribal Resolutions”). It itemizes the duties, responsibilities, and powers of the “War Chief.” No mention is made of the titles of “Traditional Chief” or “Council Chief” or their powers, duties or responsibilities. The document is undated, but signed by “Chief Quiet Hawk - Aurelius H. Piper Jr. Council Chief, Golden Hill Indian Tribe” and by “Moonfacebear Warchief.”

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*Governance and Membership as Presented in Miscellaneous Documents*

“Traditional Government” and “Tribal Council”

Information on any exact political structure of the group prior to the 1970’s is unavailable in the petition. In an unsigned letter to Brendan Keleher of the Connecticut Department of Environmental Protection (Executive Director, CIAC), dated February 9, 1974 (Petitioner 4/12/1993, Appendix III, 36), the writer (assumed to be Aurelius H Piper, “Chief” Big Eagle) comments “when the time comes, to establish a tribal government,” implying that there was no “tribal” government at that time.

The political structure of the group has shifted from “Traditional government” to “Tribal Council” and back to “Traditional government.” The petitioner does not clearly describe what it means when referring to a “traditional form of government.” Nevertheless, a “Tribal Council” may also still exist, because there still appears to be a “Tribal Council Chief” (held by Quiet Hawk, aka Aurelius H. Piper Jr.) (See discussion below and also under “Current Governing Document”). BIA interprets the initial shift from “Traditional government” to “Tribal Council” to be a response to the preparation of governing documents required by the State of Connecticut for GHP’s participation on the Connecticut Indian Affairs Council or CIAC (first invited on November 16, 1973, with official membership in 1974) (CT FOIA, GHP documents).

Intra-group conflict in the early 1980’s precipitated a “return of traditional form of government” mandated by Aurelius H. Piper Sr. as revealed by correspondence between him and the “Council Chairman” (then Roger Smith) (Petition, 6/18/1993, Vol. III) This culminated in a statement in the minutes of the Golden Hill Development Corporation Annual Meeting, dated May 24, 1981, that “All [Council] members voted and opted to return tribal government to Traditional Tribal Government under the leadership of Tribal Blood Line Chief, Aurelius Big Eagle” (Petitioner 6/18/1993, “Draft,” Vol. 7).

A statement signed by Ethel (Sherman) Piper Baldwin Peters (“clan mother”) and dated June 23, 1981, comments that the group will “replace the tribal council” with the “return of traditional tribal ways and government” (that is, with a single ruling “chief”) (Petitioner 4/12/1993, Governing Documents). This was followed by a statement, signed by Aurelius H. Piper and dated July 6, 1981, that the group had “returned to traditional form of government” (Petitioner 4/12/1993, Governing Documents).

However, apparently the “tribal council” was not replaced, because in a statement by Aurelius H. Piper Sr. on February 22, 1991, signed by him with two witnesses (signatures unreadable on photocopy), he approves Aurelius H. Piper, Jr. (Quiet Hawk) as “Council Chief” (Petitioner 4/12/1993, Governing Documents). The title “Council Chief” itself implying the existence of a “council.” Information provided in petitioner’s submissions to the BIA on eligibility or election of “Chief” and “Tribal Council” members is very limited.

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### “Three Chief Government”

On March 21, 1992, a Resolution by the “Tribal Council,” signed by three “chiefs” and five “council” members (all Sherman-Piper-Baldwin descendants) supports the return to “traditional government” and the leadership of the “Three Chief Government.” It appoints Aurelius H. Piper, Sr. as “Traditional Chief,” Aurelius Piper Jr. as “Tribal Council Chief,” and Kenneth Piper as “Tribal War Chief” (Petitioner 4/12/1992, Governing Documents; Petitioner 6/18/1993, Appendices L & S). As mentioned above, an undated document entitled “Tribal Chiefs Description,” signed by Quiet Hawk and Moonfacebear [sic] and received by the BIA in April 1992 with petition documents, describes the duties and powers of the “War Chief.” It does not describe duties and powers of any other “chief” positions. In May 1992, a proclamation of the “Golden Hill Paugussett Tribe” signed by eight persons (on the stationery of the “Golden Hill Development Corporation II”) states that “[they] fully support the Golden Hill Paugussett traditional government” and that “any 2 chiefs [sic] of the three chief government constitutes a legal quorum” (Petitioner 4/12/1993, Governing Documents). An undated Resolution of the “Golden Hill Paugussett Tribe,” signed by six members (on stationery of “Golden Hill Tribe of the Paugussett Nation”), approves and confirms “Chief Quiet Hawk’s authority as Council Chief of the Tribe and President of the Golden Hill Development Corporation II” (Petitioner 11/1992).

An undated, unsigned organizational chart of the “Golden Hill Tribe, Appendix X” shows no “tribal council,” only “tribal membership,” “three chief tribal government,” and four program bodies (Petitioner 6/18/1993). Undated correspondence from Quiet Hawk (Aurelius H. Piper Jr.) of the “Golden Hill Paugeesukq [sic] Nation” to the CIAC and a certificate of appointment of Commissioners of Indian Housing Authority both refer to the “three chief traditional government” (Petitioner 4/12/1993).

Selection of “chiefs,” “clanmothers” [sic], and “sub-chiefs” was outlined in “Method of Selecting the Leader of the Golden Hill Paugussett Tribe,” dated June 30, 1993 (Petitioner 4/1/1994, Appendix III, 270-272); the document is unsigned. The definitions of these titles and how many persons could hold them simultaneously are not contained in the document, nor are they provided in any of the other documents addressing governance. Persons holding these titles are at later dates referred to by a different title, with no documentation submitted in the petition to indicate why, when, or how this change was implemented. For example, Moonface Bear (Kenneth “Kenny” Piper), first held the title of “sub-chief,” but later became “war chief.” In addition, the constitution, which was written earlier, was not amended to reflect the leadership guidelines presented in this document.

### Membership

Governing documents submitted to BIA by the petitioner contain widely varying membership eligibility criteria, acceptable documentation, and definitions of ancestral historical “tribe.”

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**(a) membership eligibility criteria**

The current governing document (Petitioner 4/12/1993, Governing Documents and Exhibit A-3) defines members as “the descendants of the residents of any of the four original reservations set aside for the Paugussett Nation; including those of the Golden Hill Reservation listed on the Tribal Roll of April 1978.” The names of the “four original reservations” are not specified in the document and the April 1978 membership list contains the names of five individuals identified as “Senior Citizens of the Paugusset Nation.” The section on “Adoption” states that “Any person of Indian heritage may be adopted into the tribe by a majority (51 %) vote of the tribal members present at any regular meeting of the Tribal Council ONLY when the adoption has been considered and discussed at a preceeding [*sic*] regular meeting and duly recorded in the minutes of that meeting.” Although there are adopted children on the GHP membership lists, no records have been submitted to BIA documenting any vote by the membership on any adopted member. (See discussion under criterion 83.7(e).)

In the undated governing document entitled “Practice and Usage of the Golden Hill Tribe Concerning Membership,” the membership includes “All persons who are descended from any Indian or Indians for whom any of the Golden Hill Reservations were set apart...” (Petitioner 6/18/1993, “Draft,” Vol. 7). The particular reservations are not specified and no names of Indian ancestors are provided in this document.

In “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe,” dated March 15, 1990, the membership consists of

1. All persons whose names appear on the official membership rolls of the Tribe as filed from time to time with the State of Connecticut.
2. All persons who are lineal descendants of any of the persons eligible for membership under subsection (1) above.
3. All person who are lineal descendants of any person whose membership in one of the Tribes comprising the Paugussett nation has been document by any of the following means:...
4. ...persons who are adopted by any Tribe member in accordance with federal, state and Tribal law shall be considered lineal descendants (Petitioner 4/1/94, Appendix III, 273-276).

The early (c. 1973) document “Rules and By-Laws” stated “An authentic [*sic*] descendant of the Golden Hill Tribe, is a person who can prove through a birth certificate, or other legal record, that he or she is directly related to an Indian who is geneologically [*sic*] recorded as a Golden Hill Indian by the State of Connecticut” (Petitioner 4/1/1994, Appendix III, 11-15). Sub-classifications of membership are given as “Corporate,” defined as “members who are authentic [*sic*] descendants of the Golden Hill Tribe, and over 12 years of age,” and “Associate,” defined as “a person of 1/8 Indian blood who can prove by birth record or other legal documents, who is

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not a member of any Conn. Tribe or band, or whos [sic] tribe or band has run its course...also spouses of Indians who are members regardle [sic] of race creed or religion.” According to the minutes of the Board of Directors Meeting, Council of the Descendants of the Golden Hill Indians, Inc., dated August 25, 1974, and unsigned (typed signature), an amendment was made to these “Rules and Bylaws,” that an

application be maade [sic] up for the associated members who reside in the state of Conn. who seek reconiztion [sic] of a state reconized [sic] tribe. We will offer protection to any native born American namely Indianso [sic] c alled, regardless [sic] of what tribe band Indian community, or reservation they may come from or belong to, as long as they are Indian and reside in the state of Conn. No blood quoto [sic] will be asked. They will recognized [sic] the rules and bylaws of the Golden Hill Tribe. Also will pay yearly dues of 12.00. Voted on and accepted by the tribal Board of Directors (Petitioner 4/1/1993, Appendix III).

**(b) acceptable documentation**

Acceptable documentation proving membership eligibility is not defined in the current governing document. In the document entitled “Practice and Usage of the Golden Hill Tribe Concerning Membership” (Petitioner 6/18/1993, “Draft,” Vol. 7), “geneological [sic] records in the custody of the State of Connecticut, Department of Environmental Protection, or a family tree documented by certified copies of birth, death, census, or marriage records, etc.” are acceptable. More specific documentation is listed in “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe” (Petitioner 4/1/94, Appendix III, 273-276), namely, that “membership in one of the Tribes comprising the Paugussett Nation” may be supported by real property deeds; reports of overseers of a “tribe;” reports of anthropologists, historians, chroniclers, or other scholars; contemporary newspaper accounts; records of any federal, state or local governmental branch or agency, “including, without limitation, legislatures, courts, schools, the armed forces, or tax or welfare rolls.” This document also allows “descent from a Tribe member” to be shown by “geneological records in the custody of the State of Connecticut; certified copies of birth, death, or marriage records, letters, bibles, or other contemporary accounts; or reputation among the clanmothers of the Tribe.” These detailed guidelines were not incorporated in the current Constitution and it is not clear that these guidelines still apply.

**(c) “ancestral historic [sic] tribe”**

As indicated by the section on membership eligibility criteria above, the historical “tribe” considered by the petitioner to be the “ancestral tribe” of the members has changed over time. Governing documents created by the petitioner have referred to the petitioner’s ancestral group in at least six different ways:

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(1) *Golden Hill Indians* – “Rules and By-Laws” undated (c.1973) (Petitioner 4/1/1994, Appendix III, 11-15)

(2) *Tribes comprising the Paugussett Nation* – “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe” dated March 15, 1992 (Petitioner 4/1/94, Appendix III, 273-276)

(3) *Any Indian or Indians for whom any of the Golden Hill Reservations were set apart* – “Practice and Usage of the Golden Hill Tribe Concerning Membership” undated (Petitioner 6/18/1993, “Draft,” Vol. 7)

(4) *Residents of any of the four original reservations [unnamed and undefined] set aside for the Paugussett Nation* - “Constitution of the Golden Hill Paugussett Tribe” undated (Petitioner 4/12/1993, Governing Documents and Exhibit A-3)

(5) *Lineal descendants of William Sherman* – “Method of Selecting the Leader of the Golden Hill Paugussett Tribe” dated 6/30/1993 (Petitioner 4/1/1994, Appendix III, 270-272)

(6) *From the bloodline of the Sherman family* – “Rules and Regulations Governing Tribal Body” undated (Petitioner 4/12/1993, Exhibit A-3)

No mention of the name “Pequannock” is made in any of these documents, even though the first documented land set aside on “Golden Hill” in 1659 in Bridgeport was for the Pequannock tribe (Wojciechowski 1992, 61; Conn. Documents, 10/25/1765; Orcutt 1886, 2). (See also discussion under Criterion 83.7(b).) In practical application, until 1999 all known members of the GHP were descendants of William Sherman.

(d) revocation of membership

According to the document entitled “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe” dated March 15, 1992,

3. The Traditional Chief may, at his sole discretion, revoke the membership of any Tribe member who shall have committed one or more gross violations of the customs, rules or laws of the Tribe.

4. Severance of Tribal membership shall not affect the membership eligibility of descendants of such severed member (Petitioner 7/27/1993, I.C. 2, 3).

However, this specific rule was not included in the current constitution, nor were any guidelines for reinstatement of severed members.

This same document, which was superceded by the current governing document, stated that

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A Tribe member may, by his or her affirmative action or, if a minor, by the affirmative action of his or her legal guardian, become a recognized or enrolled member of another Indian tribe. Such affirmative action shall automatically effect a withdrawal from the Tribe and a relinquishment of all rights and benefits thereto (Petitioner 7/27/1993, I.C. 2, 3).

The current governing document did not incorporate this restriction revoking membership and at present there is nothing in the governing documents stipulating that members cannot hold membership in another tribe. The language does not specify if they meant a federally acknowledged tribe, a Connecticut state recognized group, or other Indian organization. In addition, no guidelines are provided, either in the aforementioned document or in the current governing document, for the reinstatement of members or for appeals.

Previous to this document there was no defined procedure for removal of members from the membership, as an excerpt from an announcement for a meeting scheduled for May 17, 1977, presents:

We are also attempting to filter out the dead weight in our membership....Your absence at this meeting (5-17-77) will indicate your desire to have your [sic] name and that of your children removed from the active membership roll [emphasis added] (Petitioner 4/12/1993, Exhibit A, I-II; Petitioner 6/18/1993, Vol. III, section 6).

*Analysis*

Although the documents containing rules of government and membership that the petitioner has submitted are contradictory and often fail to address critical aspects of administration and government, including membership eligibility, leadership selection process, hierarchies of power and responsibility, general membership participation in the administrative process, membership application process, genealogical documentation, membership approval process, maintenance of membership lists and files, and membership severance and appeal, the criterion does not require that the petitioner address these concerns specifically. Even the fact that the current governing document is undated and uncertified does not preclude meeting the requirements of criterion 83.7(d). The petitioner is advised, however, that future problems with group administration and membership certification may arise if these topics are not addressed in the governing document and that, in addition to being more specific about membership eligibility criteria, the petitioner should seriously consider revising or amending the current governing document to include more detailed rules, procedures and guidelines. A dated copy of the present governing document should accompany the petitioner's comments on the proposed finding. Although the regulations do not require the governing document to be certified, we advise that the group's governing body certify this important document to indicate that it is the group's present governing document.

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### *Conclusion*

The petitioner has submitted a governing document containing membership criteria. Therefore, the petitioner meets the requirements of criterion 83.7(d).

- 83.7(e) 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.**

### *Historical Tribe(s)*

This summary will focus on the genealogy of the Golden Hill (Pequannock) Indians and the Turkey Hill (Paugussett proper) Indians as they are the only historical tribes from whom the petitioner claims descent. (For a more detailed account of social and political history, see the Summary under the Criteria for 83.7(b) and (c).) Documentation indicates that the Paugussett proper and the Pequannock have been separate political entities since first colonial contact, even though they apparently possessed a similar culture and language (Wojciechowski 1992, 29-48).

### Golden Hill Indians (Pequannock)

The earliest person identified as a Golden Hill Indian was in the *Itineraries of Ezra Stiles* (Stiles 1916, 133), stating that John Shoran died in October 1761 and that he had been the leader, or sachem, of "Golding Hill" or "Pequannuck." Upon his death, only two families remained on the reservation, headed by Tom Sherman, a Potatuck who had married Eunice Shoran, a Pequannock, and John Chops, a Paugussett proper who had married Sarah Shoran, a Pequannock (Wojciechowski 1992, 69; Stiles 1916, 133; Conn. Documents 10/5/1973; Lynch 4/1994, 4.2).

Between 1763 and 1770, Golden Hill Indians named in deeds, General Assembly petitions and reports, and Indian overseer reports included Thomas Sherman, Eunice (Shoran) Sherman, Sarah (Shoran) Chops, Jo Chorls [Charles?], Nab Chops, John Chops, Ann Sherman, Tab [Tabetha Sherman], Hannah Charles, Tim Mctawk, Sarah Charles, Panheag and unnamed children (Conn. IP II, Doc. 151, 210; Petitioner 4/1/1994, Appendix V, 8.1-8.16). Aaron Hawley, Golden Hill overseer, reported that Tom Sherman died in November 1801 (Conn. IP 2<sup>nd</sup>, Vol. II, Doc. 1, 1-2; Conn. Documents 4/30/1802). His spouse, Eunice Sherman *nee* Shoran, had already passed away some time around 1797 (Conn. IP I, Vol. II, 139).

In an 1802 petition to the General Assembly requesting that Golden Hill property in Bridgeport

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be sold (about 20 acres), the petitioning tribal members of record were Thomas Sherman (Jr.)<sup>49</sup>, John Chops, and Tom Jr.’s sisters, Eunice Sherman, Tabetha<sup>50</sup> Sherman, and Ann Sherman (Conn. IP 2<sup>nd</sup>, Vol. II, Doc. 2, 3-4; Conn. Documents 10/1/1802). Overseer reports between 1802 and 1819 indicate that there were about 20 persons in the tribe, including both adults and children. Persons noted in these reports as having received assistance from the overseer include Tom Sherman Jr., Ann Sherman, Tab Sherman, Eunice Sherman,<sup>51</sup> Phoebe Sherman, Charles Sherman, Nathaniel Sherman, Ruby Sherman, Dolly Sherman, John Towsey (aka Hatchet), Ann Towsey,<sup>52</sup> James Sherman, John Chops, Caleb Kenneth Chops, and unnamed children (Petitioner 4/1/1994, Appendix IV and V).

A committee, charged in 1823 with the assignment “to enquire into the condition of the Golden-hill tribe of Indians,” reported to the General Assembly that they “made diligent enquiry on this subject and have ascertained to their satisfaction, that the whole number of persons properly belonging to the Golden-hill tribe is nine; five less than it was in the year 1808.” The names and ages of the tribal members listed in the “Census de Golden Hill” report are shown in Table 1 below (Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82).

Table 1. Census de Golden Hill (CT General Assembly, May 1823)

1. Ann Sherman - aged about	67 years
2. John Hatchet Tousey, (who says he has two children) by a Squaw, not of this tribe, from whom he has finally parted, leaving the children with their mother in Massachusetts)	35 years
3. Ruby Sherman, daughter of Tom Sherman deceased	33 years
4. Harriet Sherman, daughter of said Ann	32 years
5. Adonijah Chops, son of John Chops deceased	32 years
6. Dolly Sherman, daughter of said Ann	30 years
7. A Daughter of said Ruby, name unknown, about	12 years
8. A daughter of said Dolly - name unknown, “	11 years
9. A daughter of said Harriet, name unknown, “	2 years

<sup>49</sup> Thomas Sherman Jr., the son of Thomas Sherman and Eunice Shoran, was referred to as Tom 2<sup>nd</sup> by Orcutt (Orcutt 1886, 42).

<sup>50</sup> Tabetha was sometimes spelled Tabitha or abbreviated as “Tab” by the overseer.

<sup>51</sup> Left tribe in 1802 with her children (see discussion to follow).

<sup>52</sup> Possibly the same person as Ann Sherman, whose daughter Eunice Sherman married John Hatchet Towsey.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Also in this document, the overseer reported that Eunice Sherman (sister of Tom Jr.)<sup>53</sup> and her children severed their claim on Golden Hill property and funds in March 1803, in exchange for one-fifth of the amount in the fund after the sale of all the Golden Hill lands within the town of Bridgeport (about 20 acres). Her overseer was Samuel Osborne of Woodbridge, the town where Eunice Sherman died in 1841 (entered as Eunice Mack in Woodbridge Church Records, 1934; Petitioner 6/17/1994, “Draft,” Section 5).

Between 1823 and 1826, tribal members named by the Golden Hill overseers included Ann Sherman, Dolly Sherman, Ruby Sherman, Charles Sherman, Caroline (Sherman), and John [Hatchet] Towsey (Petitioner 4/1/1994, Appendix V).

From 1839 until 1849, only the names of Ruby (or Ruba) Mansfield and Nancy Sharpe (*alias* Pease) are found on documents relating to the “Golden Hill tribe.” These documents include overseer reports and petitions to the General Assembly, plus comments on and responses to the Golden Hill petitions. It has been assumed that Ruby Mansfield is the same person as Ruby Sherman, daughter of Tom Sherman Jr. and enumerated on the 1823 overseer report. The only other Ruby known to be associated with this group is Ruby Mack, daughter of Eunice Sherman Mack/Mansfield (sister of Tom Sherman Jr.), but she was probably too young to be the Ruby Mansfield mentioned in the petitions.

Although Nancy Sharpe (*alias* Pease) is named by the overseer and General Assembly as being a Golden Hill Indian, her exact parentage is unknown. She may have been Ruby’s unnamed 12-year-old daughter listed in 1823, or Ruby’s cousin (as the unnamed daughter of Dolly or Harriet on the 1823 report) (Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82). It is also possible that she may have been a daughter of Phoebe Sherman, Ruby’s sister, and not in the area when the 1823 report was compiled. No mention is made in any known document regarding the genealogical relationship between Ruby Mansfield and Nancy Sharpe (*alias* Pease). In an 1841 petition seeking land and a house, Ruby and Nancy state “that they are parents of several children, who are capable of tilling and improving such land,” so both of these women were old enough to have several adolescent or teenaged offspring, but the number of children, their names and their ages are not reported on this or any other State documents (CTAG 9/17/2001, Exhibit 83; Petitioner 4/1/1994, Appendix IV, 119-120; Conn. Resolves and Private Acts, 29-30).

Between 1849, when Ruby and Nancy are last mentioned on an overseer’s petition (Petitioner 4/1/1994, Appendix IV, 123-124; Conn. Resolves and Private Acts, 29-30), and 1930, when George Sherman is enumerated on the U.S. census as a mixed-blood Golden Hill Indian, the only

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<sup>53</sup> There were four women named Eunice in the group: Eunice Shoran who married Thomas Sherman; Eunice Sherman, daughter of Eunice Shoran and Thomas Sherman, who married Mack or Mansfield; Eunice Mack (Jr.), daughter of Eunice (Sherman) Mack/Mansfield, and Eunice Sherman (2<sup>nd</sup>), daughter of Ann Sherman and granddaughter of Eunice Shoran and Thomas Sherman. This fourth Eunice (2<sup>nd</sup>) married John Hatchet Towsey, who was enumerated on the 1823 Census de Golden Hill; they had no known issue.

#### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

person identified as a member of the Golden Hill tribe in township, county, or State documents, either submitted by the petitioner or located by BIA, was Henry O. Pease. Five acres of land were purchased in Huntington by Trumbull town selectmen for Henry O. Pease, “a member of the Golden Hill tribe of Indians,” with money from the Golden Hill fund in 1877 (Huntington Land Records, 1877). He was mentioned again in the deed selling this land in 1880 (Huntington Land Records, 1880). Present documentation does not indicate that any additional land was ever again purchased specifically for a Golden Hill Indian (although in 1979, the petitioner purchased lands with a grant from the U.S. Department of Health and Human Services). The Golden Hill fund, containing monies obtained as income from loans and from the mortgage, rental, purchase and sale of lands (including the mortgage of William Sherman’s 1/4-acre residence), was managed by its overseer, Rowland B. Lacey, from 1885 until his death in 1897. Between 1880, when Henry O. Pease’s land was sold, and 1933, when George Sherman attempted to quitclaim the 14/-acre property in Trumbull to a non-Indian, named Sarah McGee, no individual members of “the Golden Hill tribe” were named in any documents found to date associated with the Golden Hill fund. Nor was any mention made of the number of members surviving during this period.

#### Turkey Hill Indians (Paugusset proper)

A few land deeds, General Assembly petitions and a single overseer report contain names of persons associated with the Turkey Hill Indians (or Paugussett proper). The 1829-1834 report of David Johnson, “agent for the Turkey Hill Indians,” to the CT General Assembly states that he paid out money for the care of David Hatchet (in 1831) and Garry Homer (in 1833) and for the funeral of Joseph Hatchet in 1832 (New Haven County Court Records 1805-1842, Overseers of Turkey Hill Indians 1811-1839). Early General Assembly petitions and land deeds, while identifying persons as “Indian,” and as “descendants” of Indian persons, do not specifically identify a tribe or group affiliation, only that the persons are from a particular area (in this case Derby) (Conn. General Assembly Papers, Native American 1808-1860, Rec.Grp. 002, Box 1, folder 15, document 12; Rafford 2002, Exhibit 5; Conn. State Archives, Indians, Series 2, Vol. 1, documents 13-15, microfilm roll #70; Rafford 2002, Exhibit 6; Derby Land Records, Vol. 19, 1809-1826/also CTAG 9/17/2001, Exhibit 125). According to the available evidence, no individuals were named in State documents as members of a Turkey Hill Indian group between 1833 and 1871; they are only identified as descendants or heirs (Rafford 2002, Exhibits 5 and 6). It is in 1871 that individuals are first identified as members of the Turkey Hill Indians (Rafford 2002, Exhibit 25). The term “Paugussett” is not mentioned in any documents submitted by the petitioner which refer to the Turkey Hill Indians.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Several persons are named as Indians or Indian descendants in these documents. The petitioner asserted in its 1995 Response to the Proposed Finding that “records of the 2<sup>nd</sup> Regiment of the Connecticut militia, campaign of 1759,” document John Howd(e) as a Paugussett Indian (Petitioner 12/5/1995, 34). However, none of the published Connecticut military records provide a tribal identification for John Howd(e). John Howd(e) is mentioned as an ancestor in several later petitions (see below). In October 1792, two non-Indians petitioned to claim land in Derby as “tenants in common” with a number of Indians ... Frank Freeman and Esther his wife, Andrew Moses, John Moses, Phillip Pomp, Mary Seymour, [and] Ely Seymour” (Conn. State Archives, Indians Series 2, Vol. 1, 11). It is uncertain whether these persons, connected with land previously claimed by Joseph Mawee (Mauwee) and others from the Kent, Connecticut Indian community, were originally from the Naugatuck reservation in Derby or were from Turkey Hill, but some of the names in the 1792 petition are also listed in later documents as Turkey Hill Indians, or as “heirs” or descendants. For example, a petition dated May 8, 1810, describes Hester Frank,<sup>54</sup> Philip Moses, Eli Seymour and Mary Seymour<sup>55</sup> as “descendants” of John Howde, and as Indians, but not as John Howde’s children (Conn. State Archives, Indians, Series 2, Vol. 1, doc. 13-15, microfilm roll #70; R afford 2002, Exhibit 6). In a later deed, Philip Moses and Mary Seymour were identified as brother and sister, and Hester Freeman was identified as their mother’s sister. The last document specifying members of the Turkey Hill tribe is a warranty deed signed June 19, 1871, stating that “Roswell Moses, Eliza Franklin, Leavinia Breckenridge, Elizabeth Moses, and Georgiana Moses” are “the surviving members of said tribe” [Turkey Hill Indians] (Petitioner 10/1/1999 p. 519; Rafford 2002, Exhibit 25; Derby Land Records 6/19/1871, Vol. 50, 458). Only one later report in September 1871, identified members of the Turkey Hill Indians, naming these same persons (New Haven Superior Court Records 9/20/1871, Vol. 27, 138). So, all persons listed in documents between 1792 and 1871 as members, descendants, or “heirs” of the Derby or Turkey Hill Indians include John Howdee, Philip Moses,<sup>56</sup> Hester Frank/Freeman, Frank Freeman, Mary Seymour and her husband Eli Seymour, Andrew Moses, John Moses, Phillip Pomp, Mehitabel Moses (widow of Philip Moses), Nancy Freeman, Joel Freeman, Roswell Moses (aka Phillips), Henry/Harry Moses, James Jennings, Laura Jennings, Levi Alling (aka Allen), Avis Alling (aka Allen), Eliza Franklin, Leavinia Breckenridge, Elizabeth Moses, Georgiana Moses, Joseph Hatchet, David Hatchet, and Garry Homer (Conn. State Archives, Indians, Series 2, Vol. 1,11; Petitioner 5/24/1999, Bates Stamped Docs., 519, 530-531, 534-535; New Haven County Court Records 1805-1842, Overseers of Turkey Hill Indians 1811-1839; Conn. General Assembly Papers, Native American 1808-1860, Rec. Grp. 002, Box 1, folder 15, document 12; Rafford 2002, Exhibit 5; Conn. State Archives, Indians, Series 2, Vol. 1, documents 13-15, microfilm roll #70;

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<sup>54</sup> Hester Frank was probably the same person as Ester Freeman named earlier (Conn. Docs., Conn Archives, Indian Series 2, 1:11)

<sup>55</sup> Mary Seymour *nee* Moses

<sup>56</sup> Philip Moses’s offspring used both Moses and Phillips as surnames.

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

Rafford 2002, Exhibit 6; Derby Land Records 1809-1826, Vol. 19; CTAG 9/17/2001, Exhibit 126; New Haven Superior Court Records 9/20/1871, Vol. 27, 138).

*Genealogical Evidence: Records Reviewed*

The regulations describe types of evidence which are acceptable to the Secretary under 83.7(e). The acceptable evidence is not limited to the categories listed. The specified types of acceptable evidence that can be used for criterion 83.7(e) are described below with evidence examined for this petition.

(1) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes.

The Secretary never prepared tribal rolls for the Golden Hill Indians, Golden Hill Paugussett, or the Turkey Hill Indians.

(2) State, Federal or other official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

The petitioner submitted, and BIA researchers located and obtained, numerous birth, marriage, death, and adoption records for William Sherman, his family, and his descendants, including some present members of the petitioner's group. The petitioner submitted similar records for Levi Allen (aka Alling) and Delia (Merrick/Myrick) Phillips, and their descendants. BIA researchers examined these records for authenticity, source, and pertinent information.

In addition, BIA examined various historical Connecticut General Assembly records, overseer reports, and land transaction records, for both the Colonial and Federal periods, dealing with the historical tribes (Golden Hill and Turkey Hill historical tribes) and with William Sherman and his descendants. No vital records were available which documented the birth of any members of the historical tribes, that is, persons documented as Golden Hill Indians before 1849, but some records were located for descendants of Sarah Sherman Roberts (sister of Thomas Sherman Jr.). A scattering of death records exist for members of the historical Golden Hill tribe prior to 1849, both from overseer reports and from township records, although most were obtained from secondary sources rather than official records. These records do contain names of individuals but they provide very little information with regard to age and genealogical relationships.

Whaling ship crew lists (Records of the Collector of Customs for the Collection District New London, Connecticut 1789-1938: roll 56, Crew List of Outgoing Vessels; NARS 1984) provided a physical and professional picture of William Sherman. Before his marriage, William Sherman worked as a crewman on whaling ships which sailed from Bridgeport and New London. In 1848 on the *Montezuma*, William Sherman was listed as the 35<sup>th</sup> crew entry (born Poukeepsie [*sic*],

#### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

residence Brigeport [*sic*], U.S.A. citizen, age 23, height 5 ft. 10½ in., complexion Copper, hair Black). Three year later in 1851 on the *Clematis*, William Sherman had risen to Second Mate (born Poughkeepsie N.Y., residence New London, U.S.A. citizen, age 26, height 5 ft. 10½ in., complexion Copper, hair Black). In 1853, the year of his marriage, William Sherman was again on the *Clematis*, this time as First Mate (born Poughkeepsie N.Y., residence New London, U.S.A. citizen, age 28, height 5 ft. 10½ in., complexion Dark, hair Black).

Trumbull township and Fairfield county records indicate that William Sherman paid property taxes on a dwelling house for the years 1876 through 1883, and on a horse for the years 1880 through 1883 (Lynch 4/24/1997, Trumbull Tax Records). Also in these records, a George W. Sherman<sup>57</sup> paid taxes on a dwelling house during the years 1886 through 1889 and on a horse or horses from 1884 through 1889 (Lynch 4/24/1997, Trumbull Tax Records). Tax records after 1889 were not available to BIA researchers.

William Sherman is also listed on the Trumbull “List of Electors” (voting rolls) for the years 1873 through 1879 (Siefer 12/19/1994, Appendix, Doc. 3). These were the only years that voting records were available to BIA researchers for this finding.

Federal records providing information on historical Golden Hill Indians and on William Sherman and his descendants exist primarily in the form of four decennial U.S. censuses taken in 1850, 1860, 1870, and 1880 (U.S. Bureau of the Census 1850, 1860, 1870, 1880, Trumbull, Fairfield County, CT). The 1850 Federal census enumerated William Sherman as a 33-year-old, Black mariner born in New York, serving on the Ship *Montezuma* out of New London, New London County, Connecticut. In 1860, he was enumerated in Trumbull, Fairfield County, CT, as 40, Mulatto, and born in Connecticut; listed with him are his wife Nancy, (25, Mulatto, born in Massachusetts), and his first three sons (William Jr. age 3, Henry age 2, and infant son [Mason] age 3 months), all recorded as Mulatto and born in Connecticut. Note that although William Sherman’s birthplace was recorded as Connecticut instead of New York, and Nancy (Hopkins) Sherman’s birthplace was recorded as Massachusetts instead of Connecticut (as shown on their marriage registry and the 1850 census); these apparent errors are not perpetuated on later censuses. On the 1870 census, William and Nancy Sherman are enumerated in Trumbull with five of their children – Mason age 10, George age 8, Caroline age 6, Huldah age 5 and Mary C. age 2. William Sherman is listed as 44 and born in New York, and Nancy is listed as 36 and born in Connecticut; the code indicating their color is smudged on both of their records, but their children are all enumerated as Indian. In 1880, on the last census before his death, William Sherman was enumerated as Indian, aged 55, born in New York and Nancy as Black, aged 45, born in Connecticut. The only child still living with them in 1880 was Charles, aged 10, who is enumerated as Mulatto. None of these four Federal census records show tribal descent or affiliation for William Sherman or for his wife or his children.

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<sup>57</sup> Presumed to be William Sherman’s son but presently unconfirmed. There existed a second George W. Sherman, white, in Trumbull who died there in 1915. George Sherman, son of William Sherman, died in Trumbull in 1938.

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As stated by BIA in a previous finding, “while the ‘colored’ or ‘mulatto’ references in either the vital records or the census could mean some Indian ancestry,” at best they are ambiguous (BIA 12/8/1993, Ramapough Mountain Indians, Inc. Preliminary Finding, Genealogical Report, 14). In previous cases, ambiguous racial identifications in the census were not held against a petitioner when other, more reliable records identified the individuals as members of a tribe or as Indians. At times, the terms “mulatto” or “mixed” or “free people of color” could include people of Indian descent, but the terms were not exclusive nor did they automatically mean “Indian.”

The 1850 Federal census for Trumbull lists the Levi Peas (aka Pease; age 45, Black) household.<sup>58</sup> His household included, in order of enumeration, Henry [Peas] (age 5, Mulatto), Nancy [Peas] (age 19, Mulatto), and Charles Sharp (aged 17, Mulatto). Just after this census, in October 1850, Charles Sharp died in the Poor House in Trumbull. By the time the 1860 census was taken, Levi Pease was living as a farm laborer with the family of Ransom Curtis (White) in Stratford, Fairfield County, CT, and Henry Pease (aged 16, Mulatto) was still living in Trumbull, in the Abel Beach household where he is working as a “laborer.”<sup>59</sup> No further record has been found of Nancy Peas(e) or Levi Pease. Henry O. Pease has not been found on the 1870 census, but on the 1880 census, he is enumerated with his wife, “Janette A.,” and six children in the town of Huntington, New Haven County, CT. He is presumed to have died during the time between the 1880 and 1900 census, because his wife, “Jennett,” is enumerated as a widow with seven children and a grandson in the town of Stratford on the 1900 census.

Although numerous State and local deeds, reports, and vital records were submitted by the petitioner for persons claiming descent from Levi Allen and Delia Merrick/Myrick, none of these documents provided acceptable evidence identifying present members or ancestors of present members as descendants of a historical tribe (Rafford, 1999; Rafford 2001, CTAG 9/17/2001).

(3) Church, school, and other similar enrollment records identifying present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

Records identifying Golden Hill Indians after 1800 include the several church records archived in the CT State Library. The Bridgeport United Congregational Church records list John Chaups [Chops], Indian, of Golden Hill Tribe, died February 7, 1818, age 62 (Conn. State Library 1951, Conn. Church Records, Index; Petitioner 6/17/1994, “Draft,” Section 5). The Woodbridge Church records contain baptisms for Eunice Mansfield, Gerard Mathewson Mansfield (son of Eunice), and Pamela Mansfield (daughter of Eunice) in 1802, the same year that Eunice requested severance from the Golden Hill group (Conn State Library 1951, Conn. Church Records, Index; Petitioner 6/17/1994, “Draft,” Section 5). These same records contain a death

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<sup>58</sup> As shown by neighboring households, he lived in the same neighborhood where William Sherman would be enumerated in 1860.

<sup>59</sup> Middle initial and employment confirmed in William Sherman diary.

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listing for “Eunice Mack, Indian Woman, age 85 or more,” who is reported to have died on May 20, 1841 (Conn. State Library 1951, Conn. Church Records, Index; Petitioner 6/17/1994, “Draft,” Section 5); however, she was not identified as a Golden Hill Indian..

No contemporary church, school, or other enrollments that listed William Sherman as a member of or descendant of a tribe, or that indicated his parentage or lineage, have been located. The only church record submitted for William Sherman was notice of his death in 1886 from the Trumbull Congregational Church (formerly North Stratford) (Conn. State Library 1962, Conn. Church Records, Trumbull Congregational Church 1730-1931, Index, 126, entry in Vol. 3, 319; Conn. State Library 1951, Conn. Church Records, Index; Petitioner 6/17/1994, “Draft,” Section 5). It identified him as a Golden Hill Indian, but specifically referenced page 43 in Orcutt’s 1886 *History of Stratford and Bridgeport* (a secondary historical work), in making this identification. William Sherman is reported to have been buried in the Nichols cemetery where he served as sexton, but cemetery records submitted by the petitioner do not list his burial there. No school or other enrollment records contemporary with William Sherman’s lifetime were submitted for him or for his children.

A few baptism records, believed to be for William Sherman’s descendants, were submitted by the petitioner or interested parties and located by BIA researchers. In records from the Methodist Episcopal Church of Stratford, Nichols Farm Class, baptisms for 1882 list George Walcot Sherman (adult, Long Hill), Ettie Mary Sherman (adult, Long Hill),<sup>60</sup> and William Harrison(?) Sherman (adult, Long Hill)<sup>61</sup> (Petitioner 6/17/1994, “Draft,” Section 5). In 1890, at the same church, baptisms were recorded for Frederick Marshall Sherman (infant, b. April 4, 1890, Nichols Farm), and Edward Lewis Sherman (infant, b. May 26, 1888, Nichols Farm), both sons of George W. Sherman (Petitioner 6/17/1994, “Draft,” Section 5). None of these records identified any of the individuals as Indian or as Golden Hill.

Burial records, lot records and headstones for Nichols Cemetery in Trumbull contain information on William Sherman’s descendants and other residents of Trumbull (Petitioner 6/17/1994, “Draft,” Section 6) but do not identify individuals as Indian or as Golden Hill. Lot 90 contains the burials of William Sherman (Jr.) (d. December 28, 1934), George W. Sherman (d. December 31, 1938), and Edward L. Sherman (d. February 28, 1974). Lot 1 contains the burial of Levi Pease (no date) and a second listing for George Sherman (1871-1938). In Lot 22 are the burials of Caroline Sherman Bosley (no date), Donald D. Piper (d. March 7, 1975), Christopher Williams (son of Harriet Helen Bosley Williams) (d. March 30, 1976), and Jaimira Croom (daughter of Julia Ann Piper) (d. September 3, 1977). Lot 91 contains the burial of Truman

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<sup>60</sup> This is perhaps Harriet Hulda Sherman, born March 25, 1867, and aged 13 on the 1880 census.

<sup>61</sup> This is perhaps William Sherman Jr., born September 22, 1857, and aged 23 on the 1880 census.

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Bradley<sup>62</sup> (d. August 22, 1877), John Mullen<sup>63</sup> (d. November 6, 1877), and Evelyn Sherman (wife of Edward L. Sherman) (d. March 19, 1974). A separate listing of burials in this cemetery specifies persons buried in “Section K” as including Julia Bradley (d. 1892, wife of Truman Bradley) and her daughter Julia Bradley (d. 1877), Helen Phillips (d. 1892, daughter of Truman Bradley), Pamela Kilson<sup>64</sup> (d. 1877), and Jeremiah Pann<sup>65</sup> (d. 1851). The petitioner has not provided evidence to show that William Sherman was buried in Section K or elsewhere in Nichols cemetery.

In 1886, Samuel Orcutt, a local historian, stated that William Sherman had been sexton of the Nichols Cemetery for about 30 years, which would date his involvement to about the time he settled in Trumbull. This employment is supported by numerous entries in the diary submitted by the petitioner (Petitioner 8/12/1993, Vol. 18). The petitioner claims that a section of this cemetery is designated for Indians only, which may be the “Section K” mentioned above as the Bradleys and Kilsons are known to have been Schaghticoke Indians. However, the list of burials for “Section K” includes numerous names not known to be Indians, so the section may not be reserved exclusively for Indians. The “Lot” burial information did not designate any “Section,” so whether these burials are located in “Section K” is undetermined.

Several other descendants of William Sherman have been buried in cemeteries other than the Nichols Cemetery. For example, Ethel (Sherman) Piper Baldwin Travis Peters, is buried in Milford, and her daughter, Julia (Piper) Farrar, is buried in St. Michael’s Cemetery in Bridgeport (Petition, 4/1/1994, Appendix III). It is not known for certain where William Sherman, Nancy (Hopkins) Sherman, Henry Sherman, Mason Sherman, Mary Olive Sherman, , Harriet (Sherman) Cam Robinson, Mary Olive Sherman (2<sup>nd</sup>), Charles Sherman, Frederick Marshall Sherman, and Walter S. Sherman (George Sherman’s third son) are buried,<sup>66</sup> since the petitioner has not submitted any records of their burials.

Church records of baptisms, marriages, and deaths for Tinney-Allen members and their ancestors, as well as for persons identified as Turkey Hill Indians, were submitted by the petitioner (Rafford 1999; Rafford 2001; Petitioner 6/17/1994, “Draft,” Section 5). However, none of the documents were sufficient to connect Tinney-Allen members or their ancestors to the persons identified as Turkey Hill Indians or to the Golden Hill Indians.

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<sup>62</sup> Truman Bradley was a Schaghticoke Indian.

<sup>63</sup> Identity unknown.

<sup>64</sup> Pamela Kilson was a Schaghticoke Indian.

<sup>65</sup> “Jerry” Pann was a Schaghticoke Indian.

<sup>66</sup> At least some of these persons may also be buried in Nichols Cemetery.

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(4) Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

The GHP petition contained no such affidavits from Golden Hill tribal leaders naming members or descendants of members that were made during William Sherman's lifetime (1825-1886). No such document from any known Paugussett or Pequannock descendant dating to the period of William Sherman's lifetime was submitted by the petitioner or third parties, or located by BIA researchers.

The petitioner submitted copies of affidavits of recognition for a few descendants of George Sherman (son of William Sherman, b. 1862, d. 1938) and Caroline Sherman Bosley (daughter of William Sherman, b. 1865, d. 1927). However, these affidavits were recent, and generated in order to acknowledge the individuals' affiliation with the petitioner (or kinship to a member of the petitioner) to the State of Connecticut. Also, none of the affidavits were accompanied by historical documents or vital records confirming the affidavits.

The GHP petition also contained no such affidavits from Turkey Hill tribal leaders naming members or descendants of members that were made during Levi Allen's lifetime (1795-1865), Delia Merrick/Myrick's lifetime (1797-1890), or Eliza Phillips Franklin's lifetime (1831-1894). No such document from any known Paugussett or Pequannock descendant dating to the period of their lifetimes was submitted by the petitioner or third parties, or located by BIA researchers.

(5) Other records or evidence identifying present members of ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

#### (a) County, City and Family Histories and Commentaries, and Personal Records

The petitioner derived much of the information used in the historical narrative from publications such as John W. DeForest's *History of the Indians of Connecticut from the Earliest Known Period to 1850* (1852); Orcutt and Beardsley's *The History of the Old Town of Derby, Connecticut, 1642-1880* (1880); *A History of Fairfield County* by D. H. Hurd (1881); Samuel Orcutt's *A History of the Old Town of Stratford and the City of Bridgeport Connecticut* (1886); George Clark's *A History of Connecticut* (1924); and F. L. Wojciechowski's *Ethnohistory of the Paugussett Tribes: an Exercise in Methodology* (1992). Many of these publications utilized information presented in previous works, so that secondary sources then became tertiary sources, and so on. These are the least acceptable form of documentation, and many are internally inconsistent with regard to genealogical information. A thorough discussion on secondary sources is provided in the Final Determination for Ramapough Mountain Indians, Inc. (BIA 1/18/1996, Ramapough Mountain Indians, Inc. Final Determination, Tech. Report, Historical Methodology, 9-12, and Summary under the Criteria, Summary Conclusion under Criterion

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83.7(e.) None of these publications provide information concerning a continuously existing Golden Hill tribal entity of which William Sherman could have been a member. Nor do any of these publications provide information concerning a continuously existing Turkey Hill tribal entity of which Levi Allen, Delia Merrick/Myrick, or Eliza Phillips Franklin could have been members. Excerpted comments on William Sherman from these publications are included in Appendix C.

**(b) Oral Histories**

The petitioner submitted five videotaped interviews with tribal members plus a videotape of Ethel (Sherman) Piper Travis Peters' funeral. While these records provided some insight into intra-group GHP relationships and activities, they contained no useful genealogical information pertaining to descent from a historical Golden Hill entity or to descent from William Sherman.

The petitioner submitted no oral histories or interviews pertaining to descent from a historical Turkey Hill entity or to descent from Levi Allen, Delia Merrick/Myrick, or Eliza (Phillips) Franklin.

**(c) Personal Information**

A copy of a document that appears to be the journal or diary of William Sherman was submitted by the petitioner. This document contains two types of information: business transactions between April 23, 1857, and October 24, 1877, and personal journal entries between April 1, 1873, and January 18, 1878. It includes work records, purchases, financial transactions, family deaths (but no births), and interaction with community residents. William Sherman's name is not found in the diary but entries indicate that it was probably his because of the events and individuals documented in it. The handwriting, style and condition of this document support authenticity.<sup>67</sup>

The petitioner also submitted copies of births and deaths recorded in a Bible attributed to William Sherman. Although entries begin with William Sherman's own birth (1825) and that of his wife (1832) and first child (1857), the records could not have been entered before 1877, the year in which this particular Bible was published. Entries appear to be in the handwriting of several different people. The earlier entries list the births of William Sherman, his wife, and their children. It also records the deaths of three of William Sherman's children, in addition to the birth and death of Mary Olive Jackson, after whom two of the Sherman daughters were

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<sup>67</sup>Several pages and passages had been removed from the diary at some undetermined time, but BIA did not consider these missing sections to affect the authenticity of the document, only its completeness.

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

presumably named.<sup>68</sup> These entries match the writing style found in the diary. The later birth entries list George Sherman's wife and three of his children. The later death entries include William Sherman and his wife Nancy, George Sherman and his wife "Harrit" [*sic*], Mary Olive Sherman 2nd and Walter S. Sherman (George Sherman's third son) (no date entered). The writing of most of the later entries does not appear to be that of George Sherman or his son Walter, as the handwriting in which their births and deaths are entered is the same. The last birth entered is dated March 1, 1941, and is that of a person not known to be related to the Shermans and never included on the petitioner's membership list; it is written in handwriting different from all of the other entries.

The petitioner submitted 62 four-generation ancestor charts to show lines of descent from William Sherman. Most of these charts were only partially completed, each lacking names, dates, or places of birth for some individuals. BIA attempted to complete these charts by constructing a lineage tree, utilizing vital records submitted by the petitioner as well as U.S. census records and state, county and township records submitted by the petitioner or interested parties plus those obtained by BIA researchers.

No diaries, family Bibles or other personal records were submitted for members of the Tinney-Allen lineage or their ancestors.

### (d) Other Sources

Numerous newspaper articles submitted by the petitioner provide some confirmation of information from primary sources. However, newspapers are considered secondary sources, and as such are less reliable than information from primary sources, depending on the date, informant(s), and type of newspaper article. For example, notices of marriages, births, or deaths are generally more reliable than reminiscences of genealogical connections to historical figures.

Lineage information submitted by the petitioner was derived primarily from published histories (which provided very little documentation with regard to sources), rather than from primary sources such as colonial or state records (see item 1 above).

The petitioner also submitted two reports on the Tinney-Allen lineage, which contained family group records, lineage trees, copies of vital records, and census information, in addition to miscellaneous newspaper articles (Rafford 1999; Rafford 2002). The 1999 Rafford report also included some family group records for the William Sherman lineage. Neither, however, contained information documenting a genealogical relationship between the Tinney-Allen line

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<sup>68</sup> Bible death record reads born February 27, 1842, and died September 13, 1864. Mary Olive Jackson, who may also have been called Olivette, is believed to have been the daughter of Nancy Sharp *alias* Pease and Rensler Pease. Rensler Pease later married Caroline Jackson. On the 1850 census for Bridgeport, the household of Rensellar Pease (43, Mulatto) included Caroline Jackson (35, Mulatto) and Olivette Pease (7, Mulatto). If Nancy Sharp *alias* Pease was William Sherman's mother, as the petitioner claims, then Mary Olive Jackson would have been his half-sister.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

and the Golden Hill descendants or the Turkey Hill descendants, or between the Tinney-Allen line and the descendants of William Sherman. Nor does it provide information concerning a continuously existing Golden Hill Paugussett tribal entity of which William Sherman could have been a member.

### *Genealogical Evidence of Descent from a Historical Tribe*

#### Golden Hill Indians (Pequannock)

The BIA researchers attempted to reconstruct the family trees of the known 18<sup>th</sup> and 19<sup>th</sup> century Golden Hill Indians using vital records, deeds, State Assembly records, Federal census information, and other primary sources, plus additional information derived from some secondary sources such as published research.

#### First Generation

Golden Hill Indians, whose descendants were named on the 1823 Census de Golden Hill (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82) (see also Table 1, this report) and who were named on Connecticut overseer and General Assembly documents, are Tom Sherman (Sr.), who was born Potatuck, and his spouse Eunice Shoran (possibly the daughter of John Shoran), who was Pequannock. According to overseers' reports and published histories (Petitioner 4/1/1994, Appendix V), Thomas Sherman (Sr.) and Eunice Shoran probably had five children: Ann, Eunice, Tabetha, Tom Jr., and Sarah. Most of these individuals – Thomas Sherman (Jr.), Eunice Sherman, Tabetha Sherman, and Ann Sherman, along with John Chops (2<sup>nd</sup>)<sup>69</sup> – were named on an 1802 petition to the General Assembly (Conn. IP 2<sup>nd</sup>, Vol. II, Doc. 2, 3-4; Petitioner 4/1/1994, Appendix IV, 64-65). Thomas (Jr.) and Eunice named in this document were most likely the children, as their parents, Tom (Sr.) and Eunice (Shoran) Sherman, were reported to have died before this date, Tom (Sr.) in 1801 and Eunice (Shoran) before 1797 by Aaron Hawley, overseer of the Golden Hill Indians (Petitioner 4/1/1994, Appendix V; Conn. IP 2<sup>nd</sup>, Ser. I, Doc. 139, 596-597; Siefer 1994, Appendix 6). John Chops (2<sup>nd</sup>) was probably their first cousin, the son of John Chops and Sarah (Shoran) Chops. Sarah (Shoran) Chops died before 1797, as reported in a petition to the CT General Assembly in 1797 (Conn. IP 2<sup>nd</sup>, Ser. I, Doc. 139, 596-597; Siefer 1994, Appendix 6). John Chops (2<sup>nd</sup>) died February 6, 1818 (age 62), as recorded in the 1818 Golden Hill overseer report (Petitioner 4/1/1994, Appendix V; Conn. State Library 1951, Conn. Church Records, Bridgeport United Congregational Church 1687-1889, 67).

#### Second and Third Generations

Ann Sherman, daughter of Thomas Sherman and Eunice Shoran, is known to have had three daughters, as indicated in the overseer records, but the father(s) of these children is unknown

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<sup>69</sup> Also spelled Chaups.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

(Petitioner 4/1/1994, Appendix V). Two daughters, Harriet and Dolly, were specifically mentioned in the 1823 Census de Golden Hill, which listed nine tribal members (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82). This 1823 committee report to the CT General Assembly also listed an unnamed daughter of Harriet (age 2 years) and an unnamed daughter of Dolly (age 11 years). The third daughter, Eunice,<sup>70</sup> apparently married John Hatchet Towsey,<sup>71</sup> a Turkey Hill Indian, who was on the 1823 Census de Golden Hill (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82). Eunice (Sherman) Towsey's death in Danbury was listed in the 1808 overseer report (Petitioner 4/1/1994, Appendix V). John Hatchet Towsey, as enumerated on the 1823 Census de Golden Hill, claimed to have had "two children by a Squaw, not of this tribe, from whom he has finally parted, leaving the children with their mother in Massachusetts" (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82). He had may have been enumerated at Golden Hill since had once married one of the Golden Hill Indians (Eunice Sherman), and because he was listed with his [widowed] mother-in-law, Ann Sherman. He and Ann were last reported on the Golden Hill overseer's report for 1825 (Petitioner 4/1/1994, Appendix V). Dolly Sherman died in October 1825, as reported on the overseer's report (Petitioner 4/1/1994, Appendix V). Nothing more is known of Ann or of her descendants after the 1825 overseer's reports.

Eunice Sherman, daughter of Thomas Sherman and Eunice Shoran, and sister of Tom Sherman Jr., is reported to have married Mack or Mansfield<sup>72</sup> and to have borne 5 children: James Mack,<sup>73</sup> Pamela Mansfield, Eunice Mack (Jr.), Jerry/Gary Mack, and Ruby Mack<sup>74</sup> (DeForest 1852, 357; Orcutt 1886, 42; Petitioner 6/17/1994, "Draft," Section 5 Church Records). James Mack is reported to have married his first cousin, Ruby Sherman (of whom more later), daughter of Tom Sherman Jr., who may have been at least ten years his senior. This pairing is linked to the individual Ruby Mansfield, named in petitions and overseers' reports in the 1840's, because James Mack's father is presumed to be named Mansfield (CTAG 9/17/2001, Exhibits 81 and 83;

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<sup>70</sup> There were four women named Eunice in the group: Eunice Shoran who married Thomas Sherman; Eunice Sherman, daughter of Eunice Shoran and Thomas Sherman, who married Mack or Mansfield; Eunice Mack (Jr.), daughter of Eunice (Sherman) Mack/Mansfield, and Eunice Sherman (2<sup>nd</sup>), daughter of Ann Sherman and granddaughter of Eunice Shoran and Thomas Sherman. This fourth Eunice (2<sup>nd</sup>) married John Hatchet Towsey, who was enumerated on the 1823 Census de Golden Hill; they had no known issue.

<sup>71</sup> Also spelled Tousey.

<sup>72</sup> DeForest reports "The Woodbridge Indians, known as the Mack family,.... One of the women, Old Eunice.... Her two children, Jim and Ruby...." (DeForest 1852, 357). Orcutt says she married "Mack or Mansfield, formerly of Kent" and had V, Jim, Garry and Eunice" (Orcutt 1886, 42).

<sup>73</sup> Orcutt refers to him as "Jim Mansfield" (Orcutt 1886, 44) and as "James Mack" (Orcutt 1882, 67); DeForest refers to him as "Jim Mack" (DeForest 1852, 357).

<sup>74</sup> Historians and the petitioner have presented conflicting identities for Ruby Mack, Ruby Sherman, and Ruby Mansfield.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

Petitioner 4/1/1994, Appendix IV). However, DeForest (DeForest 1852, 357) reported seeing Eunice's children, Jim and Ruby, often in his "native village" [Seymour]. It is possible that Ruby Mack, daughter of Eunice (Sherman) Mack/Mansfield and sister of Jim Mack, was confused with Ruby Sherman, daughter of Tom Sherman Jr., by local historians, thus initiating apparent errors in lineage relationships. In the 1823 Census de Golden Hill, Eunice Sherman and her children were reported to have severed their claim on Golden Hill property and funds in 1802, in exchange for one-fifth of the amount in the fund after the sale of all the Golden Hill lands within the town of Bridgeport (about 20 acres) (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82). They were assigned a separate overseer, Samuel Osborne, who purchased land for them in Woodbridge in 1804 (Petitioner 12/5/1995, Supplement 4, 95). Eunice Sherman died in Woodbridge on May 20, 1841, listed as "Eunice Mack, Indian woman, 85 or more" in Woodbridge church records (Conn. State Library 1934, CT Church Records; Petitioner 6/17/1994, "Draft," Section 5). Baptism records for Pamela Mansfield, daughter of Eunice, and Gerard Mathewson Mansfield (Jerry/Gary Mack), son of Eunice, were entered on December 2, 1802, in these Woodbridge church records. After this, nothing more is known of Pamela Mansfield or Eunice Mack (Jr.). In 1880, Orcutt and Beardsley reported,

There were James and Eunice Mack, who lived by themselves near the turnpike that leads from Seymour to New Haven. Jerry Mack and four other Indian men, two squaws and three children lived over the hill south of James Mack's about eighty rods (Orcutt and Beardsley 1880, liv).

It is reported that in 1833 nine of the residents of this settlement died in a smallpox epidemic but that three unnamed children survived the epidemic (DeForest 1852, Orcutt and Beardsley 1880). However, Ruby Mack and James Mack, as mentioned above, were reported as being together by DeForest some years before 1852, and Molloy reported that "Eunice and two children, Jim and Ruby," survived a smallpox outbreak in Derby in 1833 (DeForest 1852, 357; Molloy 1935, 394). On the 1840 census for Derby, New Haven County CT, Eunice Mack was enumerated as the "free colored" head of household, containing 1 male 36-55, 1 female 36-55, and 1 female 55-100. Still later, in 1845, Samuel French was authorized to sell land by the General Assembly because "a certain pauper in and of said town of Derby, an Indian, named James Mack," was the owner of the land and apparently in need of financial support (Resolutions and Private Acts 1845, 30-40). After this, nothing more is known of Eunice's descendants.

Tabetha Sherman, daughter of Thomas Sherman and Eunice Shoran, and sister of Tom Sherman Jr., is believed to have had two daughters and a third child, probably a son, as recorded in Golden Hill overseer reports (Petitioner 4/1/1994, Appendix V). Nothing is known of her spouse, the names or ages of her children, nor anything more of her and her offspring after the record of Tabetha's death in the Golden Hill overseer reports in 1807.

Tom Sherman Jr., son of Thomas Sherman and Eunice Shoran, and his spouse Sarah (maiden name and parentage unknown), from whom the petitioner claims descent, are believed to have

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

had five children, as recorded in Golden Hill overseer reports: Ruby Sherman, Phoebe Sherman, Charles Sherman, James Sherman, and Nathaniel Sherman (Petitioner 4/1/1994, Appendix V; Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82). “Ruby Sherman, daughter of Tom Sherman deceased,” and her unnamed 12-year-old daughter are enumerated on the 1823 Census de Golden Hill committee report (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82). It is not known whether this daughter was the offspring of Ruby Sherman and James Mack/Mansfield or of some other union. However, it is probable that Ruby Sherman married someone named Mansfield because, after 1840, an individual of her approximate age was named in Golden Hill petitions to the General Assembly as Ruby (or Ruba) Mansfield. It is presumed that she married James Mack/Mansfield, but no verifying documentation has been submitted. Ruby Mansfield may have had other children, as indicated in a petition to the General Assembly with Nancy Sharpe in 1841, but no documentation exists to verify their names or ages (CTAG 9/17/2001, Exhibit 83). The Golden Hill overseer in 1849 reported to the General Assembly that “Ruby is old and infirm and now residing in the town of Oxford with her husband a collered man” (CT FOIA, file 68). No documents have been submitted that provide the name of Ruby’s daughter listed on the 1823 Census de Golden Hill. James Sherman was not mentioned in the records after the 1811 overseer’s report (Petitioner 4/1/1994, Appendix V). Phoebe Sherman was last mentioned in the 1817 overseer’s report (Petitioner 4/1/1994, Appendix V). Nathaniel Sherman died around October 15, 1818, as reported by the Golden Hill overseer (Petitioner 4/1/1994, Appendix V). The Golden Hill overseer reported paying the Selectmen of Woodbury in March 1825 for items needed by Charles Sherman, after which nothing more is known of him (Petitioner 4/1/1994, Appendix V).

Sarah Sherman, daughter of Thomas Sherman and Eunice Shoran, and sister of Tom Jr., according to Orcutt, married “Ben Roberts, a Negro, and lived at Stratford Tide Mill at Eagle’s Nest” (Orcutt 1886, 42; Petitioner 4/1/1994, Appendix VI). Orcutt stated that they had descendants living in Orange and that they were “non-claimants” to the Golden Hill fund (Orcutt, 1886, 43). Sarah Sherman and Benjamin Roberts are believed to have had seven children – Hannah, Levi, Samuel, Benjamin, Elijah, Sylvester and Patty – some of whom had offspring (Records of the Congregational Church of Orange CT, 1805-1910, 56, 672, 73, 78; U.S. Bureau of the Census 1850, Orange, New Haven County, CT). Sarah and her family are not mentioned in overseer reports, on the 1823 Census de Golden Hill, or in other known primary documents associated with the Golden Hill Indians (Petitioner 4/1/1994, Appendix V; Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82).

Of other individuals mentioned on the 1823 Census de Golden Hill, little more is known. Adonijah Chops, possibly the son of John Chops 2<sup>nd</sup> and the grandson of Sarah Shoran and John Chops, died in 1848 at age 58 [listed as Adonigah Chops] in Harwinton CT (Petitioner 6/17/1994, “Draft,” Section 5; Conn. Church Records Index, Harwinton First Congregational Church 1791-1861). No records have been submitted providing any additional information on the three unnamed girls, ages 12, 11, and 2, listed on the 1823 report (Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82).

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### The Problem of Nancy Sharpe's Genealogy

As mentioned above, the parents of Nancy Sharpe (aka Nancy Pease) are unknown. She may have been Ruby's unnamed 12-year-old daughter listed in 1823, or Ruby's cousin (1823 unnamed daughter of Dolly or Harriet) (Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82). It is also possible that she may have been a daughter of Phoebe Sherman, Ruby's sister, and not in the area when the 1823 report was compiled. No mention was made in any document regarding the genealogical relationship between Ruby Mansfield and Nancy Sharpe (*alias* Pease). All that has been documented is that during their lifetimes they were both considered to be entitled to the Golden Hill funds by the overseers managing the affairs of the Golden Hill Indians (CTAG 9/17/2001, Exhibit 83; CT FOIA, file 68).

This concludes what is reasonably documented as the Golden Hill Indians living in the first half of the 19<sup>th</sup> century. Up to 1849, the last reference to Ruby and Nancy, we have no references to a William Sherman among the heirs of, children of, residents on, or petitions for rights to the Golden Hill funds or reservation lands.

### The petitioner's ancestor: William Sherman

The petitioner declares descent from the historical Golden Hill tribe through William Sherman (born 1825 and died 1886; see Appendix D of this report for William Sherman's lineage claimed by the petitioner). According to his seaman's registry, ships' logs and census records, William Sherman claimed to have been born in Poughkeepsie, New York around 1825 or 1826 (records of whaling ship *Montezuma* 1848, *Clematis* 1851 and 1853 in Siefer 4/24/1997, Appendix 4). He confirmed his birthplace as New York on the 1850, 1870, and 1880 U.S. censuses, although on the 1860 census it was recorded as Connecticut. According to these documents, his residence of record from 1848 to 1851 was Bridgeport, Connecticut, and from 1851 to 1854 his residence of record was New London, Connecticut. No other primary documents have been found confirming the location and date of his birth, indicating the names of his parents, or naming any siblings.<sup>75</sup>

In May 1853, William Sherman married Nancy Hopkins, the daughter of Peter and Phoebe Hopkins, in New London (Norwich Vital Records, Vol. 7, 271, Barbour Collection). Just prior to their marriage, according to the 1850 U.S. census for Norwich CT, Nancy (age 19, color Black, born in Connecticut) was living in New London in the home of a painter, Austin Hinckley, most probably as a domestic servant (U.S. Bureau of the Census 1850, Norwich, New London County, CT). No primary records or reliable secondary sources have been located to indicate that Nancy Hopkins was descended from any known Indian or any known historical Indian tribe. The Hopkins name had not been previously associated with any of the known

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<sup>75</sup> There is no evidence that any of the individuals named in the 1823 Census de Golden Hill were residents of Poughkeepsie, New York. Such evidence might bolster the petitioner's claim that William Sherman was a descendant of one of the persons named on the 1823 census.

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

**Golden Hill Indian families.**

U.S. census records, birth records of his children, and death records indicate that William Sherman's residence was Trumbull (Nichols Farm), Connecticut, from 1857 until his death on May 18, 1886. Vital records indicate that all of his 10 children were born in Trumbull. As shown in township records and as enumerated on U.S. census records for Trumbull, the children of William Sherman and Nancy Hopkins were William (born 1857, died 1934, married but no known issue), Henry (born 1858, died at 18, no known issue), Mason (born 1860, died at 15, no known issue), George W. [Walcot or Wilcox] (born 1862, died 1938, of whom more later), Mary Olive (born, 1863, died at age 3½), Caroline (born 1865, died 1927, of whom more later), Harriet Hulda(h) (born 1867, died 1904, married but no known issue), Mary Olive (2<sup>nd</sup>) (born 1869, died 1905, no known issue), Charles (born 1871, died about 1920, no known issue), and an unnamed daughter (stillborn 1871). The petitioner submitted evidence that George Sherman and Caroline Sherman married and produced children. It is from these two siblings that a portion of the petitioner's members claim descent. [See discussion in regard to documentation of lineage for current members.]

There are no entries in William Sherman's diary claiming descent from or membership in the Golden Hill Indians or familial relationship between himself and Henry O. Pease (who was identified as a Golden Hill Indian on land deeds) (Huntington Land Records 1877 and 1880). However, the diary does indicate that William Sherman knew and interacted with Henry O. Pease, but no more so than with his non-Indian neighbors.

A newspaper obituary and a church record of William Sherman's death refer to Orcutt's *A History of the Old Town of Stratford and the City of Bridgeport Connecticut* (1886), which was published in the same year that William Sherman died and reported that William Sherman was a Golden Hill Indian (*Bridgeport Standard* May 19, 1886; Conn. Church Records, North Stratford Congregational Church). Orcutt also stated that "Henry Pease was his nephew" (although no details are presented regarding the exact nature of the family relationship); Orcutt may have derived his information concerning Henry O. Pease from Hurd's 1881 *History of Fairfield County*. Orcutt's history also reported that William Sherman was born in Poughkeepsie, New York, in 1825, and "The tradition is that he is a descendant of Molly Hatchet of Derby." Orcutt presented what he believed to be William Sherman's descent from Thomas Sherman and Eunice Shoran, but it contains several errors and undocumented assumptions (Orcutt 1886, 42-43). Orcutt did not identify his informant or reference sources for his claims of William Sherman's descent from Molly Hatchet<sup>76</sup> or from Thomas Sherman and Eunice Shoran. Therefore, only one, unsupported, secondary source identified William Sherman's parentage. All subsequent identifications trace back to this one reference - including William's death record.

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<sup>76</sup> Molly Hatchet, a well known Indian and basketmaker, was reported by Orcutt as being from Derby (Orcutt 1886, 43) after DeForest reported Hatchet as a Turkey Hill surname in 1852. There is no evidence that John Hatchet Towsey, listed on the 1823 Census de Golden Hill, was a descendant of Molly Hatchet, or that William Sherman was a descendant of Molly Hatchet.

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

**(A) Descendants of George Sherman**

George Sherman has approximately 12 documented descendants in the petitioner's membership. George Sherman married Harriet Curtis in 1887 (Huntington vital records). They had at least six children – Edward L. (born 1888, died 1974), Frederick Harrison (born 1890, died at 3 months), Walter S. (born 1891, died 1916), Ethel (Lillianoah) (born 1893, died 1993), another unnamed male (born 1895, died at 8 months), and Clarabel Maida (born, 1896, died at 8 days). Baptism records for George and two of his children were discussed earlier. All of petitioner's members documenting descent from George Sherman are also descendants of William Sherman.

(1) Edward L. Sherman ("Black Hawk") married first Eva Hungerford about 1906. The petitioner asserts that they had two sons, but contemporary records do not confirm this. Edward L. Sherman Jr. (aka Edward Hungerford Sherman) was born in 1906 to Eva Sherman in Manhattan, New York City. Although the birth record shows the mother's name and that of her child to be Sherman, the record indicates that the child was born out-of-wedlock and does not name the father. A second child, Ernest Hungerford [Sherman] was born in Westport, Conn., in 1907. His original birth certificate gives his parents as James Hubbard and Eva J. Hungerford. Through probate court, he was turned over to a child welfare facility at about four and a half years of age and later adopted by Mr. and Mrs. James E. Burnie. His birth certificate was reissued in the name of John Henry Burnie, showing his parents to be the couple who adopted him. No document shows him as a son of Edward L. Sherman (Sr.). Edward L. Sherman (Sr.) and Eva Hungerford were separated soon after the birth of Ernest and finally divorced, Eva taking Edward Jr. with her. Edward Sr. was not to see Edward Jr. again until the late 1930's; he would never see Ernest again as far as can be determined. Edward L. Sherman married second Edna Jackson Bonds and they adopted a daughter (born 1910). In 1946, Edward L. Sherman (Sr.) married third Evelyn Emma Young Cundiff, who had a daughter by her previous marriage. Edward L. Sherman Sr. and his wife Evelyn both died in 1974.

- (a) Edward L. (Hungerford) Sherman (Jr.) (born 1906) married Florence Irene Loper in 1945. She was the widow of his brother Ernest Sherman, with whom she had two daughters (see below). There are no issue known from this union and thus no members descending from him in the petitioner's membership. There is also no documentation known indicating that Edward ever adopted his Burnie step-daughters (they were 14 and 11 when their mother married Edward Jr.). Information on whether Edward L. Sherman (Jr.) is still living was not submitted by the petitioner but he has not been included on the petitioner's membership list since 1993.
- (b) Ernest H. Sherman (aka John Henry Burnie) (born 1907, died 1945) married Florence Irene Loper in 1930 in Rye, New York. They had two daughters, both of are married and have children who are included on the petitioner's membership list. However, since Ernest H. Sherman is documented to be the son of James Hubbard and Eva Hungerford, his descendants are not Sherman descendants and may not be considered

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

members of the petitioner unless they are officially adopted into the group.

(2) Frederick Marshall Sherman was born April 4, 1890, and died in infancy, July 7, 1890.

(3) Walter S. Sherman was born March 21, 1891, and died in 1916 at the age of 25, unmarried. He had no known issue.

(4) Ethel (Lillianoah) Sherman<sup>77</sup> (aka “Princess Red Rose,” aka “Chieftess Rising Star”) has approximately 12 documented descendants in the petitioner’s membership.<sup>78</sup> She married first Aurelius Henry Piper and had three children, two sons and a daughter. They divorced in 1922. Ethel married second Harold Henry Baldwin and had three daughters. They separated in 1928 and later divorced. Ethel married third Frank Travis in 1933 and had no issue. Ethel married fourth Maracis [Nasario?] Peters in 1953 and had no issue. She died in 1993 at the age of 100.

**(B) Descendants of Caroline E. Sherman**

Caroline E. Sherman has approximately five documented descendants in the petitioner’s membership. She married William F. Bosley about 1886 and had one child, a daughter born in 1887. They had no other issue and Caroline Sherman Bosley died in 1930. All of petitioner’s members documenting descent from Caroline Sherman are also descendants of William Sherman.

**Turkey Hill Indians (Paugussett proper)**

Using birth, death, and marriage records, census records, deeds and General Assembly records, as well as documents submitted by the petitioner and others, BIA researchers have been able to construct a relatively complete picture of the descendants of Levi Allen, Delia Merrick/Myrick and Eliza Phillips Franklin (Petitioner 6/17/1994, “Draft”; Rafford 1999; Rafford 2002; see also Appendix E of this report for descendency chart for Levi Allen and Delia Merrick). Information on the claimants to Turkey Hill land, derived from documents provided by the petitioner, is less complete, leaving numerous uncertainties with regard to descent and family relationships. No one named on the petitioner’s membership lists has submitted sufficient documentation to substantiate a genealogical connection to persons named as “heirs” or “descendants” of Turkey Hill Indians on State documents.

Primary evidence has yet to be located documenting whether Levi Allen (aka Alling)<sup>79</sup> was

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<sup>77</sup> Because Ethel Sherman married four times, she will be referred to by her maiden name from this point on.

<sup>78</sup> All documented descendants of George Sherman also descend from Ethel Sherman.

<sup>79</sup> Both Levi Allen and his first wife, Avis, are shown on census records and church records using the spelling Alling as well as Allen.

### Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

actually a true descendant or “heir” of the Turkey Hill Indians, or whether his first wife, Avis, was a Turkey Hill Indian. Both are listed on an 1840 petition to the General Assembly for the Turkey Hill Indians (Conn. General Assembly Papers, Native American 1808-1869, Rec. Grp. 002, Box 1, Folder 15, Doc. 12; Rafford 2002, Exhibit 5). On this petition, as on an earlier petition (1810), married couples were included on the documents and no indication is made whether one or both were actual members of the tribe (Conn. State Archives, Indians, Series 2, Vol. 1, doc. 13-15, microfilm roll 7; Rafford 2002, Exhibit 6). Currently, Avis Allen’s maiden name is unknown, as are the names of Levi Allen’s parents, so whether Levi Allen was a Turkey Hill Indian or not is unconfirmed. None of the petitioner’s members have documented descent from Levi Allen’s first marriage. Therefore, if his first wife, Avis, was the true Turkey Hill descendant and Levi was included only as a spouse, then petitioner’s members do not descend from the Turkey Hill Indians. However, present documentation is insufficient to determine Levi Allen’s connection to Turkey Hill Indians.

A second potential avenue of descent from Turkey Hill Indians is through Delia (Merrick/Myrick) Phillips, Levi Allen’s second wife. Delia and her first husband, who is named as “Scott Phillips” on their child’s death certificate, had a daughter Eliza (Phillips) Franklin, who is believed to be the same “Eliza Franklin” listed as a Turkey Hill descendant on an 1871 petition and land deed (Derby Land Records 1871, Vol. 50, 458; Rafford 2002, Exhibit 25).<sup>80</sup> If Delia’s daughter, Eliza, was a Turkey Hill descendant, then at least one of her parents, Delia Merrick or Scott Phillips, had to be a Turkey Hill descendant, too. Other Phillips individuals have been identified as Turkey Hill Indians, but no documentation has been submitted linking Scott Phillips to those lines; in fact, no information about his parents or ancestors has been submitted and his name is known only through Eliza Phillips Franklin’s death record (Ansonia Vital Records 1894, Vol. 2, 23, entry 6; Rafford 1999, 48; Rafford 2002, Exhibit 29). If Delia was a Turkey Hill descendant, then her children, including the children with her second husband, Levi Allen, would be Turkey Hill descendants, too. It is Levi and Delia’s granddaughter, Mary Louise Allen who married Charles William Tinney, creating the Tinney-Allen lineage. Should documentation of this connection be located, the Tinney-Allen line could claim descent from the Turkey Hill Indians, but not from the historical Golden Hill Indians, since no social, political, or genealogical connection has been documented between the two groups (Wojciechowski 1992, 29-48).

There is currently no documentation to substantiate any genealogical connection between the 19<sup>th</sup> century Turkey Hill lineages and persons named in the petitioner’s membership lists who are descendants of the William Sherman family. Also, there is currently no documentation to substantiate any genealogical connection between the Tinney-Allen descendants and the 19<sup>th</sup> century Golden Hill Indians, or between the Tinney-Allen descendants and the Sherman descendants.

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<sup>80</sup> This connection would only exist if this Eliza Franklin descends from the Turkey Hill Indians through her mother, Delia (Merrick) Phillips, and thus through Delia’s son with husband Levi Allen, Andrew Allen. The Tinney-Allen lineage does not document descent from Eliza Franklin herself.

## Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence

### Problem Lines

#### Sherman-Piper-Baldwin and Sherman-Bosley Lines

The petitioner has submitted sufficient evidence to identify the children, grandchildren and great-grandchildren of William Sherman. However, the current, living generations, such as the grandchildren, great-grandchildren and great-great-grandchildren of Ethel Sherman and the great-grandchildren and great-great-grandchildren of Caroline (Sherman) Bosley, have not submitted sufficient documentation to substantiate descent from William Sherman. These generations are poorly identified with regard to parentage and birth records in the documents submitted by the petitioner. For many, only residence association has been provided, with no indication of parentage or age.

#### Sherman-Burnie Line

The individuals descending from Ernest H. Sherman (aka John Henry Burnie) cannot document descent from Edward L. Sherman and thus from William Sherman. They may not be eligible for membership with the petitioner. There is no evidence of adoption by Ernest Sherman's (half-) sibling, Edward L. (Hungerford) Sherman Jr. Even so, Edward L. Sherman Jr.'s paternity is also questionable given the irregularities in his birth record. There is also no evidence that the petitioner has formally adopted the Sherman-Burnie descendants currently listed as members. According to the current governing document (see below), even this may not be possible since the descendants of the Sherman-Burnie line do not have any known Indian ancestors.

#### Tinney-Allen Line

There has been no documentation submitted by the petitioner to indicate that the persons associated with the Tinney-Allen lineage are descended from any Golden Hill Indian. The Tinney-Allens may be descendants of Turkey Hill Indians, but the documentation submitted for the PF does not verify this. There is also no documented genealogical link between any person in this lineage and any person descended from William Sherman.

The petitioner submitted a report on the Tinney-Allen lineage, which included family group records, lineage trees, copies of vital records, and census information, in addition to miscellaneous newspaper articles. This report also included some family group records for the William Sherman lineage. It does not, however, contain information documenting a genealogical relationship between the Tinney-Allen line and the Golden Hill or Turkey Hill groups, or between the Tinney-Allen line and the descendants of William Sherman.

#### *Analysis - Descent from a Historical Tribe*

In order to meet criterion 83.7(e)(1), the petitioner must demonstrate descent from a historical

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tribe, or from tribes which combined and functioned as a single entity. When documenting descent from members of the historical tribe or tribes, the petitioner must show that the person(s) claimed as Indian ancestor(s) was/were a descendant(s) of the particular historical tribe.

The petitioner has consistently claimed descent from the Golden Hill Indians. This historical group has been identified in contemporary documents up to the mid-1700's as belonging to the Pequannock tribe, after which they were usually referred to in official documents as "Golden Hill Indians" or "the Golden Hill tribe of Indians." Official documents submitted by petitioner, consisting primarily of Connecticut General Assembly reports, overseer reports, and land transaction deeds, provided acceptable lineage evidence for connecting three generations of the historical Golden Hill Indians, who lived between approximately 1740 and 1850, namely (1) that Thomas Sherman (born about 1735, died 1801) and Eunice Shoran (born about 1742, died about 1797) had a son, Thomas Sherman (Jr.) (born about 1770, died about 1808), and (2) that Thomas Sherman (Jr.) had a daughter, Ruby Sherman (born about 1789), who was enumerated with eight other tribe members in an 1823 overseer's report (Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82) (see previous discussion). At this point, descent lines become unclear. A 12-year-old daughter of Ruby Sherman was also listed on this report; however, no name was given for this child and it is not known if she lived past 1823. Some historians, as well as the petitioner, have asserted that Ruby Sherman mentioned in the 1823 report was the same person as Ruby Mansfield, a Golden Hill Indian named in several official reports between 1841 and 1849, and/or as Ruby Mack (died about 1849).

No primary documentation has been located to verify that Ruby Sherman, daughter of Tom Sherman, was the same person as Ruby Mansfield, and/or as Ruby Mack. Orcutt reported that "Jim Mansfield, son of Eunice Shoran, m[arried] his cousin Ruby, daughter of Tom [Sherman] 2<sup>nd</sup> and had Nancy, who had ... William Sherman" (Orcutt 1886, 430). There are errors in this report, however. First, Jim Mansfield (aka James Mack) was the son of Eunice Sherman and the grandson of Eunice Shoran. Second, the 1850 U.S. census enumerates a 50-year-old James Mack in the New Haven County Poor House in Derby. This is believed to be the same James Mack, "a certain pauper in and of said town of Derby, an Indian" named in a General Assembly record (Conn. General Assembly Resolutions and Private Acts 1845, 39-40), and likely the son of Eunice (Sherman) Mack. If the James Mack enumerated on 1850 census is in fact the son of Eunice Mack, then he would have been too young (about 11 years old) to have been the father of Ruby's 12-year-old daughter enumerated in the 1823 report (Petitioner 5/24/1999, 422-425; CTAG 9/17/2001, Exhibit 82). James Mack was not reported to be living with Ruby Mansfield in 1841, when the 19 ¾ -acre farm at Turkey Meadows was purchased for Ruby Mansfield and Nancy Sharpe and their children; nor was Ruby Mansfield reported to be living with James Mack in the 1846 Derby report (CTAG 9/17/2001, Exhibit 81). In 1846, Ruby Mansfield was still alive and, presumably, still living on the Turkey Meadows farm with Nancy Sharpe. The Golden Hill overseer reported in 1849 that Ruby Mansfield was living he husband – not named - in Oxford (CT FOIA, file 63). If these persons are the James Mansfield (Jim Mack) and Ruby Sherman mentioned by Orcutt (1886), they do not appear to have been living together as husband and

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wife. It is quite possible that they were never married at all, because an earlier historian, DeForest, reported that Jim Mack remained with his mother, Eunice, and sister, Ruby, in the Woodbridge area (DeForest 1852, 357). It should also be noted that Orcutt never cited his source(s) for information on the Sherman lineage in his 1886 history (Orcutt 1886, 42-43).

No primary documentation has been located to verify that the woman called Nancy Sharpe (*alias* Pease), identified as a Golden Hill Indian and named with Ruby Mansfield in official reports between 1841 and 1849, was (a) the daughter of Ruby Sherman (aka Ruby Mansfield) or (b) the mother of William Sherman. Documents produced in the 1840's clearly identified Ruby Mansfield and Nancy Sharpe *alias* Pease as Golden Hill Indians, so the question of the genealogical tie of Ruby Mansfield and Nancy Sharpe to the earlier Sherman family is of secondary importance. These documents also verify that Ruby Mansfield and Nancy Sharpe *alias* Pease both had children, although the names of these children and their ages were not recorded. (Presumably, some of them were at least teenagers in 1841 and old enough to till the land.) It is of primary importance that none of the evidence submitted by the petitioner, or by interested and informed parties, or located by the BIA during the acknowledgment process, demonstrated that William Sherman (1825-1886) was a descendant of either Ruby Mansfield or of Nancy Sharpe *alias* Pease, or of any other person identified as a Golden Hill Indian. Also, GHP has not claimed or documented any link with Nancy's reported marriages, except through Levi Pease, the purported father of her presumed grandson, Henry O. Pease.

Although documents submitted by the petitioner do provide sufficient evidence that many of the petitioner's members do in fact descend from William Sherman, no document was submitted or found that adequately identified the parents or any other ancestors of William Sherman. No document was found from 1825 through 1869 which identified William Sherman as Golden Hill or Paugussett Indian, or as an Indian of any other tribe. The documents examined for this period included the 1850 and 1860 Federal census records, his mariner records, his marriage record, and records of the births of his children. The 1850 and 1860 Federal censuses did not identify him as Indian, nor did the other records examined. His seaman's records provided a physical description of him but did not identify his ethnicity. And a previously mentioned, skin color alone is not evidence of Indian descent or tribal identity.

Some documents were submitted that indicated the possibility that William Sherman may have been of Indian ancestry. For example, on the 1870 census, William Sherman may have been identified as Indian but the entry is smudged. The BIA has not yet acquired a clearer copy. The other members of his household were identified as Indian in the 1870 census, including his wife, who has been documented on other records to be non-Indian. Those of his children who reached adulthood and left his household during his lifetime were identified as non-Indian in census records, however. The 1880 census identified William Sherman as Indian. Orcutt reported "William Sherman, son of Nancy and grand-son of Tom 2d [*sic*], previously stated as James Mack/Mansfield] and Ruby....," but failed to cite any source for this information (Orcutt, 1886, 43). However, Orcutt did correctly report William Sherman's birthplace as Poughkeepsie, New

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York, and birth year as 1825 (recorded in ship crew records), so Orcutt or his source(s) obviously had some knowledge of William Sherman and his life. Ultimately, though, no document was submitted or found that provided evidence acceptable to the Secretary under the 25 CFR Part 83 regulations that William Sherman was descended from the historical Golden Hill Indians or any other known historical tribe.

The petitioner should seek contemporary, primary documentation identifying William Sherman as a member or descendant of the Golden Hill Indians. In the records of the administrator of the Golden Hill funds available for this finding, William Sherman never appeared as a beneficiary in the records of the administrator of the Golden Hill funds, nor was he ever identified in any other official State or Federal records as being a Golden Hill, Pequannock, Paugussett or any other Indian. There are significant gaps in the overseer reports that might yet reveal helpful information, should they be located. Likewise, county court records, contemporary newspaper accounts, and records from Poughkeepsie, Dutchess County, New York should be pursued as possible sources of evidence.

With the exception of his marriage record, William Sherman does not appear in any primary State documents prior to 1875, when he purchased a 1/4-acre piece of land from his neighbor, Charles Ambler, (Norwich Vital Records, Vol. 7, 271, Barbour Collection; CTAG 9/17/2001 Exhibits #26). He does not appear in any primary documents pertaining to the Golden Hill funds prior to 1876, when he borrowed money from the Golden Hill funds by mortgaging land he had purchased in 1875 (CTAG 9/17/2001 Exhibits #27). His appearance in those records in 1876 is as a borrower of funds (to build a house), for which he provided collateral (his recently purchased ¼-acre of land), something which non-Indians commonly did to obtain money for investments. There is no record in the Golden Hill overseer reports that any Indian, Golden Hill or otherwise, ever borrowed money from the Golden Hill fund. The records of the administrator of the Golden Hill fund do not identify William Sherman as Golden Hill, Pequannock, Turkey Hill or Paugussett, nor do they provide any evidence that he was Golden Hill, Pequannock, Turkey Hill or Paugussett Indian. Overseer records, land records, or records of the overseer of the poor might well contain helpful information regarding William Sherman's relationship with the Golden Hill overseers. These records are either missing or have not been submitted to date.

One piece of evidence that appears to link William Sherman to one of the Golden Hill Indians, appeared in his diary/account book. In it, Sherman recorded that in 1857 he was paid by the Golden Hill fund overseer, Dwight Morris, to care for Henry Pease (Petitioner 8/12/1993, Volume 18). It reads, "A Count William Sherman and Dwight Morris in 1857 receive -- \$8.00 for Henry Peas." This entry occurs above a list of other monies that William Sherman received for "doctorin" and "nursing." Henry O. Pease is identified as "a Golden Hill Indian" on two deeds documenting the 1877 purchase and the 1880 sale of land in Huntington by Trumbull town selectmen on behalf of Pease (Huntington Land Records, 1877 and 1880). Henry Pease is mentioned several additional times in William Sherman's diary, with regard to Pease's employment with local farmers and with regard to several visits by Pease to Sherman's home.

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But there is no mention in the diary of any family or tribal relationship between Henry Pease and William Sherman.<sup>81</sup> The source of the claim that Henry Pease was William Sherman's nephew was Hurd (Hurd 1881, 68).

At one time, the petitioner claimed that this Henry O. Pease was a son of Nancy Sharpe *alias* Pease (Response 1995, Appendix 4). According to petitioner's claim that William Sherman was also the son of Nancy Sharpe *alias* Pease, this would make Henry Pease the brother or half-brother of William Sherman rather than his nephew. If the 19-year-old Nancy Pease in the 1850 U.S. census for Trumbull was the daughter of Nancy Sharpe *alias* Pease (i.e., Nancy Jr.) (assuming that her co-tenant, Charles Sharp, was her brother), and if one assumes that both William Sherman and Nancy Jr. were children of Nancy Sharpe *alias* Pease, and if the 5-year-old Henry Pease in the same household was actually her son, then the petitioner's claim that William Sherman was a son of Nancy Sharpe *alias* Pease would make Henry O. Pease the half-nephew of William Sherman, rather than a nephew, as reported by Hurd (Hurd 1881, 68).

Nevertheless, other than secondary sources such as Orcutt and Hurd, no documentation was submitted that verified the asserted relationship of Henry Pease to Nancy Jr., to Nancy Sharpe *alias* Pease, or to William Sherman (Orcutt 1886; Hurd 1881). There was no documentation that the 1857 payments were taken from the Golden Hill fund (the overseer, Tomlinson, was reported to be the overseer of the poor for the township). The petitioner's citation (Response 1995, Appendix 4) to a Civil War Pensioner named Henry Pease who served from Fairfield County, Connecticut, referred to a different Henry Pease (Henry B. Pease, son of William A. Pease and Harriet Hall, who died in 1925, unmarried with no issue). No continuing relationship has been documented between William Sherman and Henry O. Pease after Henry and his family relocated to Huntington in 1877, and there is also no evidence that any relationship between William Sherman's descendants and the descendants of Henry O. Pease was ever maintained.

The petitioner has asserted that, since William Sherman, his wife and children (and shortly later his widow and orphans) were allowed to remain on the ¼-acre property after he quitclaimed it to the Golden Hill overseer in 1886, this continued residence on land now held by the overseer for the Golden Hill tribe verifies that William Sherman was a Golden Hill Indian. The petitioner also claims that, because there is no record that William Sherman or his family paid rent for staying on the property, the only explanation for their habitation on the property is that they were Golden Hill Indians. However, there are possible alternative explanations for this circumstance. The petitioner should actively seek documentation substantiating their claims that William Sherman and his family had "residence rights" as Golden Hill descendants, or that the family never paid rent for residing on the property.

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<sup>81</sup> The diary/account book does not provide any other evidence that might show William Sherman was Indian or in tribal relations with any other Indians.

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All individuals listed on the petitioner's membership lists claimed descent from William Sherman until October 1999, when the membership expanded from 91 to 216. Approximately 148, or 68 per cent, of the persons included in this 1999 list claim descent through the Tinney-Allen lineage, and thus claim descent from the Turkey Hill Indians. As previously discussed under criteria 83.7(b) and 83.7(c), there is no significant evidence of any association or intermarriage between the Turkey Hill Indians and the Golden Hill Indians. There are only two known marriages between Golden Hill and Turkey Hill individuals: John Hatchet Towsey married Eunice Sherman (daughter of Ann Sherman) around 1807, and Abigail Hatchet (John's sister) married Levi Roberts (son of Sarah Sherman, daughter of Tom Jr., and Benjamin Roberts) on November 28, 1809 in Orange, New Haven County, Connecticut. There are no descendants of either of these marriages in the petitioner's membership.

No documentation had been submitted by the petitioner to verify that the Tinney-Allen members descend from a Turkey Hill ancestor or ancestors. There are two, so far unsubstantiated and fairly weak, possibilities that the Tinney-Allen descendants could link to the Turkey Hill Indians: through Levi Allen or through Delia Merrick/Myrick. However, no documentation has been submitted to verify any kinship link between the Tinney-Allen descendants and the historical Golden Hill Indians, or between the Tinney-Allen descendants and the descendants of William Sherman. Prior to the 1999 GHP membership list, there was no other record of associations between the Tinney-Allen descendants and the petitioner, other than the appearance of Fred Tinney (self-proclaimed "Pequot" and "Schaghticoke") on the petitioner's letterhead in the early 1970's. However, Fred Tinney was never listed on any of the GHP membership lists.

All persons listed on GHP membership lists before October 1999 appear to descend only from two of William Sherman's nine children: George Sherman and Caroline (Sherman) Bosley. Neither William Sherman nor his children married Paugussett Indians or other Indians. The petitioner does not assert Golden Hill descent through any other Indian ancestors.

#### *Summary*

Although there is a substantial body of documentation available on the petitioning group and their individual ancestors, an analysis of the petitioner's records and other primary documentation indicates that the GHP have not demonstrated descent from a historical Indian tribe by evidence acceptable to the Secretary. In addition, the information provided by the petitioner on descent from members of a historical tribe was based on secondary sources, and was incomplete, often inaccurate, and frequently contradictory. The tribes mentioned by the petitioner itself as possible ancestors/related groups include the Paugussett, the Pequannock, the Golden Hill, and the Turkey Hill. There is no primary evidence in the record that William Sherman descended from any one of the groups mentioned. Neither is there evidence that any of the tribes mentioned combined at some historical point and that the GHP descend from a resulting entity.

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No documents from the State of Connecticut contemporaneous with the life of William Sherman (1825-1886), and available for this finding, identified William Sherman as a Golden Hill or as Indian. Other official records, such as vital statistics, have not identified William Sherman as a Golden Hill Indian, Pequannock, or as a Paugussett. Records for William Sherman, as well as his own diary, showed extensive participation in non-Indian society and status as a citizen. William Sherman's own journal, although admittedly incomplete, made no reference to his being Indian or regularly associating with Indians other than Henry O. Pease.

There was insufficient documentation to demonstrate who William Sherman's mother was, and thus his maternal lineage remains undocumented. William Sherman's paternal lineage is also unknown. There was no evidence concerning his father nor his earlier ancestors on his father's side. It was not documented that he was the descendant of either Ruby Mansfield or of Nancy Sharpe *alias* Pease, who were identified in historical records as Golden Hill Indians and whom the petitioner claims were the ancestors of William Sherman.

With no other contemporary documentation, the county histories (Hurd, 1881; Orcutt and Beardsley 1880; Orcutt 1886), one of the less reliable forms of genealogical documentation, coupled with two census returns that did not list any tribal origin, the newspaper obituary that quoted one of the county histories, and a church death record that also referred to one of the county histories, are not sufficient evidence to establish tribal ancestry for William Sherman. When these documents are weighed in combination with all the other records – vital records, other census returns, and an absence of overseer documentation of Indian interaction or listing of William Sherman – there is insufficient substantive evidence to indicate tribal descent for William and thus for the GHP petitioner.

There is no documentation in the record to verify that William Sherman or any of his children married Golden Hill, Pequannock, Paugussett, Turkey Hill, or other Indians; therefore, that portion of the membership claiming descent from William Sherman does not have Indian ancestry through any other possible Indian ancestors. Neither is there documentation in the record to verify that recently added members claiming descent from the Tinney-Allen line have Indian ancestry linked to any of these tribes.

To provide the necessary evidence required to meet criterion 83.7(e), petitioner is encouraged to further explore local and State archives for overseer reports, General Assembly reports, and other records (legal, commercial, religious, media), and to attempt to locate additional personal records of Sherman lineage (bibles, diaries, deed records, letters, etc.). The petitioner has not shown that it has searched the records of Poughkeepsie or Dutchess County, NY, William Sherman's most likely place of birth, for evidence that might reveal his parentage or connection to the Golden Hill in Connecticut.

The petitioner is encouraged to search for documentation linking William Sherman with the Golden Hill Indians named on the 1823 Census de Golden Hill, the last known record attempting

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to enumerate the Golden Hill Indians as a group or entity (Petitioner 5/24/1999, 422-425; CTAG 9/17/1991, Exhibit 82). As stated in *Procedures for Establishing That an American Indian Group Exists as an Indian Tribe*,

For most groups, ancestry need only to be traced to rolls and/or other documents created when their ancestors can be identified clearly as affiliated with the historical tribe (U.S. Federal Register 2/25/1994, Vol. 59/38, 9288).

De Forest cites as sources for his *History of the Indians of Connecticut* many collections, published histories, memoirs, and government documents, in addition to manuscript materials such as Stile's *Itinerary* (DeForest 1852, vi-viii). Orcutt and Beardsley credit "the Rev. Joseph Anderson, D.D., of Waterbury," for providing research and for writing more than one-half of the section on Indian history for their history of Derby (Orcutt and Beardsley 1880, iv). In 1886, Orcutt credits "the Rev. B. L. Swan, formerly pastor in Stratford, Bridgeport and Monroe," R. B. Lacey, Esq., Major W. B. Hincks, George C. Waldo, Esq., and town clerks, Mr. Henry P. Stagg of Stratford and Mr. Daniel Maloney of Fairfield, for assistance with his history of Stratford and Bridgeport (Orcutt 1886, preface). The petitioner is encouraged to examine these primary sources as well as other possible publications, collections, memoirs, and archival materials in order to provide additional documentation to verify descent from the historical Golden Hill entity.

Over two-thirds of the individuals named on the petitioner's current membership list cannot be connected even to parents or spouses, much less to distant ancestors. Therefore, family charts, showing names of spouses, parents and children are vital information in documenting the lineage of the petitioner's membership to the historical tribe. Birth records showing parents and marriage records showing name of spouse are critical in understanding the ancestry, descent, and genealogical relationships of group members. These should be included by the petitioner in its comments on the proposed finding, substantiated by copies of vital records and supplemented by material indicating that persons on the membership list have affirmatively consented to be included (see 25 CFR 83.1, "Member of an Indian group").

**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.**

*Membership*

Membership Eligibility Criteria

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The petitioner has submitted at least four documents which provide its rules for membership eligibility and enrollment (see also Appendix B in this report for a summary of GHP governing documents). These documents are summarized under criterion 83.7(d). Although it is unclear which eligibility criteria or enrollment processes are being used, the petitioner has submitted evidence that it maintains a list of its members.

In “Rules and By-Laws,” membership is defined as,

An authentic [*sic*] descendant of the Golden Hill Tribe, is a person who can prove through a birth certificate, or other legal record, that he or she is directly related to an Indian who is genealogically [*sic*] recorded as a Golden Hill Indian by the State of Connecticut.

An authentic [*sic*] descendants [*sic*] of the Golden Hill Tribe of Indians, contributing annually at least one dollar, may become a member upon the approval of the Board of Directors (Petitioner 4/1/1994, Appendix III, 13-15).

This document continues with definitions for corporate and associate membership categories.

The corporate membership shall consist of the following persons, members who are authentic [*sic*] descendants of the Golden Hill Tribe, and over 12 years of age. The 12 years of age is to have the younggenerations, [*sic*] views and needs.

For associate membership:

A person of 1/8 Indian blood who can prove by birth record or other legal documents, who is not a member of any Conn. Tribe or band, or whos [*sic*] tribe or band has run its course. A person who is a descendant of a [*sic*] Indian who [*sic*] blood line has run its course. Also spouses of Indians who are members regardless of race creed or religion. Upon payment in advance of \$12 dollars a year and approved by the council may become members (Petitioner 4/1/1994, Appendix III, 13-15).

A document entitled “Practice and Usage of the Golden Hill Tribe concerning Membership” was received by BIA on June 18, 1993, but may have originated at least as early as June 25, 1975 (see Criterion 83.7(d)). It is undated but bears the signatures of 11 officials of the petitioner’s governing body. It states,

All persons who are descended from any Indian or Indians for whom any of the Golden Hill reservations were set apart are eligible for membership... (Petitioner 6/18/1993, “Draft,” Vol. 7).

On April 1, 1994, petitioner also submitted an unsigned, uncertified document entitled “Rules for

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Tribal Membership and Government,” dated March 15, 1992 (identical previous version dated 3/15/1990), which states in section I,

A. The membership of the Tribe consists of the following individuals:

1. All persons whose names appear on the official membership rolls of the Tribe as filed from time to time with the State of Connecticut.
2. All persons who are lineal descendants of any of the persons eligible for membership under subsection (1) above.
3. All persons who are lineal descendants of any person whose membership in one of the Tribes comprising the Paugussett nation had been documented by any of the following means:
  - a. Real property deeds
  - b. Reports of overseers of a Tribe
  - c. Reports of anthropologists, historians, chroniclers, or other scholars
  - d. Contemporary newspaper accounts
  - e. Records of any federal, state or local governmental branch or agency, including, without limitation, legislatures, courts, schools, the armed forces, or tax or welfare rolls
4. For purposes of these Membership Rules, persons who are adopted by any Tribe member in accordance with federal, state and Tribal law shall be considered lineal descendants (Petitioner 4/1/1994).

In response to section 83.7(d) of the Federal Requirements for Recognition as an Indian Tribe, the petitioner submitted an undated, unsigned and uncertified copy of the Golden Hill Tribe Constitution and By-Laws (Petitioner 4/12/1993). Membership in the group is defined in Article III, Section 1, as

the descendants of the residents of any of the four original reservations set aside for the Paugussett Nation; including those of the Golden Hill Reservation listed on the Tribal Roll of April 1978 (Petitioner 4/12/1993).

Provision for adoption is provided in Article III, Section 2:

Any person of Indian heritage may be adopted into the tribe by a majority (51%) vote of the tribal members present at any regular meeting of the Tribal Council ONLY when the adoption has been considered and discussed at a preceding regular meeting and duly recorded in the minutes of that meeting (Petitioner 4/12/1993).

The petitioner has not yet clearly codified its membership eligibility base. The consequence of this includes acceptance of persons who are not clearly descended from the historical tribe and, in

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some cases, cannot even document Indian heritage.

Membership Application Process

Limited documentation was submitted to indicate the methodology for enrolling new members. The minutes and correspondence of the GH “Tribal Council” do not contain any mention of the governing documents being used to determine membership, nor do the documents show a vote by the “Tribal Council” to accept or reject new members or to certify the membership list.

Two of the four above-mentioned governing documents present minimal procedural guidelines. “Practice and Usage of the Golden Hill Tribe concerning Membership” states,

All evidence of membership in the Golden Hill Tribe should be submitted to Chief Aurelius [*sic*] Piper, Golden Hill Indian Reservation, 427 Shelton Road, Nicholas, Connecticut 06611. Evidence may be submitted by mail or in person. There membership is dependent upon reputation in the Tribe, the applicant shall be afforded an opportunity to be present and to question members of the Tribe making statements concerning his membership (Petitioner 6/18/1993).

“Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe,” dated March 15, 1992, says only,

The Traditional Chief shall approve all membership applications, including, without limitation, any application for reinstatement as Tribe member. The traditional Chief shall be the final arbiter of any dispute concerning membership (Petitioner 6/18/1993).

Documentation of Descent

Only two of the four governing document presenting guidelines for membership provide any criteria for documenting descent for membership eligibility. “Practice and Usage of the Golden Hill Tribe concerning Membership” states,

Membership may be proven by geneological [*sic*] records in the custody of the State of Connecticut, Department of Environmental Protection, or a family tree documented by certified copies of birth, death, census, or marriage records, etc. The Chief of the Tribe shall be the sole judge of the authenticity of any document offered to show membership that has not been certified as the original, or a copy of the original, from public records. Membership may also be proven by reputation among the elder clan mothers of the Tribe (Petitioner 6/18/1993).

“Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe,” dated

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March 15, 1992, says only,

Descent from a Tribe member may be shown by any of the following means:

1. Genealogical records in the custody of the State of Connecticut
2. Certified copies of birth, death, or marriage records
3. Letters, bibles, or other contemporary accounts
4. Reputation among the clanmothers of the Tribe (Petitioner 3/15/1992).

Termination or Severance of Membership

Only “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe” addresses termination or severance of membership. It states,

Membership in the Tribe may be severed by the following means:

1. A Tribe member may submit to the Traditional chief a written notice of withdrawal from the Tribe and relinquishment of all rights of Tribal membership. Such written notice shall automatically effect a withdrawal from the Tribe and a relinquishment of all rights and benefits thereto.
2. A Tribe member may, by his or her affirmative action or, if a minor, by the affirmative action of his or her legal guardian, become a recognized or enrolled member of another Indian tribe. Such affirmative action shall automatically effect a withdrawal from the Tribe and a relinquishment of all rights and benefits thereto.
3. The Traditional Chief may, at his sole discretion, revoke the membership of any Tribe member who shall have committed one or more gross violations of the customs, rules or laws of the Tribe.
4. Severance of Tribal membership shall not affect the membership eligibility of descendants of such severed member (Petitioner 3/15/1992).

Membership Lists

The petitioner submitted a total of thirteen membership lists as summarized in Appendix F. They are incomplete, in that none contain the full names, current residence addresses, and dates of birth of all members and none are separately certified by the group’s governing body with the date of certification, as required by the regulations under criterion 83.7(e). Some contain additional information, such as heads of households or household groupings.

Although a detailed membership application process is not defined in the petition, the group has revised its membership list occasionally since the first membership lists were compiled in the early 1970’s. Frequent updates were prepared between January 15, 1993, and January 4, 1995, but only one revised list was submitted since October 1, 1999, when the membership expanded from 91 to 215. Not all of the membership lists submitted by the petitioner were officially dated;

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therefore, BIA researchers attempted to estimate missing dates of origination using list secondary information such as letterhead styles, internal information (new or previous members), stamps showing date of receipt, and so forth.

No sample application forms or copies of completed application forms were submitted by the petitioner. Only eight signed declarations of descent and membership affiliation have been submitted in the documented petition. Two of these declarations were undated. The petitioner submitted 62 four-generation ancestor charts to show lines of descent from William Sherman. Most of these charts were only partially completed, lacking names, dates, and places of birth for some of the generations. Recent membership lists contain many new names that are not entered on ancestor or family charts, and with no accompanying information regarding birthdate or parentage. BIA researchers have been unsuccessful in connecting many of these new names to previously listed members.

Minimum age requirement for membership is specified as twelve years of age under the corporate membership category given in “Rules and By-Laws” (Petitioner 4/1/1994 Appendix III, 13-15). The few birthdates (31, some with discrepancies) or birth records (59, some with alterations) provided for persons listed on the membership lists would indicate that this rule is generally followed. However, on the most recent (1999) membership list, the absence of birth information precludes confirmation of this guideline. There also appear to be some deceased persons included on several of the lists.

#### 1973 List

The June 23, 1973, membership list, entitled “Tribal Members and Descendants (Known),” is undated, unsigned, and uncertified. Only one page long, it is typed and contains nineteen names, each entry consisting of a member’s first and last name, grouped according to “on reservation,” “off reservation,” and “children of tribal members.” Within these groups, the names are not listed in any particular order. Addresses are given for all but five of the members. All members listed are in the Sherman-Piper-Baldwin lineage with the exception of Edward L. Sherman Jr.

#### Early 1970’s List

The membership list believed to date from the early to mid-1970’s is entitled “List of Known Tribal Members of the Golden Hill Band of the Paugusset Nation.” The list is undated, unsigned, and uncertified. It is typed and contains 54 names on 3 pages, each entry consisting of first and last name of the member, frequently with middle initials. The names do not appear to be in any particular order. Mailing addresses are given for many of the members, but the addresses for 26 are either missing or incomplete. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although eleven are from the Sherman-Burnie line and six are from the Sherman-Bosley line.

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### 1975 List

The membership list believed to have been compiled in 1975 is entitled “Tribal Members.” The list is undated, unsigned, and uncertified. It is typed and contains 51 names on 2 pages, consisting of first and last name, frequently with middle names included. There is one additional name handwritten at the bottom of the second page. The names do not appear to be in any particular order. Mailing addresses are given, but 22 are incomplete. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although 11 are from the Sherman-Burnie lineage and 6 are from the Sherman-Bosley line. A one-page, incomplete version of this list was submitted with petition documents to BIA on April 12, 1993.

### April 1978 Sub-List

Although this document is not a complete membership list, it does provide special information about some members. It is in the form of a letter to Mikki Aganstata, the coordinator of the CIAC, entitled “List of Senior Citizens of the Paugusset Nation” and is dated April 5, 1978. It lists five members in no particular order, four with first and last names only and one with first, maiden, and three last names. Address of residence is provided for two members but noted “Address unknown” for the other three with the town of residence in parentheses. Date of birth is not provided for any of the members listed. At the bottom of the list is typed “Number of Tribal Members to date: 5,” and the letter is signed by the tribal clerk.

### March 1990 List

The March 15, 1990, list is entitled “Golden Hill Paugussett Indian Tribe Tribal Roll.” The list is dated but unsigned and uncertified. It is typed and contains 58 names on 3 pages, consisting of first, middle (where available) and last names, in no particular order. One additional member is listed by last name only (no first name). Mailing addresses are not given, but year of birth is given for all but five members. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although 12 are from the Sherman-Burnie lineage and 6 are from the Sherman-Bosley line.

### April 1990 List

The membership list dated April 4 and April 30, 1990, list is entitled “Membership Roll of Golden Hill Tribe.” The list is dated but unsigned and uncertified. It is hand-written on a copy of the standard Membership List form provided in the BIA guidelines, and includes Roll Number (the lineage chart coding), Name and Address, Sex, Birth Date, Birth Place, Tribe, Blood Degree, Names of Parents, Birth Date (of parents), Birth Place (of parents), Tribe (of parents), and Blood Degree (of parents). Most columns are filled in except that no addresses are given. It contains 20 names, consisting of first, middle and last name, in no particular order. All members listed are from the Sherman-Piper-Baldwin lineage, except for seven members from the Sherman-

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Burnie lineage.

**March 1992 List**

The March 15, 1992, list is entitled “Golden Hill Paugussett Indian Tribe Tribal Roll.” The list is dated but unsigned and uncertified. It is identical to the March 15, 1990, list with the exception of the date.

**March 11, 1993 List**

The March 11, 1993 list is entitled “Tribal Roll” and is designated as a “draft.” The list is dated but unsigned and uncertified. It is typed and contains 39 names on 2 pages, consisting of first, middle (where available) and last names, in no particular order. The names of six additional members are hand-written at the bottom of the second page (not counted in the enumeration here). Mailing addresses are not given, but year of birth is given for all but two members (not given for the six appended to the second page). Full date of birth is given for 29. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although eight are from the Sherman-Burnie lineage and six are from the Sherman-Bosley line.

**March 15, 1993 List**

The March 15, 1993, list is nearly identical to the March 11, 1993, list. It is entitled “Tribal Roll” and is designated as a “draft.” The list is dated but unsigned and uncertified. It is typed and contains 38 names on 2 pages, consisting of first, middle (where available), and last names, in no particular order. Two names from the March 11, 1993, list are missing and one new name has been added; the six additional names hand-written at the bottom of the previous list are not included on this one. Mailing addresses are not given, but year of birth is given for all members. Full date of birth is given for 28 members. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although 10 are from the Sherman-Burnie lineage and 5 are from the Sherman-Bosley line.

**April 1994 List**

The April 21, 1994, list is entitled “Golden Hill Tribe of the Paugusset Indian Nation – Tribal Members.” The list is undated, unsigned and uncertified. It is typed on 4 pages and contains 74 names entered as first, middle name or initial (if available), and last name, plus married name following maiden name for married females. Five additional names of children are hand-written on the list. Members are arranged apparently under “head of household.” The members are further divided into two groups but the basis for the division is not apparent upon inspection. Mailing addresses are given for each household but not for individuals. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although twelve are from the Sherman-Burnie lineage and two are from the Sherman-Bosley line.

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### October 1994 List

The October 13, 1994, list is entitled “Golden Hill Tribe of the Paugusset Indian Nation – Tribal Members.” The list is dated and signed, but no certification statement is included. It is typed on 3 pages plus 2 signature pages, and contains 81 names entered as first, middle name or initial (if available), and last name, plus married name following maiden name for married females. Members are arranged apparently under “head of household” and complete mailing addresses are given for every member individually. No birth dates are provided. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although 16 are from the Sherman-Burnie lineage and 2 are from the Sherman-Bosley line.

### 1995 List

The January 4, 1995, list is entitled “Direct Descendents of the Golden Hill Paugeesuko (Paugussett) Tribal Nation.” Typed on four sheets (including signature pages), the list is not dated; it is signed, but no certification statement is included. It contains 91 names, entered as last name, first name, middle name or initial, with members arranged apparently under “head of household.” The members are further divided into two groups: “In-State” and “Out-of-State.” Mailing addresses are given for every member individually but no birth dates are given. Members listed are primarily affiliated with the Sherman-Piper-Baldwin lineage, although seventeen are from the Sherman-Burnie lineage and two are from the Sherman-Bosley line. The most complete list to date, it does not meet the requirements of the regulations, since it is lacking birth dates and a statement of certification by the governing body, although it was signed by none persons identified as “general council members.”

### 1999 List

The October 1, 1999, list is entitled “Golden Hill Tribe of the Paugusset Indian Nation – Tribal Roll.” The list is undated, unsigned and uncertified. It is typed on 16 pages and contains 214 names entered as first, middle name or initial (if available), and last name, plus married name following maiden name for married females. Members are arranged apparently under “head of household.” Mailing addresses are given for each household, although some of the addresses are missing, incomplete, or represented by the phrase “address not known.” No birth dates are given. Members listed are primarily affiliated with the Tinney-Allen lineage (approximately 140), and approximately 46 from the Sherman-Piper-Baldwin lineage, 20 from the Sherman-Burnie lineage and 2 from the Sherman-Bosley line.

The exact membership count for each lineage is difficult to determine because many of the names are undocumented with regard to ancestry. New members have been added, but no new genealogical information was submitted to indicate that they are the offspring of previously listed members, or that they are new family lines, nor whether the eligibility requirements have been changed to classify persons under age 12 as “members.” Additionally, no new genealogical

### **Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

ancestor charts, birth records, or other documentation of kinship have been submitted for the approximately 140 members of the recently included Tinney-Allen lineage. Although some vital records and computer-generated lineage diagrams were submitted for the Tinney-Allen line in previous petition documentation, many of the members listed are from recent generations not represented in the documents.

#### *Analysis - Membership*

The present-day membership of the GHP claims descent from two of William Sherman's nine children, George and Caroline, and from Charles W. and Mary Louise (Allen) Tinney. The number of members listed has grown from 19 in 1973, to 91 in 1995, and to 215 in 1999. No complete list, as defined by the regulations, has been submitted. The existing lists are not certified by the governing body (council), and have not presented members' full names, dates of birth, and complete mailing addresses. In addition, no copies of membership files or application forms have been submitted by the petitioner to document their membership procedures. The petitioner is encouraged to submit complete copies of randomly selected membership files to demonstrate its record-keeping procedures, and to submit copies of membership application materials showing that applicants affirmatively must declare they are not enrolled in a Federally recognized tribe and wish to be accepted for membership in the petitioner's group (25 CFR Part 83 Supplementary Information, section II, Tribal Roll: U.S. Federal Register 2/25/1994, Vol. 59/38, 9284). This has been required of all other petitioners, most recently of the Schaghticoke Tribal Nation, another Connecticut group.

There is a great deal of inconsistency between membership lists, particularly with regard to members' names, making it difficult for BIA researchers to track membership through time. Many members are listed under various names, sometimes by their full name, sometime by nickname without clarification of the member's true identity. In other cases, identical names are used for two different persons with no distinction between them, as when a male child is given the same name as his father and no designation such as "Jr." or "Sr" is entered. Some women members continue to be listed by their maiden name after marriage, whereas others are listed by their new married name without mention of their maiden name. Occasionally non-Indian spouses are included on the membership list and frequently new children are added, bearing names that do not link with any on the membership list, with no indication of their parentage.

Members have appeared, disappeared and reappeared on membership lists with no indication of whether they were deliberately excluded or accidentally omitted, or how they were reinstated. For instance, no explanatory coding is provided to indicate whether a member was severed for cultural reasons, political reasons or because they were remiss in payment of their dues. Neither is any information provided concerning whether a member is temporarily suspended or permanently severed. Members known to have died have reappeared on later membership lists.

One particularly difficult problem with the membership involves non-kin members. No records have been submitted to BIA documenting any vote by the membership on any adopted member.

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However, two adopted children in the Sherman-Piper-Baldwin line are entered on the membership lists (one listed for three years, 1990-1993, and then no longer listed). The entire Sherman-Burnie line appears to be non-kin (descended from a spouse's child by another relationship) but there is no record that the descendants of this man's two daughters, regularly shown on the membership lists, have ever been officially adopted into the tribe. Neither is there evidence that the daughters were ever legally adopted by the Sherman half-uncle who became their stepfather. These persons should be officially adopted by the petitioner if they are to be kept on the membership list. The numbers would not seriously affect the "descent percentages" of the group's membership, but the group has not shown it is following its own membership criteria and requirements on this issue.

Guidelines in the current governing document and current "in force" resolutions are contradictory and incomplete with regard to membership eligibility and procedures directing membership application, records maintenance, severance and reinstatement, and appeals. No detailed procedures are given regarding application forms, lineage charts, the decision process for approving applications, the appeals process, or records maintenance. A fairly detailed list of documentation acceptable for membership application is provided with one exception: "reputation among the elder clan mothers of the Tribe" (Petitioner 7/27/1994). A more specific definition of "reputation" and the qualifications of the "clan mother" would clarify this "criterion." However, the petitioner is advised that the judgment of a "clan mother" should only augment, and should not be substituted for legitimate documentation of lineage such as a birth certificate.

The petitioner has submitted no documentation to verify that persons claiming descent from the Tinney-Allen lineage are descended from a member of the historical Golden Hill Indians. This lineage claims, instead, descent from the Turkey Hill Indians, but no evidence has been submitted to show that these members of the petitioner, or the historical Turkey Hill tribe, have "combined and functioned as a single, autonomous entity" with the Golden Hill Indians or persons descended from William Sherman as stated in the regulations (25 CFR Part 83.7(3)(1), 1994). The Tinney-Allen group constitutes 68 per cent of the membership as presented on the 1999 GHP membership list; in addition, these 148 individuals have no known previous association with the petitioner prior to being included on the 1999 membership list.

### Summary

Criterion 83.7(e)(2) is the backbone of the petition. It defines the membership and thus requires that the petitioner maintain accurate membership records. The petitioner should have already prepared a filing system to keep track of members' personal information (birthdate, address, telephone, membership number, etc.), documents proving descent (copies of birth and marriage certificates, lineage charts, children's birth information), affidavits of enrollment affirmation, and any other pertinent records. A complete and accurate list of the membership should be maintained and updated at regular intervals.

### **Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

The petitioner has submitted numerous membership lists, but all are incomplete and none are separately certified by the governing body. The most recent list enumerating 216 members, includes fewer than 20 persons (less than 10 percent) who have submitted birth records and parentage information to BIA. None have submitted ancestry documentation sufficient to substantiate direct descent from a historical tribe or tribes.

In addition to ancestry research, the petitioner should conscientiously gather and organize information from its members necessary for the preparation of a complete membership list. This activity can be greatly simplified by creating a standard information form and letter of request to assist members in providing the required information and documents. Once the information is obtained, it should be entered in a computer database or logbook and the original documents filed and stored in a secure place.

The membership list must have each member's complete birth name, not nickname or initials (unless the birthname actually contains initials), maiden name of married female members, complete mailing address (not household affiliation), and complete birthdate (month, day, and year) as required by the regulations at 83.7(e)(2). Once the list is completed, it must be certified by the governing body before it is submitted to BIA in response to this PF.

### *Conclusion*

The Golden Hill Paugussett petitioner has not demonstrated that its membership is descended from a historical tribe, or tribes that combined and functioned as a single autonomous political entity.

The membership lists previously submitted by the petitioner do not meet the requirements of the regulations. Therefore, the petitioner has not submitted an official membership list, separately certified by the group's governing body, of all known current members of the group, including each member's full name (including maiden name), date of birth, and current residential address. Nor has the petitioner submitted a statement describing the circumstances surrounding its preparation, as required under criterion 83.7(e). The certified membership list and statement of preparation must be provided as required before the Final Determination.

Insofar as none of the petitioner's members have documented descent from the historical Golden Hill tribe, or any other historical tribal entity, and the petitioner has not submitted a complete, properly certified membership list or list preparation statement, the petitioner does not meet the requirements of criterion 83.7(e).

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**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.**

The petitioner states “To the Tribe’s knowledge, no members of the Golden Hill Tribe of the Paugussett Nation are members in any federally recognized or federally acknowledged North American Tribe” (Petitioner 6/17/2002, Proposed Finding – Summary Chart, Criterion F).

The petitioner’s current governing document does not contain a proscription against membership for any applicant who is a member of a federally acknowledged tribe, band, or community. A previous governing document, dated March 15, 1992, and entitled “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe,” does state

A Tribe member may, by his or her affirmative action or, if a minor, by the affirmative action of his or her legal guardian, become a recognized or enrolled member of another Indian tribe. Such affirmative action shall automatically effect a withdrawal from the Tribe and a relinquishment of all rights and benefits thereto (Petitioner 7/27/1993).

However, the current governing document did not incorporate this prior membership restriction. The petitioner has submitted no membership application forms nor presented statements solicited from applicants providing positive declaration with regard to non-enrollment elsewhere for persons included on its membership list.

*Conclusion*

No evidence has been found to indicate that any of the Petitioner’s members are enrolled in any federally recognized tribe. Therefore, the petitioner meets the requirements of criterion 83.7(f).

**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 is no evidence that the petitioner has been subject to congressional legislation that has terminated or forbidden the Federal relationship as an Indian tribe.

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

*Conclusion*

The petitioner meets the requirements of criterion 83.7(g).

**Summary**

The evidence for this proposed finding demonstrates that the Golden Hill Paugussett Tribe does not meet all seven criteria required for Federal acknowledgment. The petitioner has failed to meet criteria 83.7(b), (c), and (e). In accordance with the regulations 83.6(c), failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law. Therefore, this proposed finding concludes the GHP does not exist as an Indian tribe.

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### Appendix A

#### *Historical Overview of the State Relationship with Golden Hill*

The GHP have not resided on a continuously existing State reservation since colonial times. The Colony of Connecticut established a reservation in present-day Bridgeport for the historical Golden Hill in 1639, but the last portions of that land were sold by the overseer with the group's approval in 1802. The State did not recognize the present-day 1/4 acre reservation of the GHP located in Trumbull, not the original Bridgeport land area, until 1933. An intervening purchase from the Golden Hill Fund (bought 1842; sold 1854) was for two named individuals—not a whole group (Conn. Documents 11/5/1842, 6/3/1854). A second intervening purchase (bought 1877; sold 1880) was for one man—not a whole group. Neither intervening purchase was designated as a reservation by the State (Huntington Land Records 10/20/1877, Vol. 18, 574; Petitioner 10/1/1999, Attachment 385).

Overall, the available information indicates that the State's relationship with the GHP, following the sale of the original reservation in 1802, and especially after 1823, was sporadic and for a long time (ca. 1850 to ca. 1973) limited to interaction with a few individuals who were part of a small, single family.

First the Colony and later the State appointed overseers to manage the affairs of the Golden Hill. From 1763 to 1826, the available records show these guardians providing a variety of services to the Golden Hill. In 1823, the overseer also took a special census of the Golden Hill. For the remainder of the 19th century, however, the various guardians, as demonstrated in the sporadic records, were no longer involved in the daily lives of the few remaining identified Golden Hill descendants, mainly because, as the available record indicates, the group lost its social cohesion and ceased to exist as a social and political community.

Instead, the overseers' activities centered around administering the trust fund, established by the State with money earned from the sale of the original reservation in 1802. The fund, as available records indicate, apparently remained in existence into the late 1890's, but was used only for a few individual heirs of the once extant tribe, none of whom were the current petitioner's direct ancestors. Most of the money in the fund apparently disappeared after the 1890's, possibly due to mismanagement on the part of an overseer. A newspaper article from 1933 suggested that \$50 still remained in the fund at that date, but no deposits had been made into the account for 40 years (*Bridgeport Post* 7/17/1933). The petitioner may wish to attempt to locate the source of this information, and any surviving court records that pertain to the fund.

During the 19th century, the General Assembly and the overseers supervised land purchases and sales for various persons identified as Golden Hill Indians or descendants of the historical group in various petitions and deeds. Yet, the State never recognized these lands as part of any

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reservation, although it authorized their purchase and sale. The overseers also used the Golden Hill trust to make frequent loans to non-Indians, interest from which supplemented the fund. Technically, the State and the overseers conducted these financial transactions in the best interest of the remaining Golden Hill or their heirs. None of the available records name the petitioner's direct ancestors as beneficiaries of the Golden Hill fund.

In 1876, the legislature enacted a law that included a section dealing solely with the Golden Hill. The law permitted the overseers to sell Golden Hill property if any of them became paupers, but there is no available record of the legislative history behind the act. The available evidence, however, indicates that county officials used this law only once, in 1880, to sell the land of one individual, Henry O. Pease, who was identified in two county deeds as a Golden Hill Indian (Huntington Land Records 10/20/1877, Vol. 18, 574; Petitioner 10/1/1999, Attachment 385). The material now in the record, however, does not demonstrate that Pease was a member of a viable American Indian entity at the time. The State legislature re-codified the 1876 act in 1888, 1902, 1918, and 1930, but there is no available record of the legislative history behind these re-codifications. The petitioner or interested parties may wish to locate that legislative history, if possible.

In 1886, William Sherman, an individual asserted by the petitioner to have been a Golden Hill Indian and from whom a portion of the current petitioner descends, quit-claimed a 1/4-acre piece of property in Trumbull, Connecticut, to the agent of the fund and his successors. The deed for this transaction, however, did not identify William Sherman as a Golden Hill, nor does any other State document from his lifetime (1825-1886) now in the record (CTAG 9/17/2001, Exhibit 28). It appears the tract became a piece of property administered by the overseer under the trust fund. There is no evidence in the record, however, to indicate that the State viewed this land as a State reservation from 1886 to 1933, when it obtained such a designation. Since 1886, a few members of the Sherman family have continued to live on this property.

From 1897 to 1933, the Golden Hill Fund lacked the services of an individual overseer because the State and Fairfield County failed to appoint a replacement after the person in the position died. Although Fairfield County would have been the overseer in the absence of any one individual appointee. Also during this period, available evidence suggests that only a few of William Sherman's direct descendants were ever identified by outsiders as Golden Hill Indians, although there were descendants of Henry O. Pease alive in Fairfield County at least into the 1930's. In 1933, according to some newspaper accounts, a Superior Court judge from Fairfield County finally appointed a replacement overseer at the request of just one individual, a Sherman family member, who was apparently having problems gaining access to the Trumbull property from her father, the only person identified as a Golden Hill in the 1930 census, who was living on the small tract. However, there are no official State documents in the available record to indicate the exact level of the State involvement in the appointment of the new overseer. Other newspaper articles from 1933 indicate the property achieved State reservation status in that year, but there are no official documents in the record that enable a determination of the exact level of

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State involvement in this designation (*Bridgeport Post* 7/17/1933; *Bridgeport Post-Telegram* 10/4/1933; Unidentified Newspaper 10/1933).<sup>1</sup> The petitioner or interested parties may wish to provide additional documents, especially the court order, describing the State's involvement more fully.

Since 1935, various State agencies, rather than overseers, have helped to manage the affairs of the Golden Hill. These have included the Park and Forest Commission (1935 to 1941), the Department of Welfare (1941 to 1973), and the Department of Environmental Protection (1973 to the present). The available record contains no evidence that there was a local agent appointed by the SPFC for the GHP in the 1930's. Moreover, the available record indicates that from 1935 to 1973, most of the State's sporadic dealings with the GHP involved only few members of the Sherman family who were making claims to their interest in the 1/4 acre Trumbull reservation.

In 1973, Connecticut passed a law to establish an Indian Affairs council to advise the State in matters concerning its recognized tribes and their reservations, but it failed to specify in the legislation to appoint a Golden Hill representative for the agency because it mistakenly believed that only one elderly Golden Hill, Edward Sherman, remained. The following year, the legislature passed a new law giving the Golden Hill formal representation on the council, largely at the insistence of Aurelius Piper, Sr., who was Edward Sherman's nephew.

As part of the 1973 legislation, Connecticut gave Indian groups under its control, including the Golden Hill, State citizenship. Before that time, the lack of State citizenship presumably marked those Native Americans who resided on the State reservations as a distinct category of people at least in a legal sense from the rest of Connecticut society, although many of them probably functioned in some aspects as citizens anyway. However, in the case of the Golden Hill after 1823, non-citizenship probably had a largely indeterminate impact only on the two persons, George Sherman and Edward Sherman, who resided on the State-recognized Trumbull reservation from 1933 to 1974.

The Trumbull land apparently remains a State reservation to this day, although its exact legal status since 1984, based upon an examination of State records and Trumbull land documents from that year now in the record, is somewhat obscure. In June 1984, for instance, the State passed a special act that permitted the conveyance "by quitclaim deed" of "whatever interest" it had in the property (Conn. Legislative Materials 6/15/1984). On November 8, 1984, the State quit-claimed the property to the "Golden Hill Paugussett Indian tribe" for \$1.00, as authorized by this special act (Trumbull Land Records 11/8/1984, Vol. 54, 153). This action would suggest the State no longer holds the Trumbull reservation in trust and it has reverted to private property status. Yet, the Town of Trumbull still lists the 1/4 acre parcel as exempt from property taxes as

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<sup>1</sup>In the late 1970's the GHP also acquired about 100 acres of property in Colchester, Connecticut, which obtained State-reservation status through legislation in 1981.

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if it were reservation land, despite the State having apparently failed to provide the municipality with “a grant in lieu of taxes” for “reservation land held in trust by the State for an Indian tribe,” as required by law (Conn. Legislative Materials 7/7/1989). To clear up this matter, the petitioner, and the State and the Town of Trumbull, as interested parties, should provide the BIA with an explanation of the parcel’s exact legal status since 1984.

Appendix B: GHP Governing Documents

Date	Certification	Title	Contents/Comment
no date	10 Signatures	Practice and Usage of the Golden Hill Tribe Concerning Membership  (CT FOIA; Petitioner 4/12/1993, Part IC, 88, fn. 295; Petitioner 7/27/1994; Petitioner 6/18/1993, "Draft," Vol. 7)	<u>Membership</u> : membership eligibility, descent documentation; application procedure; acceptance deadline  [CT DEP date stamp 6/25/1975 on CT FOIA copy; Reference date 1/24/1979 in Petitioner 4/12/1993, Part IV, 88, fn, 295; CT DEP date stamp 10/24/1990 in Petitioner 7/27/1994]
3/15/1990	Unsigned	Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe  (CT FOIA; Petitioner 4/1/1994, Appendix III, p. 273-276; Petitioner 7/27/1993)	<u>Membership</u> : membership eligibility; descent documentation; severance/reinstatement; all membership decisions decided by Traditional chief <u>Government</u> : all membership, reservation residency, committees/councils, contracts/leases, negotiations, trade/commerce, ordinances/rules derive from the exclusive authority of Traditional chief
3/23/1991	1 Signature - "Moon-facebear Warchief"	"documentation list to add to the practice and usage filed"  (CT FOIA - Included in letter to Conn. Gov. and labeled "Exh.B-27, p.1-2")	<u>Membership</u> : membership eligibility; descent documentation; recognition pathways <u>Government</u> : "choosing of a Counsel Chief, Febr. 15, 1990"(no procedures)
no date	4 Signatures on By-Laws	Constitution of the Golden Hill Paugussett Tribe; By-Laws  (Petitioner 4/12/1993, Governing Documents and Exhibit A-3; Petitioner 6/18/1993, "Draft," Vol. 7)	<u>Membership</u> : membership eligibility; adoption <u>Government</u> : name; territory; voting; chief; tribal council; amendments; officer election; meetings; removal; referendum; authority

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Appendix B: GHP Governing Documents

6/30/1993	Unsigned	Method of Selecting the Leader of the Golden Hill Pausussett Tribe  (Petitioner 4/1/1994, Appendix III, p. 270-272; Petitioner 11/15/1994, Appendix III, p. 474-476)	<u>Government</u> : traditional chief; clanmothers; sub-chiefs
(1973)	1 Signature	Rules and By-Laws of the Council of Descendants of Golden Hill Indians, Inc.  (Petitioner 4/1/1994, Appendix III, p. 11-15)	<u>Membership</u> : membership eligibility and categories; dues <u>Government</u> : rules of behavior; name, reservation, voting, meetings, election of board, powers of directors, officers, legal and fiscal rules, agents, badges and seal, amendments  [date listed in petition index but not on document]
no date	Unsigned	"Page 2 " Rules and Regulations Governing Tribal Body  (Petitioner 4/12/1993, Exhibit A-3)	<u>Government</u> : meetings, chief, officers, directors, representation; prohibitions
7/27/1981	1 Signature	Golden Hill Development Corp. Meeting Minutes  (Petitioner 6/18/1993)	<u>Government</u> : structure and order of leadership succession; history of tribal council; power of attorney; purpose of Development Corp.
no date	2 Signatures	Tribal Chiefs Description  (Petitioner 6/18/1993)	<u>Government</u> : duties and powers of War Chief

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Appendix C: Published References to William Sherman and Others (Excerpts)

**DeForest, John W., 1852, History of the Indians of Connecticut from the Earliest Known Period to 1850: W.J. Hamersley, Hartford (p. 356-357)**

As the Golden Hill Indians made little or no use of their land, and as their guardians were repeatedly obliged to advance them money for taxes and other expenses, the whole reservation was, forty or fifty years since, exposed for sale. The sum which it brought was very considerable, and was put out at interest for the benefit of the owners. In 1842, it amounted to eleven hundred and seventy-five dollars. At that time five hundred dollars

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were expended in purchasing a small house and twenty acres of land in the township of Trumbull.

The tribe now numbers two squaws, who live in an irregular connection with Negroes, and six half breed children, all of whom are grown up but one. They are intemperate, but have been of about the same number for many years. Their family name is Sherman. 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 Shermans in their character and habits. Such is the present state of the Paugussetts; flickering out of existence like the wick of a burnt-out candle.

The Woodbridge Indians, known as the Mack family, were from the Paugussetts, and moved many years ago to their rocky and thorny patch of territory in that township. Some were carried off by the small pox, and for ten or twelve years back none have remained, except one man and two women. One of the women, Old Eunice, as she was commonly called, died a number of years since. Her two children, Jim and Ruby, I have often seen coming into my native village, to sell parti-colored baskets and purchase provisions, the greater part, if not the whole, of which was usually rum. Ruby was short and thick, and her face was coarse and stupid. Jim's huge form was bloated with liquor; his voice was hoarse and hollow; and his steps, even when he was not intoxicated, were unsteady from the evil effects of ardent spirits. At present, I believe, they are all in their graves; at least it is years since I have seen them, or heard any one speak of them.

**Hurd, D. Hamilton, 1881, History of Fairfield County, Connecticut, with Illustrations and Biographical Sketches of its Prominent Men and Pioneers: J.W.Lewis 7 Co., Philadelphia. (p. 68)**

In 1841, Ruby Mansfield and Nancy Sharp, *alias* Nancy Pease, petitioned the Legislature, alleging that they were the sole survivors of the tribe, and asking that a portion of the money in care of their agent, Smith Tweedy, be used to purchase a dwelling-house and sufficient land for their use and benefit. The Legislature ... purchased from Samuel Edwards about twenty acres of land, with a small house upon it, situated in Trumbull, at a place called Turkey Hill Meadow, where Ruby and Nancy took up their abode. Their statement, however, that they were the sole survivors of the tribe was not strictly accurate.

John Chops, who died in North Bridgeport in 1818, and whose name is perpetuated by the appellation of a hill upon which his wigwam stood, and William Sharp, a seafaring man, who is believed to have been sold into slavery at a South American port by his rascally captain, probably left no issue, but at the present writing (1880) there are still several families of the Indians remaining. William Sherman, the most intelligent of their number, lives in the town of Trumbull. He has for many years been in the employ of the Ambler family, by whom he is held in very high esteem for his many good qualities. His wife is a Negro woman, and they have three or four children. Henry Pease, a nephew of William Sherman, is also a resident of Trumbull; he lost his had a year or two since by the accidental discharge of a gun. There is also a family named Jackson, whose home is in North Stratford. So far as known to the writer, these are all the survivors of the Golden Hill branch of the once numerous Paugusset tribe.

At the present time their funds amount to about two thousand dollars, divided as follows:

Amount paid over to town of Trumbull for support of	
Henry Pease, per Act of Legislature	\$900
Lent William Sherman to build a house	\$800
Balance in City Savings Bank, Bridgeport	<u>\$321</u>
Total	\$2021

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

**Orcutt, Samuel, 1882, The Indians of the Housatonic and Naugatuck Valleys: Case, Lockwood & Brainard Co., Hartford. (p. 67-68)**

*The Mack Family.*

The last remnants of the Indians at Chusetown, were the members of the Mack family who, in their last days, dwelt in the borders of Bethany, just out of the town of Derby. The selectmen of that town, fearing that these Indians would become paupers, purchased a small tract of land in Deerfield, within the limits of Derby, placed them upon it, and assisted them in building some huts, in which they dwelt while securing a living by hunting and making baskets. James and Eunice Mack lived by themselves near the turnpike that leads from Seymour to New Haven, and Jerry Mack and four other Indian men, two squaws and three children, dwelt over the hill south of James Mack's, about eighty rods. For a long time the place was called the Indian settlement.

In 1833, a squaw from Milford became the guest of James, - was taken ill, and at once removed back to Milford, where she died of small-pox. Soon after these, nine Indians became ill with the same disease and all died, but the three children being vaccinated by Doct. Kendall, and removed, were saved from the terrible scourge. The Indians were buried in the garden near their huts, by Samuel Bassett and others who had had the small-pox. Great fear prevailed as to the disease, and to secure the community the selectmen ordered the huts to be burned in the night, by which the pestilence was exterminated.

Of these Deerfield Indians, Mr. DeForest wrote in 1852: "One of the women, old Eunice, as she was commonly called, died a number of years since. Her two children, Jim and Ruby, I have often seen coming into my native village to sell parti-colored baskets, and buy provisions and rum. Ruby was short and thick and her face was coarse and stupid. Jim's huge form was bloated with liquor, his voice was coarse and hollow, and his steps, even when he was not intoxicated, were unsteady from the evil effects of ardent spirits. At present I believe they are all in their graves."

**Orcutt, Rev. Samuel, 1886, A History of the Old Town of Stratford and the City of Bridgeport Connecticut. Part I: Fairfield County Historical Society. (p. 42, 44)**

*The Last Families.*

*Tom Sherman*, the last owner of the Golden Hill reservation, married, in the Indian way, Eunice Shoran, and had children: I, Tom; II, Eunice; III, Sarah.

- I. *Tom 2<sup>nd</sup>*, m. Sarah (?) and had IV Ruby.
- II. *Eunice*, m. Mack or Mansfield, formerly of Kent, and had V, Jim, Garry and Eunice.
- III. *Sarah*, m. Ben Roberts, a Negro (*sic*), and lived at the Eagles' Nest at Stratford Tide Mill. Some of their descendants still reside in Orange, Conn., but are not claimants on the Indian funds of Stratford.
- V. *Jim Mansfield*, son of Eunice Shoran, m. his cousin Ruby, dau. of Tom 2<sup>nd</sup>, and had Nancy, who had VI, William Sherman; after which she m. John Sharpe, and had Beecher, Nancy and Charles, and Sharpe being sent to State's Prison, she lived with a man Rensler, and had Olive.
- VI. *William Sherman*, son of Nancy and grand-son of Tom 2<sup>nd</sup> and Ruby, was born in 1825 in Poughkeepsie, N.R., and is still living at Nichols Farms in Trumbull, Conn., being the sole claimant on the Indian money from the sale of Golden Hill. He m. Nancy Hopkins of New London, and was a sailor in a whaling ship seventeen years; has been 'round the world nine times; was first mate of the ship five years and earned an honorable standing and reputation, which he has retained to the present time. He educated himself, and could perform the full services of a first mate on a vessel correctly as well as intelligently. He has long been a respected farm laborer at Nichols Farms, and long trusted with considerable responsibility in the management of the farm and properties of Mr. F. P. Ambler and Sons, while they were engaged in the business of Saddletree manufacturing at that place. He has been the Sexton of the Cemetery at Nichols Farms about thirty years and performed the work of his position with much satisfaction to the community. He and his wife have acted in the capacity of nurses in severe sicknesses in the community for many years, and as such won many expressions of thankfulness and confidence. The tradition is that he is a descendant of Molly Hatchet of Derby; and in the

**Golden Hill Paugussett: Proposed Finding – Description and Analysis of the Evidence**

healthy locality where he resides has attained to the standard weight of about three hundred and sixty pounds.

His children are I, William; II, Henry, died aged 17 years; III, George, who m. Mary A. Hamilton; IV, Mary Olive, who died young; V. Caroline; VI, Huldah; VII, Mary Olive; VIII, Charles; IX, child that died.

**Bridgeport Standard, May 19, 1886 – Obituary [of William Sherman]**

William Sherman died at Nichols Farms, Trumbull, Tuesday, May 18, at the age of 61 years. He has for many years been the leading and almost the sole representative of the remnant of the once famous Golden Hill tribe of Indians. He was the fifth in descent from Tom Sherman, the last owner of the Golden Hill reservation, embracing the homestead of the late Captain Daniel Sterling [Starling?], where the armory now stands, and extending on the east side of Main street several hundred feet north of Meadow street to the harbor. The sale of that reservation in 1802 created a fund which has been held and managed by the following persons successively as overseers, vis: Josiah Lacey, Elijah Burritt, Smith Tweedy, Daniel O. Wheeler, Dwight Morris, Russell Tomlinson and R. B. Lacey.

The fund was divided a few years since – the town of Trumbull taking charge of a part of it for the benefit of a few persons by the name of Sharp. The other part was mostly invested in a small place in Nichols Farms as a home for William where he spent his last days. He was in several respects a remarkable man. One peculiarity was his immense size. His death was sudden, and probably from fatty accumulation about the heart. The following is taken from Rev. Mr. Orcutt's mention of him in the Old Stratford history, page 43:

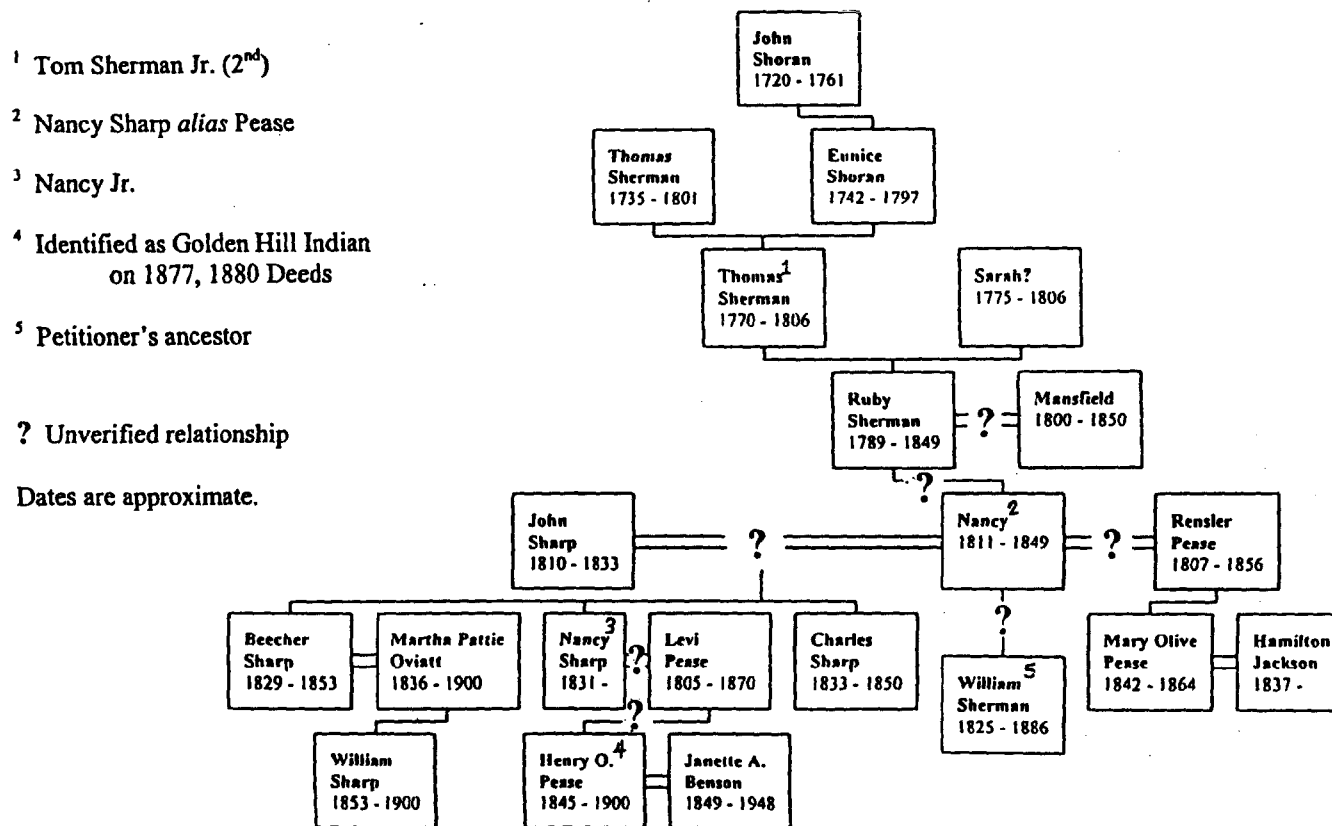
"William Sherman married Nancy Hopkins of New London, and was a sailor in a whaling ship seventeen years. He has been around the world nine times. He has long been a respected farm laborer at Nichols Farms, and long trusted with considerable responsibility in the management of the farm and properties of F. P. Ambler & Sons while they were engaged in the business of saddle-tree manufacturing at that place. He has been sexton of the cemetery there for thirty years. The tradition is that he is a descendant of Molly Hatchet of Derby."

**Molloy, Leo T., 1935, Tercentenary Pictorial and History of the Lower Naugatuck Valley (p.394)**

The Deerfield Indians. Bethany became a town in 1832. Soon afterwards Reuben Judd and Andrew Beecher, the newly elected selectmen, found that there were a number of Indians living within the limits of the town, survivors of its former Aboriginal population, know as the "Macks." Fearing the town would be under considerable expense for their support, the Bethany selectmen purchased a small tract of land in Deerfield, Derby (now Ansonia), helped their charges to build some huts, and cleared their hands of them. These Indians (twelve in number--six men, three squaws and three children), supported themselves by hunting, fishing and basket making. The following year (1833) smallpox attacked the little settlement and all died except three, a woman named Eunice and two children, Jim and Ruby, who were caught in the woods by Dr. Joshua Kendall of Humphreysville and vaccinated. The huts were burned down after the dead Indians had been buried by Samuel Bassett and Ansonia's "Indian settlement" was left a mass of ashes.

## Appendix D

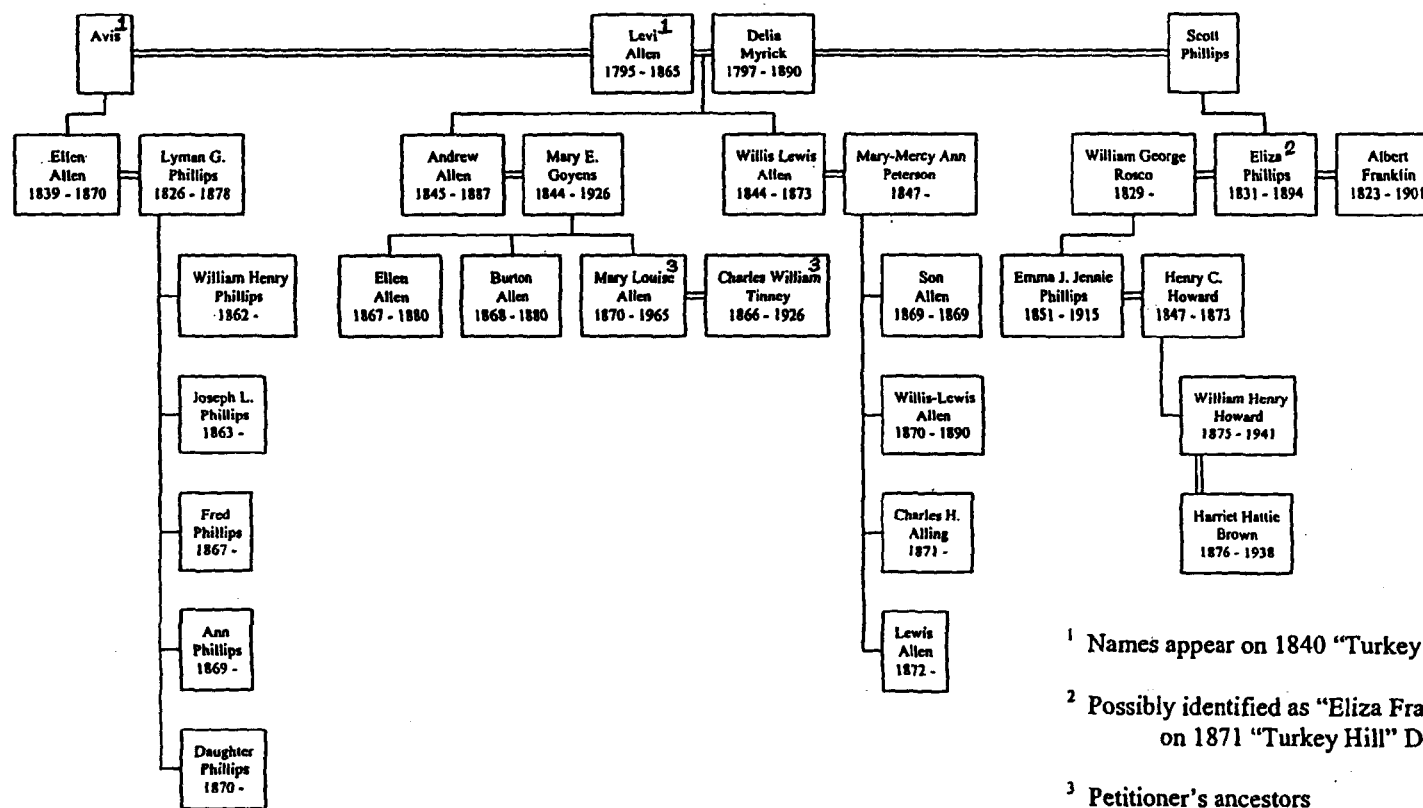
### Ancestry and Collateral Relatives of William Sherman Claimed by Petitioner



The BIA has not been able to verify through the current evidence those relationships interrupted by the question mark symbol on this chart.

## Appendix E

### Descendants of Levi Allen and Delia Merrick/Myrick



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Appendix F: GHP Membership Lists

Golden Hill Paugussett: Proposed Finding - Description and Analysis of the Evidence

# Members Named on List	Address	Birth-date	Certified (Signat.)	Date	Title	Comment
19	Yes, 5 missing	No	No	no date (6/23/1973?)	Tribal Members and Descendants (Known) (CT FOIA)	Grouped into "On Reservation, Off Reservation, Children of Tribal Members" [Date handwritten at top of copy (partially missing)]
54	Yes, 26 missing or incomplete	No	No	no date (1970's)	List of Known Tribal Members of the Golden Hill Band of the Paugusset Nation (Petitioner 4/12/1993)	[Date "1970's" handwritten at top]
51	Yes, 22 incomplete	No	No	no date (c.1975?)	Tribal Members (Petitioner 4/12/1993; CT FOIA)	One name handwritten at bottom (not counted) [Date estimated]
5	Yes, 3 incomplete	No	Yes (1)	4/5/1978	List of Senior Citizens of the Paugusset Nation [Sub-List] (CT FOIA)	"No. Tribal Members to date: 55" typed at bottom
58	No	Year only, 5 missing	No	3/15/1990	Golden Hill Paugussett Indian Tribe Tribal Roll (Petitioner 4/1/1993, Appendix III; CT FOIA)	One member listed by last name only (not counted)
20	No	Yes, 1 missing, 1 incomplete	No	4/4/1990 and 4/30/1990	Membership Roll of Golden Hill Tribe (Petitioner 6/6/1990)	Recorded on BIA standard membership roll form

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Appendix F: GHP Membership Lists

# Members Named on List	Address	Birth-date	Certified (Signat.)	Date	Title	Comment
58	No	Year only, 5 missing	No	3/15/1992	Golden Hill Paugussett Indian Tribe Tribal Roll (Petitioner 7/27/1993)	One member listed by last name only (not counted) [Identical to 3/15/1990 list]
39	No	Yes, 8 year only, 2 missing	No	3/11/1993	Tribal Roll (Petitioner 6/18/1993, "Draft")	Designated as "Draft;" 6 additional names handwritten at bottom (not counted)
38	No	Yes, 10 year only	No	3/15/1993	Tribal Roll (Petitioner 4/12/1993; Petitioner 7/27/1994)	Designated as "Draft;" similar to 3/11/1993 list but one less name, slightly different members, no handwritten names
74	Yes	No	No	no date (before 4/21/1994)	Golden Hill Tribe of the Paugusset Indian Nation - Tribal Members (Unknown source)	Two separate lists (32+42) without duplication of names; 5 additional names handwritten on second list (not counted) [Date derived from FAX stamp]
81	Yes	No	No (25)	10/13/1994	Golden Hill Tribe of the Paugusset Indian Nation - Tribal Members (Petitioner 11/23/1994)	[Date derived from cover letter on petition; also date of last signature]

Golden Hill Paugussett: Proposed Finding - Description and Analysis of the Evidence

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Appendix F: GHP Membership Lists

Golden Hill Paugussett: Proposed Finding - Description and Analysis of the Evidence

# Members Named on List	Address	Birth-date	Certified (Signat.)	Date	Title	Comment
91	Yes	No	No (9)	no date (1/4/1995)	Direct Descendents [sic] of the Golden Hill Paugeesuko (Paugussett) Tribal Nation (Petitioner 1/4/1995)	Two separate lists without duplication of names grouped by "in-state" and "out-of-state" [Also received in 12/9/1994 correspondence]
216	Yes, 21 missing, 2 incomplete	No	No	no date (10/1/1999)	Golden Hill Tribe of the Paugusset Indian Nation - Tribal Roll (Petitioner 10/1/1999)	No names given for 24 members (not counted) [FAX date 9/14/1999]

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