

Summary under the Criteria and Evidence for
Proposed Finding
Paucatuck Eastern Pequot Indians of Connecticut

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

Approved:

March 24, 2000

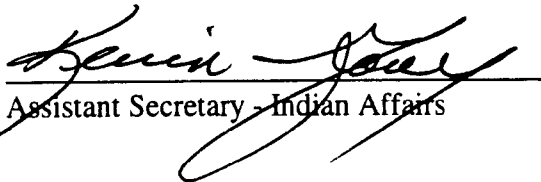

Assistant Secretary - Indian Affairs

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INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs from the Paucatuck Eastern Pequot Indians of Connecticut seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR 83).

Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR. Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Publication of the Assistant Secretary's proposed finding in the Federal Register initiates a 180-day response period during which factual and/or legal arguments and evidence to rebut the evidence relied upon are received from the petitioner and any other interested party. Such evidence 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.

After consideration of all written arguments and evidence received during the 180-day response period, the petitioner shall have a minimum of 60 days to respond to any submissions by interested and informed parties during the response period. At the end of the period for comment on a proposed finding, the Assistant Secretary will 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 will be notified of the date such consideration begins. The Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will 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. This determination will become effective 90 days from its date of publication unless a request for reconsideration is filed pursuant to 83.11.

If at the expiration of the 180-day response period this proposed finding is reversed, the Assistant Secretary will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

Abbreviations and Acronyms

These have been used in the Summary under the Criteria and the accompanying charts.

AS-IA	Assistant Secretary - Indian Affairs.
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs.
BIA	Bureau of Indian Affairs.
CIAC	Connecticut Indian Affairs Commission.
DEP	Connecticut Department of Environmental Protection.
Doc.	Document, abbreviation used for Ex. in #113 Pet. 1996.
EP	Eastern Pequot Indians of Connecticut (petitioner #35).
Ex.	Documentary exhibit submitted by petitioner or third parties.
FD	Final Determination.
FR	FEDERAL REGISTER.
Narr.	Petition narrative.
NP App.	Narragansett Petition for Federal Acknowledgment, Appendix.
OD	Obvious deficiencies letter issued by the BIA.
PEP	Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113).
PF	Proposed Finding.
TA	Technical assistance letter issued by the BIA.

Standardized Spellings

When discussing Indian tribes and bands, and names of individuals, this Summary uses the current standardized spellings. Where specific historical documents are quoted, these names are spelled as found in the original. One concrete example of this is the variation between the standardized spelling of the name “Tamar,” while historical documents often spelled it “Tamer.” In early documents, the leader Momoho appeared with a wide variety of spellings, as did the tribal name Pequot itself.

Administrative History of the Petition

1. *Name and Address.* The petitioner for Federal acknowledgment as an American Indian tribe under the provisions of 25 CFR Part 83 considered in this proposed finding submitted its letter of intent to petition under the name Paucatuck Eastern Pequot Indians of Connecticut, the official name of the group (hereinafter cited as PEP)¹ and was assigned #113 by the Bureau of Indian Affairs (hereinafter cited as BIA). The name and address on the current letterhead are: Paucatuck Eastern Pequot Indians of Connecticut, c/o Ms. Agnes E. Cunha, P.O. Box 370, North Stonington, Connecticut 06359.

2. *Administrative History and Self-Definition.* On June 20, 1989, the BIA received PEP's letter of intent to petition for Federal acknowledgment. The group described itself briefly as, "the Paucatuck Eastern Pequot Indians of Connecticut, whose Reservation on Lantern Hill Road in the town of North Stonington held in trust by the state of Connecticut, ..." (Cunha to Bureau of Indian Affairs, 6/13/1989). Notice of receipt was published in the *Federal Register* on July 20, 1989 (54 FR 138, 30474).

On August 9, 1989, the PEP tribal council addressed to the "Acknowledgment Staff" a request for explanation:

. . . as to why our C.I.A.C. [Connecticut Indian Affairs Council] seat, which we held from 1971 [*sic*]-1982, was challenged by an unrecognized group of individuals claiming to be Eastern Pequot? This same group of non-recognized individuals has also applied for Federal recognition using our reservation land, without any resistance from the C.I.A.C.? Also, why was this all done without regard for our 1979 Superior Court case decision, by Judge Hendel, stating said

¹On July 17, 1973, the "Authentic Eastern Pequot Indians of Stonington, Conn." appointed Helen LeGault "to represent the Tribe on the Indian Affairs Council set up by public Act 73-660- . . ." Bertha Brown was appointed as alternate (Authentic Eastern Pequot Indians 1973). This was the first usage of a specific name for the organization in the documents submitted in evidence.

As of June 12, 1977, the organization was using the name: "The Eastern Pequot Indians of Connecticut, Inc." (Geer to Commissioner of Environmental Protection 6/12/1977; Eastern Pequot Indians of Connecticut, Inc. Minutes 6/12/1977). This name was still used on September 18, 1978 (LeGault, Brown, and Edwards to CIAC 9/18/1978).

As of November 1, 1979, the group was using the name "Paucatuck Eastern Pequot Indians of Connecticut" (Geer to Grasso 11/1/1979). This name has remained in use until the present.

group of individuals to be non-Indian [*sic*] and cannot be tried again, it was his final decision (Cunha to Thompson, n.d., BAR received stamp 8/9/1989).²

The BIA responded that the Bureau does not involve itself with the internal affairs of a petitioning group, or of state Indian agencies, or their state-recognized Indian groups (Forcia to Cunha, 9/1/1989). PEP responded with an extensive letter reiterating its grievance concerning disposition of the CIAC seat, asserting that, “[w]e are and always have been the state recognized tribe” and “[w]e also feel that the Sebastian’s [*sic*] petition for Federal Recognition should be denied. We want our vested rights to be protected by the Federal Government” (Cunha to BIA Branch of Acknowledgment and Research, 11/8/1989). The BIA responded by indicating that under the 25 CFR Part 83, EP was entitled to submit a petition for Federal acknowledgment, and indicating that PEP would have interested party status for the EP petition (Bacon to Cunha 12/13/1989).

The BIA received the PEP documented petition on April 21, 1994 (Reckord to Cunha 6/30/1994) and issued the technical assistance (TA) letter on September 12, 1994 (Morris to Cunha 9/12/1994). The BIA received the petitioner’s (PEP, #113) response to the TA letter on February 26, 1996, certified by the PEP Council (PEP Resolution 2/24/1996). On May 10, 1996, the BIA placed petition #113 on the “ready, waiting for active consideration” list (Reckord to Cunha 5/30/1996).

The Assistant Secretary - Indian Affairs (AS-IA) placed the Eastern Pequot (EP, #35) petition on active consideration January 1, 1998. After consideration and notification of #35 and other petitioners on the “ready, waiting for active consideration” list, the AS-IA made the following decision:

Under the authority granted to the Secretary in 25 CFR §1.2, and delegated to me in 290 DM 8.1, I waive the priority provisions of 25 CFR §83.10(d) in order to consider the petition of the Paucatuck Eastern Pequot Indians of Connecticut (Petitioner #113) simultaneously with the petition of the Eastern Pequot Indians of Connecticut (Petitioner #35). Based on the advice of the Associate Solicitor, Division of Indian Affairs and my own review, I find this waiver to be in the best interest of the Indians (Gover to Cunha 4/2/1998).

On December 18, 1998, the law firm of Perkins Coie submitted comments on both petitions (#35 and #113) on behalf of the Towns of Ledyard, North Stonington, and Preston, Connecticut (Baur and Martin to Fleming 12/15/1998). This comment consisted primarily of a report by James P. Lynch, “A Report on the Lineage Ancestry of the Eastern and Pawcatuck Pequot Indians; An

²The CIAC was not established until 1973; there was no Eastern Pequot seat on the CIAC prior to the summer of that year.

Independent Survey and Analysis . . .” (Lynch 1998a). Perkins Coie submitted additional material on February 5, 1999, which consisted primarily of an extensive reworking of the Brushel family section of the Lynch report (Martin and Bauer to Fleming 2/5/1999). The towns also submitted documentary exhibits.

In April 1999, the law firm of Morisset, Schlosser, Ayer & Jozwiak, on behalf of #113, transmitted an analysis of the December 15, 1998, Lynch report prepared by Christine Grabowski (Ayer and Clukey to R. Lee Fleming 4/5/1999). On January 11, 2000, the PEP council submitted yet more supplementary materials for the BIA researchers to review, in the form of a “report recently completed by anthropologist Stephen Austin (Cunha et al. to Gover 1/11/2000). The proposed finding takes into consideration only materials from the petitioner and all interested parties submitted through April 5, 1999. Subsequent submissions have been held by the BIA and will be considered during preparation of the final determination.

On October 29, 1999, an officer of PEP sent a letter to the AS-IA stating that the BIA was in violation of the regulations because a decision had not been issued (J. Cunha to Gover 10/29/1999). On December 14, 1999, Fran Ayer, Morisset, Schlosser, Ayer & Jozwiak, counsel for PEP, wrote to the AS-IA asking why no decision yet and requesting that he “set a date not later than sixty (60) days from the date of this letter for the issuance of a decision” or they would appeal to IBIA (Ayer to Gover 12/14/1999). On December 28, 1999, Ayer filed a request for an IBIA hearing (Ayer to IBIA 12/28/1999). On January 7, 2000, the BIA responded with a letter stating that a schedule would be established as soon as possible (Blair to James Cunha 1/7/2000).

3. Relationship to Other Petitioner. The other petitioner for Federal acknowledgment which asserts descent from the historical Eastern Pequot tribe, the Eastern Pequot (hereinafter cited as EP), also derives from families which have been associated with the Lantern Hill reservation since the 19th century. Please see the proposed finding on petition #35 for greater detail. EP submitted a letter of intent to petition for Federal acknowledgment on June 28, 1978, and was assigned #35. The current chairman of EP is Ms. Mary Sebastian.

4. Size. The Paucatuck Eastern Pequot Indians of Connecticut “Tribal Roll as of August 20, 1981” contained 81 names. The proposed list issued by the CIAC on December 30, 1983, appeared to assign 90 names to subgroup which has become the current #113 petitioner.

Another joint listing of the members of both current petitioners, EP (#35) and PEP (#113), stamped “Received” by the Connecticut Department of Environmental Protection on March 13, 1992, contained 345 persons, of whom the first 108 numbered individuals appear to have been petitioner #113 (this portion of the list was headed “Paucatuck Eastern Pequot Indians Tribal Roll,” dated March 2, 1992).

The PEP membership list dated February 15, 1996, used for this proposed finding, contained 128 members (Paucatuck Eastern Pequot Tribal Nation 1996).

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5. *Location.* The 230-acre Lantern Hill, or Eastern Pequot, reservation is located in the Town of North Stonington, New London County, Connecticut. Only a small proportion of the petitioning group's membership resides on the reservation itself.

6. *BIA Description of the Issues.* Both EP and PEP claim to have evolved from a portion of the historic Pequot tribe of southeastern Connecticut as it existed at the time of first sustained contact with non-Indian settlers. There is no serious dispute as to the existence of the historic Pequot tribe at the time of first contact, so the BIA has discussed and analyzed early colonial developments only insofar as they provide context for the development of the current petitioners.

Another portion of the historic Pequot tribe as it existed at the time of first sustained contact is now federally recognized as the Western, or Mashantucket Pequot Tribe, which was legislatively recognized on October 18, 1983.³ Pequot descendants are also found among the Brothertown Indians of Wisconsin, a petitioner for Federal acknowledgment.⁴

The division of the historical Pequot tribe into the modern Eastern and Western groups stemmed from the establishment of separate reservations, in close (less than two miles⁵ from one another) geographic proximity, during the later 17th century. The division grew out of circumstances which resulted from the Pequot War of 1637. To some extent, colonial authorities made formal distinctions between the predecessor groups of the modern Western Pequot and Eastern Pequot by the 1650's. However, in spite of the establishment of separate reservations, the jurisdictional distinction was not absolute throughout the 17th century and into the early part of the 18th century, as can be seen from the various controversies over leadership succession (see the discussion below).

There is no question that the Eastern Pequot, or Lantern Hill, reservation, purchased by the Colony of Connecticut for the use of the Pequots under the leadership of Mamoho in 1683, has continued to exist under Connecticut state supervision and jurisdiction, and to be inhabited, until the present day. The analysis will focus, to a considerable extent, on the relationship of the current Eastern Pequot petitioning groups to the historical population of the reservation.

In prior New England acknowledgment cases, such as Narragansett and Mohegan, the BIA did not extend examination of the petitioner's genealogy prior to certain 19th century rolls. In the Narragansett case, these rolls were from the early 1880's; in the Mohegan case from 1861. Overseers' reports for the Eastern Pequot reservation from 1889-1891 listed the direct ancestors

³P.L. 98-134.

⁴Letter of intent to petition filed April 15, 1980; assigned #67.

⁵The Pequot reservations in Groton and Stonington were less than a mile apart, with two small lakes or ponds between them, each with a village called "Indian town" (Hurd 1882, 35).

of both current petitioners as members of the Eastern Pequot tribe. These reports were prepared under the provisions of legislation passed by the State of Connecticut, and were filed in the superior court of New London County, Connecticut, by an overseer appointed by and under the supervision of that court.

Petitioner #35 expressed a willingness to accept these 1889-1891 overseers' lists as a starting point. However, petitioner #113 has consistently challenged the validity of these lists in hearings before the Connecticut Indian Affairs Council (CIAC), denying that Tamar (Brushell) Sebastian was properly included. Additionally, the third-party comments challenged even overseers' lists and reports for the Lantern Hill reservation going back to the second quarter of the 19th century, arguing that certain family lines included on them, pertaining to petitioner #113 as well as petitioner #35, could not be traced to 18th century Eastern Pequot records and that consequently the current petitioners do not represent a continuation of the historical tribe as defined by 25 CFR Part 83 (Lynch 1998; Martin and Baur to Fleming 2/5/1999). As a consequence of these controversies, the BIA has included in the charts which accompany both proposed findings a full and complete evaluation of the stages by which and circumstances under which the direct ancestors of both current petitioners came to be included on 19th century Eastern Pequot overseers' lists. The criterion 83.7(e) summary below addresses methodological questions and evaluates primarily the evidence acceptable to the Secretary which shows that the petitioner meets the criteria. The charts also include documents offered in evidence which did not show that the petitioner met the criteria.

7. Irrelevant Issues. The Federal acknowledgment regulations do not require a study of some items, such as the archaeology, material culture, subsistence practices, or religious ideology of Indian groups prior to contact, except in instances where these may provide data which directly impact the 25 CFR Part 83 regulations. The regulations focus on the maintenance of tribal continuity since contact.

Under criterion 83.7(b), the petition presented a limited amount of evidence concerning "long-term prehistoric use of the core area by Pequot peoples" (#35 Pet. Narr. 1998b, 19). The acknowledgment criteria deal only with issues arising since first sustained contact of the petitioner with non-Indian settlers. Therefore, the proposed finding has not analyzed this material. While Pequot history during the early colonial period, from first sustained contact to the establishment of the Lantern Hill reservation for those Pequot under the leadership of Mamoho in 1683, was of less relevance than subsequent material under 25 CFR Part 83, the proposed finding includes a summary of the data because the secondary historical material that has been published up to this time contained numerous lacunae.

The proposed finding is not a legal brief and does not purport to analyze claims issues. A determination under 25 CFR 83 is a determination of tribal status of the petitioning group only. Neither this proposed finding nor the ensuing final determination will directly address claims issues or reservation ownership. In this instance, the reservation in North Stonington,

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Connecticut, is, and since colonial times has been, a reservation established first by the colony and then by the state. It has never been a Federal reservation. Determination of its status is a matter to be resolved between the petitioners and the state. Materials pertaining to these topics have been reviewed only to determine if they provided information concerning the status and character of the petitioner.

The 1790 Non-Intercourse Act is not immediately relevant to Federal acknowledgment. This Act pertains to the legitimacy of land transactions that took place after its enactment. It does not, however, determine the current tribal status of the group whose land has been or may have been affected by those transactions.

Geographical Orientation

The best early, although retrospective, summary of the geographic position of the pre-contact Pequots in relation to other southern New England tribal groups such as the Narragansett, Eastern Niantic, and Mohegan,⁶ was provided by Daniel Gookin, the long-term superintendent of Indian Affairs for the colony of Massachusetts, writing in 1674:

2. The Pequots, or Pequods, were a people seated in the most southerly bounds of New England; whose country the English of Connecticut jurisdiction doth now, for the most part, possess . . . Their chief sachem held dominion over divers petty sagamores; as over part of Long Island, over the Mohegans, and over the sagamores of Quinapeake, yea over all the people that dwelt upon Connecticut river, and over some of the most southerly inhabitants of the Nipmuc county [*sic*], about Quinbaag. The principal sachem lived at, or about, Pequot, now called New London (Gookin 1792, 7).

The Pequots were closely associated, from colonial times, with the Narragansett, about whom Gookin wrote:

3. The Narragansetts . . . so running westerly and southerly unto a place called Wekapage four or five miles to the eastward of Pawcutuk river, which was reckoned for their south and west border, and the easternmost limits of the Pequots. This sachem held dominion over divers petty governours; as part of Long Island, Black [Block] Island, Cawesitt, Niantick and others; and had tribute from some of the Nipmuck Indians, that lived remote from the sea . . . (Gookin 1792, 7).

⁶“In the #113 petition, one researcher wrote:

What is important about these examples is that they indicate that tribal distinctions in southeastern New England were not as mutually exclusive and well-defined as non-Indians would have them. Nor was tribal identity purely a function of unilineal descent either from the mother's or father's side. Rather, kinship ties — i.e., the social construction of consanguineal and affinal relations — represented vectors of affiliation that afforded an individual potential rights in different tribal groups. To what extent those rights were exercised and sustained, seem to have depended in large part upon an individual's behavior throughout his/her lifetime — that is, upon the evaluation of social acts and not upon biological or “blood” ties (Grabowski 1996, 10).

It is not clear which here-unidentified “non-Indians” would have tribal distinctions so clearly defined.

Gookin did not distinguish between the Narragansett and the Eastern Niantic. Numerous subsequent writers followed him in this classification. The distinction between and relationships of the two groups, however, is crucial to comprehending the handling of the Pequots by the various colonial authorities from 1637 through the end of the 17th century.

During the early contact period, prior to the Pequot War, the Pequots, Narragansetts, and Eastern Niantics were observed by European colonists to be in conflict over one very specific tract of territory which today is essentially the Town of Westerly, Rhode Island, then called Misquamicut. Historians have provided widely differing descriptions of the Indian jurisdiction over this territory. Hodge stated that:

The real territory of the Pequot was a narrow strip of coast⁷ in New London co., extending from Niantic r. to the Rhode Island boundary, comprising the present towns of New London, Groton, and Stonington. They also extended a few miles into Rhode Island to Wecapaug r. until driven out by the Narraganset about 1635. This country had been previously in possession of the Niantic, . . . The Eastern Niantic put themselves under the protection of the Narragansett, . . . (Hodge 1910, 2:229-230). [footnote added]

The petition presented a somewhat more extensive description of the aboriginal territory (#35 Pet. Narr. 1998b, 25-27). For the 17th century subsequent to the Pequot War, like Hodge, a number of other 19th-century and early 20th-century historians contributed to confusion concerning the geographical relationships among these groups by pushing the described boundaries of the lands held by both the Narragansetts and the Eastern Niantics too far to the southwest. A recent scholar has described the boundaries more accurately: "Niantic, the territory of the Eastern Niantic Indians, was located along the southern coast of present-day Rhode Island and extended from the lands near Point Judith on Narragansett Bay westward to the Weekapaug Brook, near the boundary of the modern towns of Charlestown and Westerly, R.I." (LaFantasie *in* Williams 1988, 1:77n11).

The petition asserted that "[a] series of seventeenth and eighteenth century documents pertaining to the legal history of lands east of the Pawcatuck River indicate that what is now Westerly was also part of the Eastern Pequot domain" (#35 Pet. Narr. 1998b, 20; citing Potter 1835, 179, 263,

⁷Most maps and descriptions show the Pequot territories running well inland, up to the borders of the Nipmuc country. The petition described the "traditional area" as "from West Niantic, near New London, northward between the Connecticut and Thames rivers to approximately the headwaters of the Thames, then eastward to the approximate border between Rhode Island and Connecticut, then south to the coast" (#35 Pet. Narr. 1998b, 20).

267). This assertion is not fully accurate.⁸ In brief, the territory between Wecapaug Brook on the east and the Paucatuck River on the west, then called Misquamicut, was held by Eastern Niantic sachems, but not directly by Ninigret I, after the Pequot War. Controversies over its jurisdiction would be one of the major factors shaping the development of the Eastern Pequots throughout the remainder of the 17th century. From 1637 through 1661, Ninigret's brother and nephews were in actual possession. One of these nephews, Cashawasset, aka Harmon Garrett, aka Wequashcuck/Wequash Cook II, was appointed "governor" of the Pequot refugees removed from Ninigret's jurisdiction in 1655 -- the group which became the antecedent to both current petitioners.

Massachusetts claimed that Misquamicut/Westerly was properly Pequot territory, and thus fell under Massachusetts jurisdiction by right of conquest after the Pequot War. Connecticut also claimed jurisdiction. Rhode Islanders purchased it from a Narragansett designee in 1660, forcing Ninigret's nephew, Harmon Garret, and those Pequots over whom he had been appointed "governor" by the Commissioners of the United Colonies since 1655, to remove into the modern boundaries of Connecticut.⁹ The Pequot survivors, during the 1640's, were impacted not only by the intertribal rivalries among the Mohegan, Narragansett, and Eastern Niantic sachems, but also by the conflicting and competing jurisdictional and territorial claims asserted by the colonies of Massachusetts Bay, Connecticut, and, to a lesser extent, Rhode Island (Williams 1963, 333-350; Potter 1835, 160-161).

The modern boundary between southeastern Connecticut and southwestern Rhode Island is the Paucatuck River. The geographical area described in this section is essentially that between the modern Mystic River, now in New London County, Connecticut, and Wecapaug Brook, the eastern boundary of the Town of Westerly, Rhode Island. During the colonial period, conflicting land grants resulted in a boundary dispute over the region that was not finally settled until 1726. From 1642 through 1688, the jurisdictional and territorial claims of the New England colonies were affected by the political rivalries in England itself. Prior to the outbreak of the English Civil War in 1642, royal charters with overlapping boundaries had been awarded to different individuals, groups of entrepreneurs, and colonial governments. From 1642 until the beheading of Charles I on January 1, 1649, England was engaged in a Civil War. The Commonwealth government, from 1649 through the restoration of Charles II in 1660, made decisions that were not recognized by the restored royal government. Charles II and even more his brother, James II,

⁸Potter, who assumed that Misquamicut had been Pequot territory as late as 1637, stated that after the Pequot War, "The Pequot country, from being thus left open to occupation, the Narragansetts seem to have extended themselves westward, and taken possession of that part of it between Wecapaug brook and Pawcatuck river. Some of the Nyantics, a tribe of the Narragansetts who inhabited the most southerly part of Washington county, seem to have gone even to the westward of Pawcatuck river (Potter 1835, 26-27).

⁹For further details and citations to sources, see the draft technical report. The report for EP was in draft when the AS-IA signed the directive modifying internal procedures on February 7, 2000. Based on this directive, the draft technical report which was being prepared under the prior procedures was not finalized.

asserted prerogatives and began administrative initiatives that were reversed by the succession of William and Mary in 1688.¹⁰

From 1659 through 1661, the records show a number of land transactions, specifically Indian deeds, pertaining to the Misquamicut and Paucatuck areas. Some of them involved overlapping sales of the same territory by different Indian claimants under different tribal jurisdictions to different English purchasers under different colonial jurisdictions, each of which by this date had its own legislation governing the validity of land purchases from Indians. These deeds would in turn generate a new layer of lawsuits that continued past the turn of the 18th century. Since many of the sales by Harmon Garrett pertained to his personal possessions as an Eastern Niantic sachem and had no direct connection to his role as governor of the Eastern Pequot after 1655, they have not been considered here.

Historical Orientation

The sources for the early history of the Pequot are overwhelmingly of colonial, non-Indian origin. This is particularly the case for those sources which address issues relevant to the issue of Federal acknowledgment. The handling of Indian issues by the colonial authorities was not independent of the broader context of colonial history, and the handling of Pequot issues by the colonial authorities was not isolated from their handling of relations with the other tribes of southern New England, particularly the Eastern Niantic, Mohegan, and Narragansett. The essential requirement for a tribe under the 25 CFR Part 83 regulations is continuity. Because the chart format, with brief descriptions of individual documents, as used under criteria 83.7(b) and 83.7(c) for the period from first contact through the 19th century provided only snapshot coverage of individual actions, the following very abbreviated narrative sets the contextual development. The preamble to the 25 CFR Part 83 regulations stated:

It has been the Department's experience that historical evidence of tribal existence is often not available in clear, unambiguous packets relating to particular points in time. More often, demonstration of historical existence requires piecing together various bits of information of differing importance, each relating to a different historical date (59 FR 38 2/25/1994, 9281).

Because the colonial and early modern history of the Eastern Pequot is the same as it applies to both petition #35 and petition #113, this section addresses the arguments made by both petitioners, as well as those advanced by the third parties.

¹⁰For details of the rival claims and grants among the three colonies, see the draft technical report.

1. *Pequot Origins.* While the various definitions and usages of the word “tribe” itself are in controversy among anthropologists for the pre-contact period (Starna 1990, 40-43; Bragdon 1996, xvi, 40-43), the term is used in this report simply as a descriptor of an Indian population which had some observed cohesiveness at the time of contact, whether the constituent parts of the Pequot people may have been bands, villages, or otherwise organized. The Pequot, and the Mohegan who derived from the Pequot, spoke an Eastern Algonquian language (Salwen 1978, 160; Goddard 1978). Like the Narragansett, they do not appear to have been affected by the epidemics of 1617-1619 which significantly reduced the population of the Massachusetts coastal tribes (Salwen 1973, 172). Although it has not been universally accepted by scholars, discussion of Pequot origins has been dominated for 30 years by the hypotheses developed in archaeologist Bert W. Salwen’s *Tentative “in situ” Solution to the Mohegan-Pequot Problem* (Salwen 1969). Primarily on the basis of archaeological analysis, for which he saw no persuasive linguistic or ethnohistorical contraindications, Salwen concluded that the Pequot, and consequently also the Mohegan who separated from the Pequot in early historical times, had not migrated into southeastern Connecticut shortly before European contact, but rather had a long period of pre-contact development in the area (Salwen 1969, 81-88; reprint in *Connecticut Indians* n.d., 167-168; see also Salwen 1978, 172-174).¹¹

2. *The Pequot War and Its Aftermath.* During the 1630’s, the political situation of the Pequot was affected by repeated rebellions by a dissident sachem, Uncas of the Mohegan. Tensions between the English colonists and the Pequot became stronger in 1636, but did not exist in a vacuum. They were complicated by the existence of tensions between Massachusetts and Connecticut, tensions between the Narragansett and the Pequots, and the involvement of the Mohegan. For purposes of this analysis, there is no need to provide a history of the Pequot War of 1637 as such.¹² The primary campaign took place during the spring of 1637. Through the end of the Pequot War, contemporary records made no distinction between “Eastern” and “Western” Pequots.¹³ Those designations developed during the second half of the 17th century from the pattern of dispersal of the Pequot prisoners among the Mohegan, Narragansett, and Eastern Niantic after the war.

The standard narrative sources on the Pequot War contain little or no discussion of those Pequots who found shelter with Wequashcuck I, the son of Wepitammeock and nephew of Ninigret, in the Misquamicut region (see Williams 1963, 61-62; in NP 1978, App. 327). Williams indicated

¹¹The #35 petition narrative (#35 Narr. 1998b) consistently repeats the anachronism of identifying an eastern Pequot entity and eastern Pequot leaders before any such thing existed. Use of the term “Eastern Pequot” prior to 1655 is as absurd as discussing “Belgium” before 1830.

¹²For the most recent scholarship, see Alfred A. Cave, *The Pequot War* (Cave 1996). For more details on the history of this period, with source citations, see the draft technical report.

¹³“The Eastern Pequot Tribe of Connecticut has its origins in the aftermath of the Pequot War of 1637” (#35 Pet. Narr. 1998a, Introduction).

that some of the Pequot refugees whom the colonists believed to be with the Narragansett were actually with Wequashcuck (Williams 1963, 67-68; see also Williams 1963, 107 *in* NP 1978, App. 327). The division of the prisoners was formalized by the Treaty of Hartford in 1638. Contrary to the opinion of some modern scholars (O'Connell 1992, xxv), the Pequot were not signatories to the Treaty of Hartford the year after the Pequot War. Rather, this was a treaty among the colonial authorities of the Massachusetts Bay and Connecticut colonies, the Mohegan, and the Narragansett, which regulated among themselves the disposal of the Pequot prisoners.¹⁴ Some modern scholars have stated that by this Treaty of Hartford, "the Pequot legally ceased to exist" (Burton and Lowenthal 1974, 592; citing Vaughn 1965, 144-151; Jennings 1975, 259).¹⁵ The petitioner stated that the treaty provided that "none should inhabit their native country, nor should any of them be called Pequots any more, but Moheags and Narragansetts for ever" (#35 Pet. Narr. 199b, 22; citing Mason 1736, 18). However, this was not the primary function of the treaty, which was designed to regulate all the conflicts between the Mohegan and the Narragansett (Chapin 1931, 36). It did not have the hoped-for effect.¹⁶

McBride stated that according to this treaty, "[t]he surviving Pequots were to be divided equally among the Mohegan and Narragansetts, and not to live in their former territory (McBride 1996, 74; citing *Rhode Island Historical Society Collections* [3]:177-78). A contemporary estimate was that there were 180 to 200 men, besides women and children (#35 Pet. Narr. 199b, 22). Of these men, 80 were assigned to the Mohegan, 80 to the Narragansett, and 20 to the Niantic (#35 Pet. Narr. 1998b, 22). It is clear from later documentation that the number of Pequots assigned by the Treaty of Hartford must have represented only a portion of the survivors.

At least one Pequot settlement was attempted in the Misquamicut/Westerly area in the post-Treaty of Hartford period. On August 26, 1639, the government of Connecticut concluded that, "Whereas divers of the Pequatts who were given to Vncus and Antinemo [Ninigret] haue plained againe part of the land wch was conquered by us contrary to or agreement with them, It was thought fitt and ordered, that 40 men be prportioned out of the several plantacons and immediately sent away to gather the Corne there planted by them" (Hoadly 1850, 32).¹⁷ Connecticut sent an expedition against the settlement led by John Mason and Uncas (Hurd 1882, 27; #35 Pet. Narr. 1998b, 22; Denison 1878, 39-40). Although the Treaty of Hartford had not made any specific provision for the continued placement of Pequot survivors with the Eastern

¹⁴For details of the negotiations, consult the draft technical report.

¹⁵The closest obvious parallel is Poland. The 18th century partitions of the medieval territory among Russia, Austria, and Prussia do not mean that there is no sovereign modern nation.

¹⁶For details of the aftermath, consult the draft technical report.

¹⁷According to a researcher for Pet. #113, the settlement consisted of "those who were to be resettled among the Narragansett and Niantic Indians" and was located in Massatuxet (Westerly), Rhode Island. She indicated that the Pequots rebuilt on the same location and remained there until 1660 (Grabowski 1996, 18).

Niantic sachems, they continued to hold them (*Winthrop Papers*, 4:269). Rivalries among the Indian tribes of Connecticut and Rhode Island continued throughout the next few years. The execution of the Narragansett leader Miantonomo by Uncas, with approbation of the Commissioners of the United Colonies, in 1643, is only the best-known of a large number of incidents.¹⁸ The efforts of the Narragansett to consolidate their position *vis-a-vis* the colonial authorities were complicated by the English Civil War.¹⁹

Between 1645 and 1654, the two elements of most significance for the history of the Pequot were the expansion of English settlement in what is now New London County, Connecticut, and the attempt of the Eastern Niantic sachem Wequashcuck I to obtain hunting rights in the same geographical area, an effort which brought him into controversy not only with the English settlers, but also with both the Mohegan and with his uncle, Ninigret, sachem of the Eastern Niantic. The predecessors of both the later Western (Mashantucket) Pequot and Eastern Pequot were impacted by these developments (*Winthrop Papers* 1949, 5:53-54). John Winthrop Jr. established his plantation at Nameag, calling it Pequot (later to be renamed New London), in 1646 (Johnson 1996, 40).²⁰ McBride has asserted that the new settlement was established as a curb on the Mohegan (McBride 1996, 81). Some Pequot, probably some of those who had been assigned to the Mohegan by the Treaty of Hartford (McBride 1996, 84), were in residence at Nameag already in 1646. The Nameag Pequot, together with those who were residing at Noank (now Mystic) were, structurally, the antecedents of the modern Western, or Mashantucket, Pequot tribe (for a listing, see Ottery and Ottery 1989, 59-69). There was considerable interaction between the Western Pequot and the Eastern Pequot throughout the remainder of the 17th century, and both groups often appeared simultaneously in the records of the Commissioners of the United Colonies. A modern researcher for the Mashantucket Pequot Tribe has stated that in 1646, "Winthrop regarded the Nameag Pequots as 'a people which live very near the English, and do wholly adhere to them, and are apt to fall into English employment'" (McBride 1996, 81; Hoadly 1850, 571; see also *Winthrop Papers* 1949, 5:85; citing Trumbull MSS, M.H.S., 4). However, both Ninigret and Wequashcook were also resuming efforts to obtain hunting privileges in the former Pequot territory west of the Pawcatuck River (LaFantasie *in* Williams 1988, 1:255n20), causing active opposition on the part of the Mohegan sachem Uncas.²¹ The petition stated that: "Wequashcook, or Herman Garret, an Eastern Pequot who was closely allied with the Narragansett, received permission from Mason to settle a small community in 1648 on

¹⁸For details of developments in this period, see the draft technical report.

¹⁹For the role of the "Pequot Prisoners" issue in the disputes, consult the draft technical report.

²⁰For details of the settlement, consult the draft technical report.

²¹For details, consult the draft technical report.

the west side of the Pawcatuck River near its mouth (LaFantasie 1988 1:255)” (#35 Pet. Narr. 1998b, 22).²²

The Wequashcook who was active in 1648, Wequashcuck I, was not the same person as Caushawasset aka Harmon Garret, apparently his half-brother, who later adopted the name. While the mother of Harmon Garret may have been Pequot, although this is not certain, there is no indication anywhere in the historical documentation that Wequashcuck I was an Eastern Pequot (see Apper dix II to the draft technical report). In September of 1648, Wequashcuck I, apparently on behalf of the Pequots at Paucatuck, did visit Major John Mason at Saybrook, Connecticut, indicating a desire for an alliance with the English (*Winthrop Papers* 1949, 5:250-251). The only document located by the BIA researcher did not indicate that he “received permission” to settle a community (#35 Pet. Narr. 1998b, 22), but rather simply that the settlement was there, over the considerable objections of Ninigret (see LaFantasie in Williams 1988, 1:255n21; see also *Winthrop Papers* 1949, 5:318; *Winthrop Papers* 1949, 5:321-322; 374).

The petition asserted that: “By 1650 both of the Pequot groups, which ostensibly had been under the supervision of the Narragansetts and the Mohegans, were once again fully autonomous” (#35 Pet. Narr. 1998a, 19, 23; citing Campisi 1990, 118). This is a serious overstatement of the actual situation in 1650, as made clear by a researcher for the Mashantuck Pequot (McBride 1996, 86; see also Pulsifer 1968, 2:134). The records as of 1650 do not provide any indication of autonomy for those Pequot who had been formerly assigned directly to the Narragansett or Eastern Niantic. Their status was, however, impacted by the frequent conflicts between Ninigret and the colonial authorities from 1646 through 1650.²³ In September and October of 1650, the United Colonies sent a limited military expedition against the Narragansett sachems and Ninigret in an attempt to collect tribute due for the Pequot survivors and investigate the ramifications of the marriage between Ninigret’s daughter and Sassacus’ brother as it affected Eastern Niantic policy toward the Pequot survivors (Haynes 1976, [11]; see also Vaughn 1995, 172; *Acts of the Commissioners of the United Colonies* 9:168), *IX Plymouth Colony Records*, 168-169; NP 1978, App. 76).

The local records submitted by petitioners #35 and #113 and located by the BIA researcher contained only minimal data concerning the Pequot settlements during this five-year period. On September 12, 1651, the meeting of the Commissioners of the United Colonies at New Haven declared:

²²LaFantasie did not mention Herman Garrett as an aka for the Wequash Cook whose 1648 activities he discussed (LaFantasie in Williams 1988 1:255n20).

²³For details, consult the draft technical report. Generally, the correspondence from this period confirmed that there were Pequots with Wequashcuck (Pulsifer 1968, 2:416-418), and provided continuing data concerning the multiple conflicts among the Mohegan, Narragansett, and Eastern Niantic sachems.

to Uncus and Wequash Cooke and desire that Ninigrett and all other Sachems may understand the same, that whilst the Pequatts pay their tribute to the English as now settled, and submit to Uncus and the other Sachems to whom they belong as their other men in all other respects doe or ought to doe They are not to be oppressed but to injoy equall priviledges with the rest in hunting and other wayes. Theoph: Eaton presdt. Simon Bradstreet, Wm Hathorne, Timothy Hatherly, Ro: Ludlowe, Edwa: Hopkins, John Browne (*Winthrop Papers* 1992, 6:140).

The editors of the *Winthrop Papers* have commented that, “The ambiguous affirmation here of hunting rights, presumably to the Pequots in their own territory, masks Mohegan, Narragansett, and Niantic desires for such rights in the same Pequot country between the Mystic and Pawcatuck Rivers . . .” (*Winthrop Papers* 1992, 6:141n1).

Some documents during this period mention the settlement of Indians at Paucatuck. On March 1, 1654 [NS], “Vpon the complaint of Pawcatuck Indyans, this Courte orders, that they shall inioye their planting ground at Paucatuck, provided they cary friendly & peacably to the English:--And Goodman Stebbing & Good: White, being to goe to Paucatuck, haue libberty granted them to looke out & find where Mr. Haynes may haue at Paucatuck the farme of three hundred acres formerly granted . . .” (Hoadly 1850, 250-251; see also Potter 1835, 268).²⁴

An immediately subsequent document, dated May 18, 1654, provided the first mention of the name of Harmon Garrett in connection with the Eastern Pequot:

This Courte declareth to Herman Garritt, yt for the present they judge the prooffe about ye land the Country claimes to bee stronger than his, that is in pt. of the Pequett Country, & therefore the grounds of his claime to it not to bee of sufficient strength, & soe consequently at the Countrys liberty to dispose of, & theirfore they aduise Herman Garitt not to molest Mrs. Haynes in the improument of it, hauing sufficient libberty of planting by it for himselfe & his men, & that if he can produce any further or clearer testimony to evince his right, the Court will attend to it (Hoadly 1850, 259).

From 1650 through 1654, the Commissioners of the United Colonies were strongly asserting the requirement that sachems to whom they had assigned Pequot survivors should remit the required annual tribute. At the 1651 meeting, they stated that the previous year, Thomas Stanton had been ordered “to get an account of the number and names of the several Pequots living among the Narragansets, Nianticks, or Mohegan Indians, &c.; who, by an agreement made after the Pequot war, are justly tributaries to the English colonies, and to receive the tribute due for this last year (Drake 1836, 98). Stanton appeared as interpreter, with Uncas and several of his men,

²⁴ A local historian indicated that the date of this was March 15 (Haynes 1949, 12).

Wequash Cook and some of Ninigret's men, and "Robert, a Pequot, sometimes a servant to Mr. Winthrop" [Robin Cassicinamon], and some with him, and some Pequots living on Long Island. The group delivered a total of 312 fathoms of wampum, according to the numbers (79 fathoms from Uncas, 91 fathoms from Ninigret, etc.) (Drake 1836, 98; see Pulsifer 1968, 1:206-207). The collection of tribute reported by Thomas Stanton to the September 1653 meeting provided some indication of the numbers of Pequot at various locations indicated that there were more with Wequashcuck I in the Paucatuck settlement than in any of the other locales (Pulsifer 1968, 2:108; *Acts of the Commissioners of the United Colonies*, 11; *X Plymouth Colony Records*, 4-12; NP 1978, App. 80; see also Sehr 1977, 49-50).

3. *Removal of the Pequot from Ninigret and Appointment of Harmon Garrett as Governor.* As a consequence of conflict between Ninigret and the Commissioners of the United Colonies over his campaigns against the Montauk in the early 1650's, between September 18 and September 25, 1654, they sent an expedition against him under the leadership of Simon Willard (LaFantasie in Williams 1988, 2:406; citing Pulsifer, ed., *Acts of the Commissioners*, II, 126-127, 131-134; see also Vaughn 1995, 175-176). The records contain detailed instructions for the expedition and a detailed report by its commander on the events of October 16 through October 20, 1654. Vaughn considered the expedition to have been unprofitable: "A new covenant, dated October 18, 1654, provided that Ninigret would surrender his Pequot wards to the English within seven days; the Pequots in turn agreed that they would henceforth submit to English rather than Niantic jurisdiction" (Vaughn 1995, 176; see Pulsifer 1968, 2:148). When compared to the original documents, it is clear that some modern narratives have been oversimplified. For example, "War was afterwards (1654) again declared, Major Willard leading the expedition, who captured one hundred Pequots; but Ninigret had fled" (Bartlett 1963, 45n3), does not bear much resemblance to Willard's much more complex narrative of October 16, 1654:

. . . with the best of our vnderstandings of youer Instructions which were not soe cleare as wee could haue wished repaired to the place of Randevoose indeaoured to haue had full Descourse with Ninnegreet whoe before wee came had Swamped himself and refused conference with vs as appeers in the Narratiue which I send you therefore considering the season tediousnes of the march of the file and straitnes of our Instructions contented our selues with reduseing those Pequots as we haue sertified you on those tearmes . . . (Pulsifer 1968, 2:145; there is a partial version of his report in the *Hutchinson Papers* 1967, 1:295-300; the full version is to be found in the *Acts of the Commissioners of the United Colonies*, Pulsifer 1968, 2:145-147).²⁵

²⁵Denison discussed a 1664 war between Ninigret and the Montauks; killing back and forth including the Block Island episode; considerable discussion; Connecticut expedition against Ninigret, 270 foot under Major Willard; Ninigret secured himself and his men in a swamp (Denison 1878, 22-23). This was misdated: the expedition took place in 1654, ten years earlier.

The 16th day there came som of our Pequotes and told vs that the day before this they went towards Ninnegreets Companie to pswade their kin[d]red to come from him fearing otherwise it would goe ill with them; but they mett with three Pequotes that did adhear to Ninnegrett who asked them what they did there; they said they had some thinges to doe then they asked our Pequotes how many there were of them they said 30 then said the 3 men there are 30 heads for vs then our Pequotes said they did attend the English to carry letters of burthens abroad wher the English should haue occation to send them; then one of the three men told them they would haue these 30 heads before tomorrow in the after noone tho the english were with them and they said they would not desist from the warr against the longe Ilandors neither would they forsacke Ninnegrett; This day there came into vs and gaue in their names to the number of 73 The 17th day there came into vs more pequotes that liued near to Ninnegrett which before wee comaunded to bringe away their house and goods which thinge they did and gaue in their names as the rest did to the number of 36: (Pulsifer 1968, 2:147).²⁶

The 18th day Ninnegrett keeping of and would noe way comply with vs wee agreed and sent two gentlemen with two to attend them and two Interpretors to make som demaunds of him; but there being six hee refused to speake with aboue two of them; but after much debate with his scoutes and som of his cheife men they came to speake with him viz; Capt: Davis and Capt: Seealy and first they demaund the Pequotes vnder him; his answere was why doe you demaund the Pequoats of mee when you haue them alreddy they demaunded more his answere was hee had not aboue three or four but the rest were despersed abroad a hunting and elsewhere but in the Issue hee Ingaged by writing to surrender all that were vnder him into the hands of Mr Winthorpe or Capt: Mason within seauen dayes” (Pulsifer 1963, 2:147; for a copy of this agreement, see *Winthrop Papers* 1992, 6:463-464).

2condly They demaunded the Tribute due for the Pequotes; his answere was hee neuer Ingaged for them hee was told hee paid it att Newhauen; hee said the reason of that was hee feared they would haue bine taken from him therfore hee paid nine or ten fathome of his owne peage to make vp the sum” (Pulsifer 1968, 2:147). [footnotes added]

When the names (*Winthrop Papers* 1992, 6:459-460, 6:462) of the various Pequot removed from Ninigret in 1654 (Pulsifer 1968, 2:148) are compared to the names of members of the later Eastern Pequot grouping, certain individuals can be identified. If, as it appears, these were the people over whom Cashawassett aka Harmon Garret was appointed “governor” in 1655, they

²⁶See listing below, from *Winthrop Papers* 1992.

Summary under the Criteria — Paucatuck Eastern Pequot Indians of Connecticut. Petitioner #113.

would not appear to be the same group that was “autonomous” by 1650 according to the secondary sources cited above. Willard’s narrative indicated that he expected them to join Robin Cassacinamon, but the October 23, 1654, order indicated that New London refused to permit their residence.

In addition to writing to the Commissioners of the United Colonies, on October 20, 1654, Willard also wrote to John Winthrop Jr. [at Nameag/Pequot] describing the planned disposition of the Pequot who had submitted to the English:

From Paucatuck this 20th of the: 8th mo: 1654. Wrth Sr, The order of the comisioners to us upon this designe: was this that what Pecoitts we reduced should be resigned up to yourself Major Mason: and Capt Deneson. The termes of the Pecoitts subscribing to, is infolded heerin, with the Number of them subscribed therto: we sent to Ninigrett for the rest: his covnant allso we send inclosd: . . . We thinke you maye do well to improve tho. Stantons abilities to se that Ninigrett performe his covnant in due time: for the Surrender of his Pecoitts: but we need not advise you heerin: . . . Sir our desiers are that you would acomodatt these pecoitts so well as you maye though we doubt not of your care herin; yet we mad bold to sugest this to you (*Winthrop Papers* 1992, 6:458-459).²⁷

Winthrop, Mason, and Denison issued an “Order for Resettling the Pequots, with Enclosure” on October 23, 1654, assigning the Pequots who had been removed from Ninigret to reside at Misquamicut:

Whereas it was agred by order of the Comissioners of the united Colonies at Harford Sept the 25th. 1654 viz.

That Jno wirthroppe Esq: Majr. John Mason and Capt. George Denison should have the full dispose and setlinge of all such Pequots whoe have lived under or are upon the land of Ninigrett under the goverment of the english: it, beeing likewise ordered by the sayd Comissioners that severall forces should bee sent from three of the Colonies to see the promises effected did meete at the time and place prefixed and at theire departure sent to mr. Winthroppe to Informe him that diverse of the Pequotts came into them and gave an engagement under there hands to be subject to the English as allso an engagement, by Ninigreete under his hand that hee would surrender all the rest within seven dayes, and should bee delivered to our selves.

Wee therefore beeing mett at Powcatucke the 23 of Octo: 54 to attend the sayed service and beeing informed that Ninigret was gone to Warwicke sent imediatly

²⁷The petitions, #35 and #113, contained only a partial photocopied list. Willard’s entire narrative with all the lists has now been printed (*Winthrop Papers* 1992, 6:458-470) and has been used for this proposed finding.

some of his owne men to informe him, that wee weere come to Powcatucke expectinge the performance of his engagement, but hearing nothinge from him have notwithstandinge proceeded for the effectinge of the trust committed accordinge to our best still and doe conclude and agree to and with those Pequots, whose names are herein written, that they shall from hence forth bee under the goverment of the English as their subjects, beeinge Justly conquered by them: payinge their accustomed tribute and that for the present they shall Inhabite and dwell beetwixt Powcatucke river and Weequapauge and thay shall have liberty to plant and improve such land within the sayed limits as may bee for there present releife untill further order may bee taken therein (*Winthrop Papers* 1992, 6:465-466).

The reason of our thus actinge is because the towne of Pequot refuse to admitt them at Nawaywicke²⁸ as allso the season of the yeare and means of removall so infirme, that wee Judge meete thus to Issue.

Wee doe further order and appoynte Tomsquash Matumbake and Cone to bee cheefe rulers over all such pequots as have at present submitted or shall hereafter beecome subject to the English to advise and counsell them in all their affayrs, and that they have power to Judge and determine in all matters of difference beetwixt party and partie provided that all such persons shall have seasonable warninge to appeare at some convenient place for triall thereof, Wm.

Cheesbourow and Tho: Stanton or either of them beeinge made acquainted therewith and present thereat" (*Winthrop Papers* 1992, 6:466).²⁹

The October 23, 1654, order enclosed a list of "Pequots Subjecting Themselves to English Rule," also headed, "The names of the Pequotts that have subjected themselves under the Government of the English (*Winthrop Papers* 1992, 6:170, 6:170n1), and has also been printed in a second version with a differing transcription (Ottery and Ottery 1989, 57).

The records of the colonial authorities' contacts with Ninigret during early 1655 made no further mention of the Pequot (Williams 1988, 2:425; Vaughn 1995, 176). The September 1655 minutes of the Commissioners of the United Colonies recorded Willard's 1654 narrative concerning negotiations with Ninigret (Acts of the Commissioners of the United Colonies; *Plymouth Colony Records*, September 1655, 10:145-151; NP 1978, App. 86) and the September 19, 1655, reply of the Commissioners, meeting at New Haven, to Simon Willard's letter and narrative. The

²⁸Annotated by Freiberg as Noank, the peninsula in Mystic Harbor; no mention of new London's refusal appears in its town records (*Winthrop Papers* 1992, 6:466n6).

²⁹In light of this prompt appointment by the Commissioners, it is not clear why Hurd concluded that: "It is not known that any sachem was chosen by or placed over these Indians by the English for several years. . . ." (Hurd 1882, 28).

commissioners stated that soon after the expedition in October 1654, Ninigret “grew hie and Insolent in his speach and Cariages refuseth to deliuer the rest of his Pequotes threatens them that haue left him hath againe Invaded the long Iland Indians our frind Tributaries and in Couenant with vs som bloud is alreddy shed . . .” and indicated very strong dissatisfaction with how Willard had proceeded (Pulsifer 1968, 2:148-149; copy in NP 1978, App. 86). The petition did not present nor did BIA researchers locate any information concerning the fate of the rest of Ninigret’s Pequot tributaries. The intertribal rivalries in southern New England, each tribe appealing to its own English allies and supporters, continued after 1654 (Potter 1835, 54; Chapin 1931, 71; Society of Colonial War, The Narragansett Mortgage 1925, 23; NP 1978, App. 637; Sehr 1977, 51).

The #35 petition’s overstatement that the Eastern Pequot and Western Pequot groups were “fully autonomous” by 1650 (#35 Pet. Narr. 1998b, 23) has been discussed above. In summary, it is based on Campisi’s statement that by the 1650’s, both Pequot groups had achieved independence from the Narragansett and Mohegan and were established in four “Indian Towns.” Campisi stated that the Western Pequots, the portion assigned to Uncas, controlled Nameag and Nawpauge,³⁰ while Caushawashett, also known as Wequash Cook and Harmon Garrett, leader of the Eastern Pequots, controlled Pauquatuck and Weepauge [sic]³¹ (Campisi 1990, 118). By contrast, Garrett’s own description of the situation in his May 6, 1667, deposition to the General Court of Connecticut described the situation as, “seated there by the Commissioners . . and we had broken up above a hundred lots by the Mercy of the conquerors . . .” (#35 PETS [bad photocopy of a carbon copy]).

The petition also asserted that:

in 1655 the colonies moved to reassert control over what they regarded as a defeated people, establishing four Indian towns under the leadership of two pequot “governors” (Campisi 1990:118). In doing so, the Commissioners of the United Colonies extended their recognition to the two Pequot groups, formalized

³⁰Hodge’s statement that in 1655, the Pequots gathered in two villages near the Mystic river in their old country (Hodge 1910, 2:230) must apply to the two groups under Cassacinamon (Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, *Collections of the Massachusetts Historical Society*. Vol. X 1809, 101).

³¹On the ethnhistorical maps (Salwen 1978, 161), Weakapauge or Weekapaug is shown as being well within the Eastern Niantic area. The Pequot-Mohegan are shown as more inland.

Hodge identified Wekapaug [Wecapauge] as the “principal village” of the Niantic, located on the ‘great pond near Charlestown’ (Hodge 1910, 2:68). Wequashcuck I and Harmon Garret were there because they were the sons of an Eastern Niantic sachem. Their presence had nothing to do with Eastern Pequots “controlling” the area. DeForest stated: “The Stonington Pequots were a smaller band at first than those of Groton: some of them, also, were Nehantics . . .” (DeForest 1964, 431).

a political relationship with the tribes, and appointed overseers to assist their headmen (#35 Pet. Narr. 1998b, 23).

However, the argument that the actions of the Commissioners of the United Colonies in 1655 were intended to “reassert control” is based only on the unsubstantiated claim that by 1650, the Pequot had again become “fully autonomous” or even “semiautonomous” (#35 Pet. Narr. 1998b, 23). Rather, the actions of the Commissioners were directed toward those Pequot who had been removed from the supervision of Ninigret in 1654, and those who had formerly been assigned to Uncas (Pulsifer 1968, 2:143-144). Similarly, there is no documentary basis for the petition’s statement that “Caushawashett, who was also known as Wequash Cook and Harmon Garrett, controlled Pawcatuck [Pauquatuck] and Weepauge [sic] (DeForest 1851:226-227, 246-248; Campisi 1990:118)” (#35 Pet. Narr. 1998b, 23). While Wequashcuck I did hold lands at Weepauge Brook, and during the late 1640’s and early 1650’s asserted hunting rights in the Paucatuck region, it was certainly an overstatement on DeForest’s part to say that he “controlled” them. His title, and later the title of his half-brother, Cashawasset aka Harmon Garret, to Weepauge was disputed by their uncle, Ninigret, while his right to hunt in, much less settle in, the Paucatuck area was disputed by Connecticut, by Uncas, by Massachusetts Bay, by Ninigret, and by the Commissioners of the United Colonies (see above).

Cashawasset, aka Harmon Garrett, a half-brother of Wequashcuck I, was first mentioned in the documentary records in 1654, in connection with a land title dispute (see above). At this time, he had not adopted the name of his deceased half-brother, and would not do so for another decade. On September 14, 1655, the Commissioners of the United Colonies appointed him for one year as “governor” of the Pequot residing at Paucatuck and Weepauge, with Tumsquash and Metumpawett as his assistants (Pulsifer 1968, 2:141-142). This was the group which had been removed from Ninigret by Simon Willard’s campaign in the autumn of 1654. The instructions issued to him were as follows:

you . . . are Require[d] to carry it in all thinges according to such rules and Instructions as you haue or shall Receiue from the said Comissioners and according to theire orders and all Pequoties Inhabiting the said places are Required peacably and quietly to Subjecte themselues to you to bee by you ordered in all thinges according to the orders aforesaid as they will answere th contrary at theire prill [peril] (Pulsifer 1968, 2:142).

The new governors also received instructions which were a briefer version of the better-known “Laws for the Pequots” issued 20 years later, in 1675 (Pulsifer 1968, 2:142-143). “Captain George Denison and Thomas Stanton were to assist them in the government. This was continued for several years. (Haz. 2. 334, 345, 359, 382-7, 447-9, 465.)” (Potter 1835, 64). When Cassicinamon and Garrett were reappointed in 1656, Mr. Winthrop, Maj. Mason, Capt. Denison were appointed to assist them, while Thomas Stanton continued to collect the tribute (Hurd 1882, 29-30; Pulsifer 1968, 2:153-154; Pulsifer 1968, 2:168; see also Wheeler 1887, 13).

Several secondary sources have over-interpreted the meaning of the 1655 actions (Vaughn 1965; reprint Vaughn 1995, 167-168, 178-179). Hurd interpreted them to mean that in 1655, the commissioners adopted a policy by which the Pequots should remain “in two distinct tribes or bands, one at Misquamicut (Westerly) and the other at Noank (Groton)” (Hurd 1882, 29). Such a “policy” is not clear from the record. In 1895, the historian of New London County, Connecticut, wrote that from the 1650's onward:

The remnant of the Pequots not amalgamated with the Mohegans were principally collected into two bands: one of them lived on or near the Mystic,³² having Cassasinamon (called by the English Robin) for their chief; the other, on or near the Pawkatuck, under Cashawasset (or Harmon Garrett.) These miserable fragments of a tribe for many years annually sent their plea to the court of commissioners asking for more land. Their situation was indeed pitiable. The English crowded them on every side. Their corn was often ruined by the breaking in or wild horses, and loose cattle and swine; and they were not allowed to fish, or hunt, or trespass in any manner upon lands claimed either by Uncas or by the English (Caulkins 1895, 129). [footnote added]

The majority of subsequent comments and interpretations, including those of Campisi (Campisi 1990, 118) have been based on Vaughan's 1965 summary statement, which was unaltered in the 1995 reprint of his book. Vaughn stated: “Not until 1667 did Connecticut, after being chastised by the Commissioners, finally assign permanent reservations to the Pequots” (Vaughan 1995, 178-179), but Connecticut did not, in fact, assign permanent reservations to the Eastern Pequot in 1667, as can be seen from the following discussion. In a more recent example, a historian indicated that the reservations were created in 1655 (Sehr 1977, 51), which was not the case for either the Eastern Pequot or the Western Pequot. The Misquamicut area where the Pequot under Harmon Garrett's supervision were living was not a “reservation” in any legal sense.

4. *The Eastern Pequot from 1655 through King Philip's War.* Throughout the later 1650's, both groups of Pequot were dealt with simultaneously at meetings of the Commissioners (Pulsifer 1968, 2:193-194). The September 1659 meeting of the commissioners showed a long litany of Pequot problems, addressing non-payment of tribute, participation in intertribal feuds, and disobedience to the Indian governors (Pulsifer 1968, 2:226-227).

Part of the problem continued to be that the Indian settlements had neither sufficient planting lands nor sufficient hunting territories assigned, which continually brought them into conflict with colonial farmers (Pulsifer 1968, 2:199). In September 1657, taking the jurisdictional dispute over the Paucatuck/Misquamicut region into account, the Commissioners stated that, “The Gourments of Massachusetts and Conecticott are desired to take care that the Pequotts bee

³²Presumably at Noank.

accommodated with lands convenient for their Subsistence without prejudice to the English plantations; . . .” (Pulsifer 1968, 2:194).³³

Efforts to convert the Pequot to Christianity also continued. In 1657, the Commissioners of the United Colonies, as agent of the Society for Propagating the Gospel among the Indians in New England, employed the Rev. William Thompson, son of the Rev. William Thompson of Braintree, Massachusetts, to preach to the Pequots at a salary of 20 lbs. per year, but he remained for only three years (Hurd 1882, 34). In September 1658, the Commissioners renewed their instructions for the desired behavior of the Pequot, in words which throw doubt on how carefully they had been obeyed in the past: “And whereas the orders and Instructions formerly given to the aforesaid Indians were lost and torn there were others of the like Contents now given them” (Pulsifer 1968, 2:199). In 1660, Robin Cassacinamon, Harmon Garret, and their four assistants all received six coats from the Society for the Propagation of the Gospel “to reward them for their services in governing the Pequots, and to persuade them to attend [church] on such means as should be used for bringing them to a knowledge of god” (DeForest 1852:273). Moreover, “Indians who would put out their children to ‘godly English’ were also offered a coat every year, besides food and clothing for the children (Ibid)” (Grabowski 1996, 20-21).

In 1661, under the Soso Purchase, the Rhode Island consortium made arrangements for beginning the settlement of Misquamicut, or Westerly (Potter 1835, 61). Hurd wrote that, “Soon after the Rhode Island men took possession of Misquamicut (Westerly) they drove the Pequots from their planting-grounds at Massatuxet over Pawcatuck River into the town of Southertown (now Stonington) where they broke up and planted lands belonging to the English planters, by whom they were not disturbed (Hurd 1882, 30). Campisi interpreted these events as signifying that settlers in Rhode Island, desiring the land on which the Indians had settled, drove the Eastern Pequots across the Pawcatuck River into the town of Stonington, CT (Campisi 1990, 118). However, Garrett’s 1667 statement to the General Court of Connecticut focused on the issue of the payment of rent.³⁴

³³For details, and statements in various secondary sources, see the draft technical report.

³⁴May 6, 1667, Harmon Garrett to the General Court at Hartford, wit. by Thomas Stanton. “Harmon Garrett (Alias wequashcooke) governor of the pequots by your orders sheweth for himselfe & others” stated that “. . . some men came from Roadisland & sharply threatened us to take away our land from us forbidding us to plant, telling us they would plunder us if we would not paye rent to them. This was done by James Badcok Senr. & John Randal & others. Some of them Aso pulled down & burnt our fences. Yet I refused to paye rent because I understood that if I should paye rent I should doe the right owners wrong & . . .” several Indians complained to Connecticut . . . “But though this paper was shewed to them they made nothing of it as if it had been but a feather or straw & violently drove us off wch were about fourscore indean men, besides women & children, & this just at planting time, that we must have perished for want of corne had we not had land to plant on on the west side of Paucatuck river of the english men what they Could spare & they took possession of our fields . . .” (#35 PETS [bad photocopy of a carbon copy]).

Campisi stated that Massachusetts granted the Pequots acreage in Stonington, but that Connecticut colony refused to honor the grant (Campisi 1990, 119). The situation was more complex than this. At the time of the "Soso Purchase," under the 1658 decision of the Commissioners of the United Colonies, jurisdiction over the Paucatuck and Misquamicut area, and title to its lands, belonged to Massachusetts, not Connecticut (see above). The continuing boundary controversies among the three colonies set the parameters for the settling of the Eastern Pequot during these years.³⁵

In compliance with the request of the Commissioners of the United Colonies, and on the basis of the Commissioners' 1658 award of jurisdiction over the area between the Mystic River and Wecapaug Brook to the colony of Massachusetts Bay, on May 7, 1662, the General Court of Massachusetts granted 8000 acres of land to Cashawasset, alias Hermon Garret and his Pequots, to be located by them in the Pequot country (Records of the Governor and Company of the Massachusetts Bay 1854, 4(2):53). The effectiveness of this grant, of course, was entirely dependent on the maintenance of legal jurisdiction by Massachusetts Bay (Pulsifer 1968, 2:284).

In September 1662, the Commissioners of the United Colonies "... further desired that those Indians att Paucatucke might not bee desturbed by the English there and that the agreement made att Plymouth for theire Continuance there for fiue yeares might bee observed; after som speech with the english they were satisfyed that they might continew in theire posession and that the tract of land of eight thousand acres was ordered by the massachusetts Collonie to bee assigned them; . . ." (Pulsifer 1968, 2:284). A year later, in September 1663, the Commissioners "... againe Comended to the generall courts of the Massachusetts and Conecticott that some effectuall course bee taken for the laying out of Convenient places for the settleing of the said Indians according to former agreement . . ." (Pulsifer 1968, 2:298; Hoadly 1852, 33n).

Massachusetts ordered the grant on May 27, 1664 (*Records of the Governor and Company of Massachusetts Bay* 1854, 4(2):113;). The 8,000 acre grant (the same amount of land which Massachusetts was reserving for the praying towns established within its modern borders during the same period; see the draft technical reports to the Nipmuc petitions for Federal acknowledgment, #69A and 69B) was duly laid out by Gookin and Daniel (Haynes 1959, 15) Denison according to Denison's report of July 5, 1664, which also indicated very clearly that the English settlers in Stonington objected strongly (*Winthrop Papers* v. XII:128; quoted in Lynch 1998a 5:3; *Records of the Governor and Company of Massachusetts Bay* 1854, 4(2):119). By the time Denison and Gookin laid out the Massachusetts land grant for the Pequots at Cossatuck, the legal jurisdiction over Southertown [Stonington] had been returned to Connecticut. Between the dates when the grant was laid out and Denison made his report, on June 8, 1664, the town sent William Cheesebrough to Norwich officially to surrender jurisdiction to Connecticut (Haynes

³⁵For the negotiations of this period, the #35 Pet. Narr. 1998b, 23 cited: Connecticut Records VI, 485-486, 488, 574-576; *Connecticut Records* 2:56-57; Indian Papers I:73-74; *Records of Massachusetts*, 4:53, 4:113, 4:119, 4:229.

1949, 15), and warned the Indians off the tract (Wherry 6/7/1994, 11; citing Stonington Town Records, Volume No. 1, 1664-1723 [page 8]).³⁶

Harmon Garret and the Pequots responded with formal complaints to the Commissioners of the United Colonies (Pulsifer 1968, 2:321-322; Trumbull 1852, 33n-34n), to Massachusetts, and to Connecticut, to which colony the United Colonies transferred responsibility for the Pequot at its 1664 meeting (Pulsifer 1968, 2:321). At this juncture, in 1664, the effectiveness of the Commissioners of the United Colonies was sharply restricted by the presence of the Royal Commissioners.

The ultimately successful campaign of the English settlers at Stonington to prevent the effectiveness of the Cossatuck land grant to the Pequots continued from 1665 through 1669. On September 19, 1665, the town meeting appealed to the General Court of Connecticut (Wherry 6/7/1994, 11; citing Stonington Records Volume 1, 1664-1723, [page 8]) (Trumbull 1852, 34n). The General Court appointed a committee (Hurd 1882, 30-31; Trumbull 1852, 33), which decided against the town (Trumbull 1852, 36, 39). The town remonstrated, and the court ordered the committee to revise their work (Trumbull 1852, 50; Wheeler 1887, 15; Wherry 9/12/1994, 5). In the meantime, in 1666, Stonington issued grants to English settlers on the Cossatuck lands and repeatedly warned the Indians off the grant.³⁷ By October 18, 1666, the General Assembly held at Hartford issued revised instructions to the committee concerning settling the matter of the Indian lands at Cossattuck, ordering that land be located for "the Peqyit," instead, outside of the boundaries of Stonington, at Pachaug (Trumbull 1852, 56-57; Wherry 9/12/1994, 5, 8, 16). This proposed grant at Pachaug³⁸ was in turn not carried out, because any tract large enough encroached on existing English grants (Hurd 1882, 31). The instructions also provided that the Pequot should be recompensed for the work they had already done at Cossatuck (Trumbull 1852, 56-57). Finally, Connecticut reaffirmed the appointment of Harmon Garrett as governor over the Pequot Indians then at Cossatuck and instructed that Tomsquash "doe not any further meddle in matt'r" (Trumbull 1852, 56-57).³⁹

George Denison continued to act as an advocate for the group (October 27, 1666, letter from Captain George Denison to governor John Winthrop of the Colony of Connecticut in Hartford on behalf of the Indians at Cosattuck (Winthrop Papers; *Collections of the Massachusetts Historical*

³⁶For discussion of this incident, see: Hurd 1882, 30; Wheeler 1887, 14; Trumbull 1852, 33n. "But the inhabitants of the town of Stonington were unhappy with the arrangement: they threatened to burn down wigwams and beat up one Indian" (LaGrave 1993, [5]; no source citation).

³⁷For details, see the draft technical report.

³⁸Located northeast of Norwich, near modern Voluntown (*Records of Massachusetts*, 4:53, 4:119, 4:229).

³⁹It is not clear how this renewal of his appointment relates to the two orders by the royal commissioners issued in 1665 and 1666 (see above) granting Garret and his family peaceful occupation of his lands at Wecapaug.

Society, Third Series, Volume X 1842, 64-65; Wherry 9/12/1994, 6-7), which moved the Town of Stonington to sue him the next year (Wherry 6/7/1994, 19; citing Stonington Town Records Book Volume 1, 1664-1723 [page 41]). The project of viewing and assessing the worth of the improvements that the Indians had already made at Cossatuck was carried out (Wherry 9/12/1994, 8-9; document located at Eva Butler's Indian & Colonial Research Center, Old Mystic, Connecticut; no better citation).

On May 6, 1667, Harmon Garrett, with Thomas Stanton as witness, petitioned the General Court at Hartford for redress and asked "that such men that weare hats & cloaths like englishmen, but have dealth with us like wolves and beares," may at least be called to account." This petition was signed with Harmon Garret's mark, and attested as "his own words, taken from his mouth," by Thomas Stanton (Trumbull 1852, 529).⁴⁰ By 1668, the Pequot under Garret were very unhappy about the way the land issue had been handled. In a July 1669 deposition concerning the Indian troubles, John Stanton stated that "Nesomet some time last summer did say to mee, now that they were so desperate, they did not now care where they now went to live or where they died, --speaking about their being removed from Cowissattuck" (Trumbull 1852, 551; #35, B01B, submitted as unidentified appendix, 551). According to John Mason's letter of July 8, 1669, "A Pequot named Mosomp, a man of note, had likewise told Osborn's son, that the Indians would have Cowsattuck again, . . . or it should cost the English their blood . . ." (#35 Pet., B01B, unidentified appendix, 549; see also Hurd 1882, 31).⁴¹

5. *King Philip's War and Its Immediate Aftermath.* There is no need to recapitulate the history of King Philip's War, as such (see Leach 1958). Just before the outbreak of the war, on May 31, 1675, Connecticut issued a set of "laws" for the Indians under Cassasinamon and Harmon Garret (Wheeler 1887, 16; Trumbull 1852, 574-576).

The Pequots remained allies of the English during King Philip's War, as did the Mohegan and the Eastern Niantic (Hurd 1882, 31; Caulkins 1895, 184-185; Haynes 1949, 23; Potter 1835, 96; Chapin 1931, 85).⁴² On December 17, 1675, the Connecticut contingent that joined Winslow to attack the Narragansett included about 150 Mohegan and Pequot led by Oneco [Oweneco] and Harmon Garrett's son Catapazet (Leach 1958, 127), although there continued to be tensions between Ninigret and the Pequot groups, as well as between the Pequot groups (Leach 1958, 146). The New England council prosecuting the war valued the efforts of these allies (*V Records*

⁴⁰#35 PETS [bad photocopy of a carbon copy]. Trumbull cited the location of the original as Col. Boundaries, Vol. I, Doc. 29.

⁴¹For further details of policies in the later 1660's, leading up to the war alarm of 1669, see the draft technical report.

⁴²September 5, 1675, "Pequots" mentioned as serving in the Connecticut troops, no indication whether Lantern Hill or Mashanuckuck, correspondence of Fitz-John Winthrop (*Massachusetts Historical Society Collections*, Series 6, 3:448-449).

of Massachusetts Bay, February 1676, 72; NP 1978, App. 111; II *Public Records of Connecticut*, 413; NP 1978, App. 112).

The post-war developments in the assignment of the permanent reservations can only be understood in light of the wartime alliance (see Chapin 1931, 86; Leach 1958, 172; Haynes 1949, 23). By August 1676, the war had basically ended (Leach 1958, 237). Harmon Garrett and his son lost no time in attempting to gain whatever benefits might stem from their alliance with the English (Stonington, CT, letter of Rev. James Noyes to John Allyn, Wyllys Papers, *Collections of the Connecticut Historical Society* 1924, 257). On September 23, 1676, from Stonington, Garrett made a declaration to the General Court of Connecticut renewing his claim to his inheritance in Misquamicut, which was still in controversy with Ninigret (#113 PEP, STATE, IP, I:29; IP, I:25; typescript #35 Pet B09 LAND DEEDS citing as IP I, 29; see also Trumbull 1852, 288n; LaGrave 1993, [6-7]). Essentially, he offered a bargain with Connecticut that would have resulted in his relinquishing any claim that the Pequot had to land in Stonington under the Massachusetts grant in return for Connecticut's regrant to him of Misquamicut (Trumbull 1852, 288-289). Hurd interpreted the above transaction as follows: In October 1676, Harmon Garrett and his son Catapeset gave the English a quit-claim deed of all their lands in Stonington bounds, on condition that the General Court of Connecticut would restore to them their old grounds at Misquamicut, which the court undertook to do, and granted them more than one-half of the present town of Westerly (see Lynch 1998a 5:8 citing CPR.2; Trumbull 1852, 314).

However, they did not receive valid title to the Misquamicut land, so the Indians remained at Stonington (Hurd 1882, 31). The absence of valid title was caused by the refusal of Rhode Island to admit the hypothesis that Misquamicut was "conquered territory" and at the disposal of Connecticut. On October 25, 1676, the General Assembly of Rhode Island and Providence Plantations forbade: "all persons, under what pretence soever, to exercise jurisdiction in any part of the Narragansett country, (alias King's provinces,) neither to transact in any manner of way, as to the disposition of lands, &c., but by order of the authority of this, our Colony of Rhode Island and Providence Plantations, foresayd" (Potter 1835, 100).

The documents pertaining to the settlement of the estate of Harmon Garrett provide considerable confirmation of his prior status as an Eastern Niantic who served as "governor" of the Pequots only by appointment of the colonial authorities. His personal estates, all of which were within the limits of modern Rhode Island, were inherited by his family, while the gubernatorial appointment was transferred within a few months of his death to Momoho, a Pequot. The documents do not indicate any continued leadership role for his immediate descendants (children and grandchildren) among the Eastern Pequot (see Appendix III to the draft technical report).⁴³

⁴³The May 1700 Court of Election held at Hartford provided that: "Vpon the request of the Reverent [sic] Mr James Noyse, this Assembly doth grant to Wequatook that he shall succeed his father in the government [sic] of the Indians he lives with, to continue in that place upon his good behaviour during the courts pleasure" (Hoadly 1868, 326; Col. Rec. 4, 326; #35 PETS). This presumably referred to Joseph Garrett, Harmon Garrett's grandson

6. *The Establishment and Maintenance of the Eastern Pequot Reservation, 1677-1751.* After the death of Harmon Garret, the documents began to reflect the existence of an entity that was clearly the precursor of the later Eastern Pequot tribe as it existed on the Lantern Hill reservation in the 18th and the first half of the 19th centuries. However, some developments in the years immediately following his death indicated that the two Pequot groups in Connecticut (Eastern and Western) were, although administratively separated by Connecticut policy, not yet fully distinct. Between 1678 and the early 18th century, some attempts were initiated by the Pequot themselves to develop crossovers of leadership between them (Trumbull 1859, 8n; Hoadly 1868, 86; McBride 1996, 38; citing CPR [4]:86, correcting DeForest 1852, 422).

At the death of Harmon Garrett in 1677, the Pequot whom he had served as governor were still landless. By the death of his successor in 1695, they had been provided for a decade with a small reservation by the Colony of Connecticut. Momoho,⁴⁴ who had served as Harmon Garrett's second-in-command as "governor" of the Eastern Pequots at least since 1675 (see above), was appointed to succeed him soon after Garrett's death, since he was in office by May 13, 1678. The 1675 "Laws for the Pequots" were republished early in his tenure (Trumbull 1852, 576). Aside from the land issues discussed below, the surviving documentation contained only occasional mentions of his actions.⁴⁵ Momoho and the Pequots immediately resumed the attempt to obtain permanent lands (Hurd 1882, 32; Wheeler 1887, 16), with negotiations continuing for four years.⁴⁶ By a deed dated May 24, 1683, the committee purchased a tract of land from Mr. Isaac Wheeler containing about 280 acres, in Stonington a little way south of Lantern Hill (Trumbull 1859, 117n).⁴⁷ Wheeler conveyed it to the committee in trust for the benefit of said

and the son of Catapesset. Other documentation indicates that Catapesset's followers had not joined Momoho and the Pequots at Lantern Hill, but rather had a separate settlement on Ephraim Minor's land (see Appendix III).

⁴⁴Momoho was the grandson of Uncas, Sachem of the Mohegans, and great-grandson of Sassacus, Sachem of the Pequots, and thus there is evidence of a genealogical link between the Pequot tribe in the early eighteenth century and the historic tribe of the 1600s" (Joslyn 1996, 17; citing to "The Genealogy of Uncas given by himself...down to July 13th 1769" as recorded by John Trumbull; Jonathan Trumbull Papers, Box 1, Microfilm 80010, Connecticut Historical Society Hartford). It must have been this man, or a combination of the Mamoho of the 1630's and the Momoho of the 1680's conflated in the recollections of elderly people, of whom Ezra Stiles wrote in 1759 that: "Col. Williams of Stonington tells me that when a Boy [he k]new Mauommiyo [*sic*]...the successor of Sassacus King of the Pequots and that the old people told him, Mamio could raise 500 men in two hours" (#35 Pet. Narr. 1998b, 29; citing Stiles 1759).

⁴⁵For details, see the draft technical report.

⁴⁶See listings and analysis of the specific documentation in the accompanying charts.

⁴⁷Campisi misdated this purchase, stating that in 1685 [*sic*], Connecticut Colony purchased 280 acres for Eastern Pequot use near Lantern Hill on Long Lake, site of the present-day Paucatuck Pequot reservation (Campisi 1990, 119). The mistaken date may have been based on the 1761 title inquest that Connecticut conducted on Pequot lands, which stated that in this year [*i.e.* 1685] the General Assembly appointed Capt. James Avery &c "a Comtee to Lay out and bound the Sundry parcells of Land Given to the Pequots in New London or Stonington bounds or Lands

Indians, reserving the herbage (Hurd 1882, 32). The payment was 500 acres of colony land (Wheeler 1887, 17). The committee provided an extensive report to the October 1683 General Court (Trumbull 1859, 125). Hurd stated that Momoho and his tribe “reluctantly abandoned their claim to lands by the seaside, and at last found an abiding-place bordering upon the sources of the Mystic River” (Hurd 1882, 32).

The petition asserts that by 1683, the date of the purchase of the Lantern Hill reservation land, the Pequots “had gone from a collection of villages, each with their own political organization, through a state when they were subjected to the authority of other Indian tribes, to two semiautonomous tribes with relatively strong central authority, yet dependent upon the Connecticut Colony for advice and protection” (Campisi 1990, 119; as cited in #35 Pet. Narr. 1998a, 20; #35 Pet. Narr. 1998b, 23). While there are no direct data or name lists of the Pequot under Mamoho in 1683, their identity can be in general derived from the 1654 lists, the lists pertaining to the Cossatuck lands, and the petitions from the early 18th century. Hurd’s contention that in 1699, Connecticut dispensed with the Pequot sachems’ having English assistants, with guardians and overseers substituted in their places (Hurd 1882, 31) is not confirmed by the documentation. One temporary split between a group of Western Pequot who gave their obedience to Scattup and those who grouped around Momoho’s son is of significance, in that it has caused some confusion between Cutshamakin’s followers and the Eastern Pequot on the Lantern Hill reservation.⁴⁸

According to a local historian, Momoho died in 1695 (Caulkins 1895, 130). He was, in any case dead by May 1695, when the General Court of Connecticut made some provisions for the council to assume the “care and government of the Indians which did appertain to Mamohoe”(Hoadly

Adjacent and What of them were not Recorded to make Record of them in the Town Records where they Lye and to Return the Copies of sd Records to sd Assembly at their next sessions . . .” No return located (IP, II:118).

⁴⁸On September 25, 1698, a group described as the “Pequots of Stonington” petitioned the General Court at Hartford to be placed under the protection of Governor John Winthrop. This document was cited by the #35 petition as part of the “continuing political authority” for the Eastern Pequot (#35 Pet. Narr. 1998a, 94). However, the signers were Western/Mashantucket Pequot (#35 NARR 1988, 60; citing IP, I:48; #35 PETS, typed copy). Consequently, the acceptance of the petition by the General Court (Hoadly 1868, 280) did not, in fact, directly impact the Eastern Pequot. That the 1698 document, although referring to the “Indians of Stonington,” pertained to a dissident group of Western Pequot is confirmed by a 1701 document in which the old men and councilors petitioned the Commissioners that their choice of sachem was not being recognized (McBride 1996, 88-89). In this document, although they described themselves even more specifically as “the Pequitt Indians living near to the Cedar Swamp by Lanthor hill . . .,” the reference to the succession from Robin Cassicinamon and the names of the signers designated the group as unmistakably Western Pequot (Mashantucket Pequot Pet. Narr.). The Connecticut General Court did not accede to the expressed desire that the son of the Eastern Pequot governor should succeed Robin Cassicinamon and Daniel as the Western Pequot governor. In May 1694, it determined that the Western Pequots should have a separate governor (Hoadly 1868, 122-123).

1868, 140-141).⁴⁹ For more than a quarter century following Momoho's death, documentation concerning the Eastern Pequots became much more sparse than it had been throughout the 17th century.⁵⁰ The Connecticut records do not show any indication of the formal appointment of a successor to Momoho. The 18th century petitions (see below) give the impression that he was succeeded in leadership by his widow, who was assisted by an Indian council.

There is little documentation in the records concerning efforts made by the colony to convert the Pequot to Christianity before the Great Awakening of the 1740's. The documents that do exist describe an identifiable Eastern Pequot settlement. In October 1713, Experience Mayhew, an "English minister and missionary from Martha's Vineyard," visited the Stonington Pequots at the desire of the commissioners of the London-based Society for the Propagation of the Gospel in New England. Mayhew spoke to the Lantern Hill Pequots through an interpreter named Joseph, to a "large and apparently interested audience," but made no converts (#35 NARR 1998, 37; citing Mayhew 1896, 97-127). Simmons also provided some discussion of Mayhew's efforts at Stonington (Simmons 1990, 147-148; 244n13-n14). Mayhew returned the next year:

in late September and October of 1714 to speak to the Groton and Stonington Pequots about Christianity. At Stonington, an old powwow (the Pequot name for shaman or priest) argued with Mayhew in an attempt to discourage other Indians from hearing his message. Mayhew attempted again to bring Joseph and others to Christianity but made no converts during this visit. Those Indians with whom he spoke professed some knowledge of Christian ideas (or more specifically, of the

⁴⁹One petition researcher has stated that: "As early as 1692, for example, some of Momoho's Pequots cultivated small tracts in Groton. They did so, however, as squatters, not proprietors . . ." (Grabowski 1996, 25; citing DeForest 1852:422). "Some of Momoho's Pequots cultivated little tracts in Groton, although they were not proprietors there, and were acting only as squatters. The Assembly gave them permission to continue this culture; but ordered them to make their residence in Stonington so that they could be under the eye of their governor" (DeForest 1964, 422).

The BIA researcher did not locate any 1692 document with pertinent references, and believes the above statements may be based on the 1695 court order: "This Court for the settlement of the Pequit Indians order as followeth, that those of the councill by the Courts appoyntment doe take care and government of the Indians which did appertain to Mamohoe, they to remove to the bounds of Stoneington with a liberty of improvment of their lands in New London so long as they behave themselves peaceably and the Towne of New London shall agree, ..." (Hoadly 1868, 140-141). However, the court order did not indicate that they cultivated land in New London as "squatters," while other, earlier, documents indicated that these Indians rented land from English settlers. A rent-paying tenant, although not the owner of the land, is not a squatter.

⁵⁰All of the New England colonies passed restrictive orders applying to Indians during Queen Anne's War (Hoadly 1868, 455). Enforcement, however, was variable (#113 Pet. 1994, STATE A-2). A March 25, 1705, letter from Fitz-John Winthrop to Joseph Dudley, concerning recruiting of volunteers against the "Eastward enemy," stated the quota to be 12 or more English and the rest Indians. Winthrop stated that he could get Moheags, 20 men armed; Pequots, 30 men armed; Nihanticks, 4 men armed; could get 10 more Mohegan and 20 or 30 more Nihanticks if arms could be procured (*Collections of the Massachusetts Historical Society* 1889, Series 6, 3:187). There was no indication as to which of the two Pequot groups he was recruiting, or both.

idea of God) but did not pursue Mayhew's offers to accept the faith (#35 NARR 1998, 37; citing Mayhew 1896, 97-127).

In October 1717, the Connecticut General Assembly passed an act concerning Indians. It was general, not specifically applicable to the Pequots, and included bringing them to a knowledge of the Gospel, temperance, settlements in the English manner, and inheritance of land (IP, I:87; IP, I:88).

The next major series of documents pertaining to the Eastern Pequot was filed in the 1720's.⁵¹ The 1720's crisis for the Lantern Hill reservation did not stem from the provisions of Isaac Wheeler's will, but rather were caused by a provision of the Connecticut law which provided land grants to veterans of the Pequot War (Bassett 1938, [1]). A man named Samuel Minor purchased four warrants for grants totalling 280 acres (Hurd 1882, 32) and laid them out upon the 280 acres of the Lantern Hill reservation in 1716. The Minor claim was not only resisted by the Indians, but also by Isaac Wheeler's son, William Wheeler (Wheeler 1887, 18). The issue was brought before the General Assembly in October 1722 by James Minor, brother and heir of Samuel Minor deceased. The General Assembly appointed a committee to investigate.⁵²

The Indian Papers at the Connecticut State Library (IP, Series 1, Vol. I, Doc. 73) contain an undated petition from Sunks Squaw, widow of Momoho, addressed to the General Court.⁵³ DeForest, apparently relating it to Isaac Wheeler's will, dated it about 1713 (DeForest 1852:439), in which he was followed by Lynch (Lynch 1998a 5:13-14). The document, however, should by the internal evidence be dated to October of 1722 (see the Order of the Court made in response to the petition; Indian Papers, Series 1, Vol. I, Doc. 74), since it was a reply to the petition of

⁵¹For further details as to the precise provisions of Wheeler's will, etc., see the draft technical report.

⁵²James Minor petitioned that his brother:

did in his life time purchase several grants of land, in the whole two hundred and eighty acres, and did (as he thought he might) lay out the said grants on a certain tract of land, in Stonington aforesaid, belonging to this Colony, which was by this Assembly, Octo. 11th, 1683, allowed to one Momohoe, an Indian, with his company to dwell upon and use during the Court's pleasure; praying that the said grants may be confirmed, saving to the said Indians what may be needful for them out of the said two hundred and eighty acres: this Assembly resolves, that a committee, at the charge of the petitioner, repair to the place, view the said tract of land, enquire into the whole state of the case, as well to the claims made thereto and the number of momohoe's men yet surviving, as of what quantity of land may be needful for them to improve, and report the whole case to this Assembly in May next. Capt. James Rogers, Capt. Daniel Brewster and Mr. John Brown, or any two of them, to be the committee. Notification to be made to the other claimers thereon of the time of the committee's meeting (Hoadly 1872, 352-353).

⁵³Basset's title search of the Lantern Hill reservation land dated it loosely as between 1712 and 1735 when Hezekiah Wylllys was Secretary (Bassett 1938).

James Minor discussed immediately above. The argument of the reply focused on the earlier instances of alliance between Momoho and his men and the Colony of Connecticut (#113 Pet. 1994, STATE, IP, I:73; typescript, IP, I:73). The Assembly requested the governor to conduct an investigation(#113 Pet. 1994, STATE; Bassett 1938; citing Action, CSL, Indian Papers, Vol. 1, Doc. 74). The precise date of October 11, 1722, for the Assembly's response was provided by a document outside of the Indian Papers (Hoadly 1872 6:352; CSL, Towns & Lands, Series 1, Vol. 3, Doc. 227 a b (Bassett 1938)). The committee apparently did inquire and apparently did make a report which is no longer in the records. The Eastern Pequot were not satisfied with its conclusions. On May 9, 1723, Sunks Squaw and others submitted a second petition, which reiterated the former military service rendered to the colony by Momoho's Pequots (Bassett 1938; citing CSL, Indian papers, Loose Index, Doc. 22 a b).⁵⁴ It specifically identified the continuity of the petitioners with the group for which the reservation had been purchased, and provided a considerable amount of descriptive material:

Petition of wee the subscribers in behalf of ye Rest of Mo-mo-hoe's men & their Posterity, humbly Sheweth
Whereas our Fathers, viz. Mo-mo-hoe & his men, venter'd (?) Their lives, with ye English in ye Narragansett war *Mo-mo-hoe's Eldest Sonn, named woa-tok-quy was with ye Enemy Indians the Narragansetts, & had no other Sonn; Yet for his great Love that he had for ye English he went in person with all his men Against ye sd Enemy (& his own Sonn Likewise) from first to Last of yt war! & he never knew, but that he himself might Slay his own Sonn! So great was his Love, faithfulness & fidelity to ye English: Even Against ye bonds of nature!* [the above portion between the two asterisks in a marginal note in one copy of the document:] & for that service: This court fixed ye Land (for our Fathers [& as they have told us] wee & our Children for ever) According to Mr. Wheelers Covenant wth ye Gentmen hereafter Named (in behalf of ye Colony) [& wee always were told by ye English] upon us likewise & our Children for ever. Therefore wee ye Subscribers, in behalf of all ye Rest that are of ye descent of Mo-mo-hoe & his men, Male and Female which are now Surviving are above one hundred & thirty (as we Shall Set forth & Demonstrate to this Assembly) And whereas ye Gentmen Committee sent by this Assembly last October in their Return to this Assembly, says, ye English Did Inform them that ye number of ye Indians belonging to Mo-mo-hoe and his Company, that is now Extant or Descended from them, And they Say The English Informed them, that there was three men & four Squaws, & of Male Children twenty four, twenty of which are bound Servants to ye English (It looks as though ye English mentioned in sd Return, viz. Mr. Henry Stevens, Ebenezer Billing, Adam Gallup, John Gallup, William Gallup had told them there was no more than mentioned in sd Return:

⁵⁴DeForest confused this with the 1749 petitions (DeForest 1964, 432).

The aforementioned Gentmen told sd Committee no such thing (as they say) And whereas sd Committee says, there be twenty of which are bound Servants to ye English. Though wee have bound out Some of our children to ye English for Learning and education; 'tis no other wise than ye English bind out their children each to other: &c. Our children are free at ye Same Age & time as ye English Children are, which are bound out; The sd Committee Seems in their Return, as if a Small Quantity of Land would Suffice us & our Posterity to plant upon; Not considering what great Disadvantages wee are under for want of Dung! When we have Wore out out our Planting Land; Wee must always be breaking up new Land: so that a Small quantity of Land will Starve us! We Do humbly Desire this Honble Assembly (According to ye True Intent & meaning of Mr. Isaac Wheeler Deceas'd his Agreement with ye Gentlemen Committee viz Capt. James Avery & Lieut. Tho: Leffingwell A.D. 1683.) to Confer all sd Planting Grounds (According to ye boundaries set forth in sd Agreement) upon us & upon our Children for ever. Hoping & Believing yt your Honrs wll not Cast us off! & let all our former fidelity & Services be forgotten: All which wee humbly submit to your Honrs Wisdom & Goodness. Sun X squas [Sunk Squaw her marke], Ash-koh-Loo duck [Ash-kah-soo Duck her marke], Ino-no-mo Suck [Que-ne-me Suck his marke], Go-be so-ki-ant [To-be so-ki-ant his marke], Sam saw-was [Sam Saw-was his marke], Mo as [Mo-as his marke], Wee-yoah hooz-zen [Wee-yoah hog-zen his marke]; Ned & Kindness, grandsons to Woa-ta gonk-quam deceased. [more] (Bassett 1938; citing CSL, Indian papers, Loose Index, Doc. 22 a b).⁵⁵

This proceeding ended in a compromise out-of-court settlement: on May 17, 1723, William Wheeler bought the warrants from James Minor for 60 lbs. (Stonington Land Records 3:427; Bassett 1938; citing original deed, CSL, Indian Papers - Loose Index - Doc. 23a b; IP, 2nd, II:23). Hurd stated that Wheeler fenced it for the herbage (Hurd 1882, 32-33) -- for further developments, see the petitions after William Wheeler's death, below.

During the later 1720's, Connecticut passed three pieces of legislation that pertained to its supervision of Indian tribes. In October 1725, it resolved: "That till the Session of this Assembly in May next, the Care of the Indians in their Severall Tribes in this government be under the Inspection of the Governr & Councill from time to time to regulate, restrain, Set at Large &c as to them shall Seem best" (IP, I:120). In October 26, it passed an act to prevent the quiet title act being used to assert claims to "several tracts of land sequestred for several tribes of Indians within this government . . ." (7 PUB REC CONN 71-72; IP, I:130). In 1727, it passed an act regulating how Indian children bound out to the English were to be instructed in Christianity, to read English, etc. (IP, I:131). The next major act was not passed until 1750. The petition did

⁵⁵IP, 2nd, II:22. Full legible copy. Names transcribed as Sunk Squaw, Ash-kah-soo Duck (her mark), Que-ne-me Suck, To-be So-ki-ant, Sam Saw-was, Mo-as, Wee-yoah hog-zen, Ned, Kindness. Transcript #35 PETS, slightly different versions of the names.

not include any specific documents generated by the governor and council in regard to its responsibilities toward the Pequot between 1725 and 1750.

The Eastern Pequot petition stated that, "The first major occasion for widespread Christian influence amongst the Native peoples of Stonington and in the neighboring vicinities . . . was . . . the Great Awakening;" (#35 Pet. Narr. 1998b, 37). However, a limited amount of data was obtained from church records between the 1720's and the early 1740's as well. Some of the pertinent data was submitted by both petitioners #35 and #113; some also in the third party comments (Lynch 1998a 5:17-19).⁵⁶ In 1734, a missionary from the Massachusetts "praying town" of Natick visited the Mashantucket Pequots and influenced the Groton minister to accommodate the Pequot Indians in his meetinghouse. After that the Pequots attended church and a school was established for them (Ottery and Ottery 1989, 41). In 1736, the Indian children at Stonington were gathered into a school with the whites, the commissioners allowing one shilling a week for the instruction of each (Love 1899, 198).

While some of the Indians mentioned in the pre-Great Awakening church records of Stonington and North Stonington cannot be identified by tribe, others, such as the Sowas family, were clearly Eastern Pequot on the basis of other mid-18th century records. Some, such as Patience, the wife of William Woppleton, can be identified as Eastern Pequot on the basis of Rev. Joseph Fish's much later mention of her sister, Esther Waugs (see below). Still more were probably Eastern Pequot, but on the basis of the evidence currently in the record cannot be firmly identified as the ancestors of the later Eastern Pequot families who bore the same surnames.⁵⁷

In 1741, James Davenport, a disciple of Henry Whitfield, preached several times to the English in the Stonington area as part of the Great Awakening (see Haynes 1949, 35). Local Congregational ministers held indoor and outdoor revivals throughout 1742; by the following year, a number of Stonington Indians had converted and were themselves preaching to neighboring Indian groups, including the Narragansett community in Westerly (#35 Pet. Narr. 1998b, 37; citing Simmons 1983: 253-271; #113 Pet., Grabowski 1996, 41; citing Simmons 1983:263).

⁵⁶In 1731, the First Congregational Church (Road Church) of Stonington divided into two societies: West, the Road; and East, the Center (Haynes 1949, 34). In 1732, Rev. Joseph Fish became pastor of the Second (Congregational) Church of North Stonington (#35 Pet. Narr. 1998b, 37), being ordained on December 27 (Haynes 1949, 34). On June 14, 1733, Rev. Nathaniel Eells from Scituate, Massachusetts, was elected pastor of the Eastern Society of the church. He preached at the Center meetinghouse until 1752; then on the death of Rev. Mr. Rossiter, preached in both the East and West Churches; he died June 16, 1786 (Haynes 1949, 34). The names of all three of these ministers appeared in church records pertaining to the local Indians.

⁵⁷For specific, footnoted, references to the mention and identification of each individual, see the draft technical report.

On August 13, 1742, Rev. Joseph Park of Westerly, Rhode Island, who was serving as missionary to the Narragansett Indians, was ordained as minister of “the Presbyterian or rather Congregational Church of Christ in Westerly” by Rev. Nathaniel Eells of Stonington and Rev. Joseph Fish, of North Stonington, “who in a limited measure favored the revival, but were displeased with itinerant ministers, and particularly with Mr. Davenport.” In less than two years, more than 60 Indians became members. A separate Indian church (Narragansett church) was founded in 1750 (Denison 1878, 68-69). DeForest’s 1852 book on Connecticut Indians stated that in 1742 there was a school teacher among the Groton Pequots, and probably also, although not certainly, among those of Stonington (DeForest 1964, 430; no citation). The petitioner stated that, “Manuscript records of baptisms and marriages show that the First and Second Congregational Churches of Stonington attracted numbers of local Indians in the years following the Great Awakening, but the Strict Congregational or Separate Church attracted the largest Indian following” (#35 NARR 1998, 37). DeForest also stated that in 1743, during the great revival, a number of converts were made among the Stonington Pequots and several of them paid a visit to the Narragansetts of Westerly and Charleston (DeForest 1964, 430; no citation; see also Love 1899, 192-193).

The number of individual Indians who accepted baptism and were admitted as church members (these two actions were not equivalent to one another) accelerated greatly during the early 1740's, although some continued to pertain to families that had been mentioned in the preceding decade. As in the earlier period, some cannot be identified by tribe. Some were clearly Western Pequot, while it is probable that Gideon Harry and his wife were of Narragansett or Block Island origin. The Garrett family, which had not been mentioned in the civil records pertaining to the Eastern Pequot since the land title lawsuits filed in Rhode Island about 1700 appeared again in the church records. The Garretts of Stonington would also be described as Pequot in the records of Eleazer Wheelock’s Indian School, although one record indicated that by the mid-18th century they had intermarried with the Mohegan. Of even greater interest from the perspective of identifying continuing associations is the frequent appearance of the Garrets in the church records on the same days as the Sowas family, which is known to have been on the Lantern Hill reservation.

On the basis of comparison with names found in other documents, the following families mentioned in the Stonington and North Stonington church records of the 1740's were almost certainly Eastern Pequot: Ned, Sokiant, and Shelly. Others, such as Tikens and Fagins, were probably Eastern Pequot, in that the names appeared regularly in later reservation records, while appearing rarely, if at all, in documents pertaining to other nearby tribes. Some records in which the individuals were listed only by given name may have been Eastern Pequot, since the given names appeared later in Lantern Hill reservation records, but the documents did not allow this to be determined.⁵⁸

⁵⁸For details, with individual citations, see the draft technical report.

Several secondary works have presented the next series of Eastern Pequot petitions, but with mistakes and omissions. The major modern reference work on the New England tribes states that by 1749, "The smaller Stonington group had experienced such a drop in population by 1749 that they were on the verge of losing their reservation, but they petitioned and won back the rights to the land" (Conkey, Boissevain, and Goddard 1978, 182). In fact, a drop in population of the reservation was not the major issue.⁵⁹ Rather, it was a matter of non-Indians once again advancing claims to hold the legal title.

The 19th-century historian of the Pequot stated that from 1723 through 1747, William Wheeler fenced in the entire tract and improved it for the herbage, thereby compelling the Indians to fence in their gardens and such lands as they wished to plant, "and in this manner the land was occupied by the Indians during the life of Mr. Wheeler, he taking all the hay and grass that the land produced." The same historian asserted that the 1747 will of William Wheeler, left the herbage rights on the Lantern Hill lands to two of his sons in law, William Williams and Nathan Crary (Wheeler 1887, 18). However, the actual will, dated August 24, 1747, did not mention any specific right of herbage, and in fact made no specific mention of the 280 acres of land that comprised the Lantern Hill reservation or any rights under the land warrants that Wheeler had purchased from James Minor in 1723 (Bassett 1938; citing New London Probate Court Records, Vol. E, 550). Hurd stated that in 1748 [*sic*], William Wheeler's sons in law claimed the Lantern Hill lands in fee, subject only to the right of the Indians to plant corn, built wigwams, and live there, and that consequently the Indians received little benefit and became dissatisfied (Hurd 1882, 33). The first document of the sequence, however, was submitted to the May 1749 meeting of the Connecticut General Assembly:⁶⁰

To ye Honble ye Genll Assembly of ye Colony of connecticut to be Conven'd
holden at Hartford on ye Second Thursday of May Instant The Memorial of Samll
Sawas, Simon Sokient, Jacob Sawwas, Sampson So=ke=ent and Mary
mo=mo=hor all Pequod Indians of ye Tribe of Momohor & living in ye Town of
Stonington in New London County Humbly Sheweth
That on ye 24th Day of May 1683 one Isaac wheeler then of sd Stonington by his
Deed of yt Date by him well Executed for a sufficient & valuable Consideration
did [hole] over unto Capt [hole] Avery & Luet [hole] ye General Assembly of this
Colony to ye purpose appointed as Feofees in Trust for ye use of Mo=mo=hor

⁵⁹Based on assertions made by non-Indian neighbors to the 1749 committee appointed by the General Assembly (IP, Series I, II:50-52), later historians have stated that in 1749, there were only 38 persons on the reservation, mostly females (DeForest 1852, 432; Speck 1928, 213; Burley 1965, 2). As will be seen below, the Pequot themselves disputed this number, stating that it was much too low.

⁶⁰Lynch miscated and misidentified the 1723 petition (see above) as the 1749 petition, as follows: May 1749, Petition of Momohos Squaw (sunk squa) to the General Assembly (Indian papers series I, I:74; (Lynch 1998a 5:20).

then Sachem of chief of sd Tribe and ye Inndians Under Hur 280 acres & therein particularly bounded & Described) shoud be free from any claim or molestation from him sd grantor or any under him, as by sd Deed reference thereto being had may appear That pursuant to Said Feofment & Trust ye sd Mo=mo=hor & his Successor and ye Indians (of whom your Memorialists are part) admitted(?) Peaceably & uninterruptedly to Occupy & Use ye Same until with in about eighteen month now last past within which Time sundry persons taking advantage of ye Poverty & Ignorence of your Memorialists have frequently in a great variety of Ways & Manners grievously Molested & interrupted them in their sd Occupation the numerous Instances whereof are too tedious here to be enumerated, tho, Specimens thereof may be readily exhibited to your honours by means whereof they are greetly distressed & become in great Measure Destitute of ye Common necessarys of life They Thereupon being not only poor but Unacquainted with the English laws and ye means to redress their Grievences your Memorialist humbly Prey your Honours compassionate and equitable Interposal and to appoint some Suitable person or persons to enquire by all all [*sic*] proper Ways of ye Premises by examining any & all evidence to be produced as well persons suspected to have done any wrong complained of under oath or otherwise & of ____ They find with their opinion thereupon to Make report to ye Genll assembly in their Sessions at NewHaven in october next or in Some other way to aford Relief in ye Premises as your Honours in great Wisdom may think best and they as in Duty bound Shall &c Dated at Hartford this 23 Day of May Anno" (#113 PEP 1994, STATES A-2).⁶¹

The May 1749 session of the General Assembly responded to the petition by providing that a three-person committee make an on-site visit, conduct an enquiry, and report back to next next session (Hoadly 1876, 9:446). The committee did prepare an extensive report for presentation at the October 1749 session of the General Assembly (see Appendix IV of the draft technical report for the full text). This was a long report, recapitulating all prior transactions. The General Assembly's response was a resolution to appoint a second committee empowered to resolve the matter (Bassett 1938; (Hoadly 1876, 494; IP, 2nd, II:21). The Pequots, in turn, presented a second petition to the May 1750 session of the General Assembly which requested that the colony assume the expenses that they had occurred in the case (IP, II:42, 42b). The investigation had not yet been completed, however. On May 31, 1750, summonses were issued to the Sheriff of the County of New London or his deputy or to either of the constables of Stonington, on the above memorial. Summonses were also issued to the two non-Indian claimants, Williams and Cray (Bassett 1938; citing CSL, Indian Papers, Vol. 2, Doc. 43a; IP, II:43). The summonses to

⁶¹CSL, Indian Papers Vol. 2, Doc. 40 (Bassett 1938). Memorial of . . . Sawas, Simon Sokient, Jacob Sawas, Sampson Sou-ki-ent and Mary Mo-mo-hor all Pequot Indians of ye Tribe of Mo-mo-hor & living in ye Town of Stonington . . . request relief from those taking advantage of them . . . 23 May. IP, II:40: typescript says that signatures and year not included, date of May 23, 1749, per index.

Williams and Crary were served in September 1750 (typescript, Indian Papers Volume II, First Series (A), 55). On October 8, 1750, the committee that had visited Stonington the previous April sent the General Assembly a letter which gave a detailed account of the Indians' grievances not only against the two claimants, but against several of their other neighbors (see Appendix IV of the draft technical report for the full text).

The General Assembly held in October 1750 appointed another committee (Hoadly 1876, 573-574) which, after a visit to Stonington, reached a compromise settlement that was ratified by the May 1751 session (Hoadly 1877, 18). Two strips of land, one of 35 acres on the south side of the 280-acre tract and the other 20 acres on the east side of the 280-tract, were released to Williams and Crary in fee simple, with the additional proviso that they might locate the old Pequot War land warrants purchased from James Minor (see above) on any ungranted lands elsewhere in the colony. In return, Williams and Crary released all claims they might have to the balance of the 280-acre tract that had been purchased from Isaac Wheeler in 1683 to the Governor and Council for the benefit of the Indians (Hurd 1882, 33). This settlement set the boundaries of the reservation as they existed until the next sale in the 1880's (Hurd 1882, 35; Bassett 1938). The deed embodying this settlement was dated October 5, 1751 (Bassett 1938 citing Stonington Land Records 6:218-221 inc.; copy also in #35 Pet. DEEDS).

The reports made by the various committees appointed by the Connecticut General Assembly from 1749 through 1751 indicated that the English colonists in Stonington and the Eastern Pequot held differing interpretations of who had a right to residence on, and usage of, the Lantern Hill reservation. One sentence implies that some local settlers argued that only direct descendants of Momoho and the Pequots over whom he had served as governor were entitled. This may have led to the number of 38 individuals, mostly women and children, mentioned in the 1749 report: "... Who are in Number about thirty eight of old & young, & The Greatest part Females; Who are not disputed to be the proper Descendants of Sd Momohor this Compa- - of Indians- -" (IP, Series 1, II:50-52). The Indians, however, did not believe that this strict limitation should be applied: "and there are many More who Claim a right, yet The English dispute it" (IP, Series 1, II:50-52). Although not distinctly stated, the Indians' argument seems to have been that the much larger group of Pequot descendants resident in the general area of New London County had some rights to the reservation.⁶² These probably included those Eastern Pequot who had been under Harmon Garret, and who had remained with his son Catapesset after his death.

The first set of third party comments filed by the towns of Ledyard, North Stonington, and Preston, Connecticut (Lynch 1998a) contained a number of implied assertions concerning the

⁶²See, for example, data concerning John Quiumps, who had resided in Preston during the 1740's, but returned to the reservation and signed petitions concerning replacement of the overseers in the mid-1760's. The difference of opinion between non-Indians and Indians may have concerned the continuing eligibility for membership of men and women who worked off-reservation and their families.

legal status of the Lantern Hill reservation, even though the cover letter stated that, “[t]he enclosed research report addresses only the question presented by criterion (3) of the acknowledgment regulations, . . .” (Martin and Baur to Fleming 12/15/1998, [1]). Lynch’s quotations from the documents concerning the purchase of the Isaac Wheeler tract italicized certain phrases, for example that “*the land shall be for the use of Mamohoe and his company dureing the Court s pleasure*” (Lynch 1998a 5:12; see also Lynch 1998a 5:15; Lynch 1998a 5:20; Lynch 1998a 5:22, all italicizing the word “use”).

It is not clear what, if anything, the third party comments meant by italicizing these passages. That the title to the land was held at the time of purchase by the Colony of Connecticut, and subsequently has been held by the State of Connecticut, rather than by the Eastern Pequot Indians, is clear from the historical documents. If the third parties are arguing that “during the Court’s pleasure” means that Connecticut is under no obligation to maintain the Lantern Hill land as an Indian reservation, that is a legal question that is not pertinent to this proposed finding.

7. The Eastern Pequot from 1751 through the American Revolution. The continuing existence of the Lantern Hill reservation throughout the 18th century is indisputable. An analysis of its constituent population is more difficult. The petitions presented to the Connecticut General Assembly contained, by and large, only the names of leaders. There are no nominal population lists, whether of reservation residents or of tribal members. While the records of local churches named numerous Indians, they did not indicate the tribal affiliation of those Indians--whether Eastern Pequot, Western Pequot, Mohegan, Narragansett, or other. Similarly, the statistical summaries that began to appear in the mid-18th century did not distinguish the tribal affiliations of the Indian residents of New London County, nor did the lists of men who served in the military (see below).

The non-Indian neighbors of the Lantern Hill reservation were well aware of its existence. A local historian wrote that in 1726,

As a practical joke, the bride’s uncle invited Pequots from Lantern Hill Reservation to the wedding of Temperance Gallup and Rev. Wm. Worthington. They appeared at the Gallup home, Whitehall east bank of the Mystic, marching single file, resplendent with paint and beads, bringing their squaws and papooses with them. The bride’s father escorted them to the kitchen and regaled them with hard cider and cakes, inviting them to come back next week (Haynes 1949, 33; no citation of source).

Some of the data presented by the EP #35 petition as pertaining to the 18th century was only minimally relevant to the period. For example, in 1759, Ezra Stiles visited the Eastern Pequot settlement and wrote “a lengthy description of what he learned there.” The petition asserted that, “Stiles’ remarks indicate that memories of Pequot settlement, and of their distinctiveness from other Indian groups in the region in the mid-eighteenth century were still strong” (#35 Pet. Narr.

1998b, 30). However, while the visit did confirm the continuing existence of the reservation and the presence of a population on it, the information that Stiles recorded pertained almost entirely to the 17th century, particularly to the period of the Pequot War (#35 Pet. Narr. 1998b, 29; citing Stiles 1759). It said nothing at all about the contemporary Eastern Pequot settlement in 1759.⁶³

In 1756, Connecticut took a census which survives only in statistical summaries. In New London County, the Town of Groton (which then included modern Ledyard) reported 2,532 whites, 179 Negroes, and 158 Indians; the Town of Lyme reported 2,762 whites, 100 Negroes, and 94 Indians;⁶⁴ the Town of Stonington reported 2,953 whites, 200 Negroes, and 365 Indians (Hoadly 1877, 617). None of the other counties or townships enumerated the Indian population. This estimate for Stonington was repeated by Timothy Dwight in 1822 (Dwight 1822, 35). Stiles' itineraries stated that "In 1757 were 912 Blanket Indians in Stonington exclusive Groton. Ex ore Dr.Phelps, Overseer" (#35 Pet. B-02B citing Stiles 1916, 410).

The 1761 census of Stonington, Connecticut, showed a total population of 3,900, including 254 Blacks and 309 Indians (Brown and Rose 1980, 615; citing Stonington Town Treasurer's Records, 34).⁶⁵ The colony census in January 1762 found 176 total Indians in Groton (Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, *Collections of the Massachusetts Historical Society. Volume X*, 102-103). This section of Stiles' Itineraries also gave the names and numbers (85) of the Western Niantic at Lyme (pages 103-104) and the numbers (248) of "King Ninigret's Tribe, A.D. 1761" with a note that the names of the adults were inserted in pencil in the original of Stiles' Itinerary (page 104), but they were not included in the printed version (Memoir of the Pequots. Collected from the Itineraries and other Manuscripts of President Stiles, *Collections of the Massachusetts Historical Society. Volume X* 1809, 103-104). Unfortunately, Stiles apparently did not enumerate the Eastern Pequot, even though he visited their reservation.

⁶³Stiles' information was, in any case, somewhat confused: Potter wrote that, "Dr. Styles in 1761, says, that besides Ninigret's own Nyantic tribe, which then amounted to 248, he had the Mohegans and Nyantics of Lyme under his government. (2. M. H. C. 10.) Hence the name Nyantic has been by some writers inconsiderately appropriated to the town of Lyme, though properly belonging to the South West part of Rhode-Island" (Potter 1835, 26-27). Potter, in turn, was confusing the Eastern Niantic and the Western Niantic, but there is no evidence that Ninigret ever had either the Mohegan or the Western Niantic under his governance.

⁶⁴The Western Niantic were located in Lyme.

⁶⁵The BIA's 1935 report on New England Indians indicated that in 1762, there were 140 "Pequots" (Tantaquidgeon 1935, Pequot 2), but this number represented Mashantucket/Ledyard numbers only.

Summary under the Criteria — Paucatuck Eastern Pequot Indians of Connecticut, Petitioner #113.

In 1774, the Colony of Connecticut took an Indian census which showed 186 Indians in Groton and 237 Indians in Stonington.⁶⁶ The statistics for New London County as a whole showed 249 Indian males under 20, 207 Indian females under 20, 142 Indian males over 20, 244 Indian females over (*Collections of the Massachusetts Historical Society, Series 1, Volume X* 1809, 118). The numbers for New London County only were printed in in one location (*Collections of the Massachusetts Historical Society Series 1, Volume IX* 1804, 79), while those for the remainder of Connecticut, by township, were printed in the next volume (*Collections of the Massachusetts Historical Society, Series 1, Volume X* 1809, 117-118). These figures were also utilized by Dwight in 1822 (Dwight 1822, 35). DeForest, based on the 1749 figure reported by the committee of the General Assembly (see above), thought the number of Indians reported for Stonington in 1774 must be much too large (DeForest 1964, 439). However, it was not unreasonable in light of the figures given by Fish (see below).

Table I.
1774 Indian Census of New London County, Connecticut.

Towns	Indian Males <u>Under 20</u>	Indian Females <u>Under 20</u>	Indian Males <u>Above 20</u>	Indian Females <u>Above 20</u>	Total
Groton	55	36	39	56	186
Lyme	21	18	23	42	104
Killingworth	6	2	4	2	14
New-London	64	48	35	59	206
Norwich	16	14	11	20	61
Preston	11	9	1	9	30
Saybrook	3		1		4
<u>Stonington</u>	<u>73</u>	<u>80</u>	<u>28</u>	<u>56</u>	<u>237</u>
	249	207	142	244	842

(Memoir of the Moheagans, *Collections of the Massachusetts Historical Society, Series 1, Volume IX* 1804, 79).

In 1757, Rev. Joseph Fish took charge of the Indian School at Stonington (Fish Diary, typescript, B-01). He was pastor of the Second Congregational Church of North Stonington (#35 Pet. Narr.

⁶⁶Generally, it showed: four Indians in Suffield, five in Hartford, six in Windsor, six in East Windsor, 16 in Glastonbury and seven in East Haddam, making a total of 122 altogether in Hartford County. There were 71 in New Haven County, 61 in Fairfield, 19 in Tolland, and 123 in Windham County. Of the Tunxis in Farmington, in 1761 there had been some 25 families; then many moved to Stockbridge, Massachusetts. In 1774, there were 43 Indians in Farmington and 13 in New Hartford (J.R. Williams Notebook).

1998b, 37), where he died in 1781 (#35 Pet. Narr. 1998b, 37).. His assumption of responsibility for the school was followed on March 15, 1757, by a report to Boston:

... to the Hon & Revd Commissioners for Indian Affairs⁶⁷ in Boston. In this society about four miles from my Dwelling house and Three from our meeting House there is a small Indian town consisting of Sixteen Houses & Wigwams; in which there are seventy One persons great & Small, which are One Branch of the Pequot Tribe, Brethren of those in Groton. I formerly preached to them, at times, and have lately revived my Labours among them, Lecturing once a Fortnight, which I purpose to continue as long as it appears to be the Will of Providence. They have hitherto given a very Genll and serious Attendance - Profess Satisfaction and a desire of further Instruction. They have Twenty One Children of a Suitable Age to be put to School and the parents are very desirous of having them taught to read and wright in order to ... it is necessary that they should have a School Master residing among them but they are poor and altogether unequal to ... charge of a school ... (#113 Pet. 1996, HIST DOCS III, Doc. 88).

Fish requested support for a school. "As the Indians above have increased from 7 or 8 houses to 16 within five of S.x Years past So they are still growing. Two or Three Families more with eight or Ten Children are Coming to Join yr Brethren this Spring wch I forgot to Observe in its place ---" (#113 Pet. 1996, HIST DOCS III, Doc. 88). On February 22, 1758, Edward Nedson, an Indian, began to teach school in his own house at Stonington (Love 1899, 198-199). In 1760, Joseph Fish wrote to Andrew Oliver that:

some of the children read very handsomely; and if I can keep the school up, among them (which I find pretty difficult by reason of their strange disposition) I doubt not but numbers of them will in due time get well acquainted with the word of God. I am going on with my lectures, and have considerable encouragement, as the women and children (near about 30, commonly) attend and behave very decently the men are, numbers of them, dead in the [Seven Years] wars, several of them in the army this summer, so I have but few male hearers at present (#35 Pet. Narr. 1998b, 38; citing Fish 1960).

⁶⁷The persons whom Fish addressed by this title were agents of the Society for Propagating the Gospel among the Indians in New England, in London. In 1766, this organization employed Hugh Sweatingham and Jacob Johnson to teach the Pequots at Mashantuxet (Hurd 1882, 34).

From 1762 through 1776, the correspondence, letters, and diary⁶⁸ of Joseph Fish relating to work with the Pequot and Narragansett Indians continued to provide some information. In 1762, he wrote:

... the Number of Indians attending, at different Lectures, is various. Sometimes a number of them was either hunting, or at a distance upon then needfull Occasions, or at home Sick, Lame, etc. While some, indeed, were absent, through sloth and Carelessness. But the principal Cause, I apprehend, has been their great Fondness for the Indian teachers and their Brethren, (Separates.) From the Narragansetts, who were frequently, if not constantly, with Our Indians, or in the neighborhood, the same day of My Lectures, unless I purposely shifted the Time. For these Narragansetts would but Seldom think it proper to hear me: Which tended to Scatter my Indians Some of them, especially the Chief speakers (from Narragansett),⁶⁹ could not read a Word in the Bible. (Fish 1962) (Simmons and Simmons 1982, xxviii). [footnote added]

A 1768 account of a tour through the region by Charles Beatty noted that there were a number of Christians in the Stonington community who had communion with the Narragansett: "about 20 of the Pequot;⁷⁰ 30 or 40 of the Mohegan; 6 or 7 Nehentick; of the Stony Town tribe, some; of the Montauk, 15 or 16" (#35 Narr. Pet. 1998b, 39; citing Beatty 1768, 108-109).

Fish preferred to have Indian teachers at the school, but had trouble in obtaining a sufficient supply (#35 Narr. Pet. 1998b, 38; citing Fish 1762). An October 25, 1769, letter from Joseph Fish to Andw. Oliver Esqr. noted the death of the prior teacher, Edward Nedson, adding: "... As the Indian parents at Stonington are Very desirous of Learning for their Children, (About 25 of suitable age for a school) and concluding that the Honbl Commissrs would choose to have the School continued, I have been looking out for another Suitable Indn Master . . ." (#113 Pet. 1996, HIST DOCS III, Doc. 88; #35 Pet. Narr. 1998b, 38-39).

On December 16, 1771, Fish spent the whole day at the Indian town. His diary contained a description of the events. He mentioned that the Indians generally met him at "Blind Jacob's,"

⁶⁸1765-1776, Joseph Fish Diary, re: Stonington. Indian School at Stonington, which I (Joseph Fish) have taken ye whole Care of, ever since the year 1757 in the Spring or Summer, as appears from my First minute Book of Indn Affairs at Stonington of which, I now find, a Journal would have been especially serviceable.

Need for new school building; Abner, Jno. Quimpys, Jonathan Nooky. Boy of Joseph George; girl of Hannibal's. Abraham Simons, schoolmaster 'Narragansett'. "Took down a list of all the heads of families belonging to this Indian town."

⁶⁹Possibly Samuel Niles; about 1772, Samuel Niles, Indian minister at Narragansett, "also breaks g'd to 2 other Congs one at Groton and another at Mohegan" (Love 1899, 193).

⁷⁰Presumably Mashantucket Pequot, since he later listed Stonington separately.

he tried to settle with Mary Ned about keeping school still longer, mentioning that he had previously paid her husband Edwd Nedson to fill up one of his rooms for the use of the school. However, now that Nedson was dead and Jacob Fowler was the teacher, Mary Ned had “turned us out, “ which would lead to the need for a new school building. He named three people, Abner, Jno Quiumps & Jonathan Nooky, who had promised to do their part, and Mary Ned had promised to do same. “Patience (her Mother) promised she wd give Ten Shillings” He had distributed blankets to several named aged and/or infirm persons (#113 Pet. 1996, HIST DOCS III, Doc. 88). Fish was again at Indian Town in Stonington on January 21, 1772, mentioning Blind Jacob’s and the current schoolmaster, Charles Daniel (#113 Pet. 1996, HIST DOCS III, Doc. 88). On November 22, 1773, he again distributed blankets. In addition to the charity recipients, other names mentioned were: Blind Jacob, Sawas, Achar Sawas (wife Sarah had school in her house), Judah Moses, Mary Johnson, Mary Ned, Esther Tuguris [*sic*], Sarah Quanna, Elizabeth Faueag, Sarah Sampson, Mary Pery, Sarah Causum, Sarah Dick (#113 Pet. 1996, HIST DOCS III, Doc. 88). After the 1740’s, local church records pertaining to individual Indians again became more sparse. Several of the names, however, appeared elsewhere on Lantern Hill reservation records, while others continued to reflect family names that had appeared in the records since the 1730’s.

The year 1773 saw the beginning of Mohegan minister Samson Occom’s plans for Brothertown, a new community for New England’s Christian Indians to be located in New York on or near the Oneida reservation (Ottery and Ottery 1989, 43). In October 1774, the Brothertown project involved the Mohegan, [Western] Niantic, Pequot, “Stoningtons,” Narragansett, and Montauk. It “[p]roposed removal of the Christianized and civilized Indians,” discussed by Wheelock in 1775. Joseph Johnson received the deed to the necessary tract of land from the Oneida. One of the stipulations was that no Indian with Negro or mulatto blood could possess any land (Stone 1993, 58). The first migration to the Oneida country took place on June 19, 1775, and consisted of “10 Mohegans, 20 Narragansett, 17 Pequots, 13 Montauks, and 5 Nehantics . . .” (Lynch 1998a 5:25; citing CPR XIV:314).

In May 1784, a number of Christian Indian families sailed from New London, Connecticut, for Albany, New York, on their way to Brothertown (Ottery and Ottery 1989, 45; Stone 1993, 59). In May 1789, Rev. Samson Occom and his family removed to Brothertown (Ottery and Ottery 1989, 46). There is no indication that any significant number of Eastern Pequot families removed to Brothertown during this five-year period. Some did remove to Brothertown during the overall time period between its establishment and the Civil War. The intertribal nature of the Brothertown movement is well illustrated by the genealogies of the Brothertown families. However, the departure of members of the New England tribes for Brothertown did not negate the tribal entities from which these individuals separated (see Grabowski 3/15/1999 for additional arguments).

The local civil records submitted by petitioners #35 and #113 for the 18th century prior to the American Revolution contained, among others, references to numerous persons who can be

identified, on the basis of other documents, as Eastern Pequots from the Lantern Hill reservation. The civil records did not, however, themselves provide any specific tribal identification, but merely referred to the individuals as Indians.⁷¹ The identifications, however, provide additional information for estimating an Eastern Pequot population period, having the advantage over the church and missionary records that they included those persons who had not converted to Christianity.

Two seaman's protection certificates from the Port of New London (Lynch 1998a 5:25-26) contained the names of a well-known early 19th century Narragansett leader, Augustus Harry, and another man, Andrew Hill, identified as an Indian born in Stonington. The Hill name had not appeared on prior Eastern Pequot records, but would appear on 19th-century Eastern Pequot Reservation records.

An early historian of the Pequot attributed much of the population decline to this period, stating that, "A large proportion of the Pequots of both reservations entered the Connecticut forces that were raised to join the expeditions against Ticonderoga, Louisburg, and Crown Point, and suffered severely in those campaigns. So many of them were killed in battle and died of disease that the women and children at home were wellnigh reduced to starvation" (Hurd 1882, 34). The record on which Hurd was relying applied to the Mashantucket reservation. It was not possible to confirm it for the Lantern Hill reservation although, some Eastern Pequot men did enlist. Connecticut has published extensive records of men who served during the Seven Years War, or French and Indian War (Connecticut Historical Society 1903, Connecticut Historical Society 1905). In these military records, Indians were listed by name in the regular companies of the various regiments. They were neither segregated in special units nor provided with tribal identifications. In order to utilize these records, therefore, it is necessary first to make nominal identification of Indians from other records and then research each individual. For a close examination of the data from the muster rolls, see the draft technical report.

In May of 1763, Connecticut appointed Israel Hewit Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill reservation (IP, II:250). This was the first indication of appointment of overseers by the General Assembly since the 1725 act that had remanded the Indian tribes to the supervision of the governor and council (IP, I:120). At the May 1764 session of the General Assembly, the Pequot at the Lantern Hill reservation requested a change in overseers (Hoadly 1881, 276). October 6, 1766, the "Indian Inhabitants of the Town of Stonington" submitted another petition regarding a change of overseers, requesting the replacement of Ebenezer Backus by Dr. Charles Phelps of Stonington (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; see #35 Narr. Pet. 1998b, 60 for the alternate readings placed in brackets above; IP, II:250; typescript, The Indian Papers Volume II, First Series (B), 347).

⁷¹For specific listings and identifications, consult the draft technical report.

The General Assembly responded to the above petition by appointing Phelps at its October 1766 session (IP, II:251). The petition provided both evidence that at this date the Eastern Pequot were taking action in their own interests, and a list of adult signers.

As in the case of the Seven Years' War, Connecticut has published extensive records concerning service in the American Revolution. The BIA researcher utilized the same methodology in examining these records--namely, looking at those companies whose officers were from New London County, particularly from Stonington. In these records also, Indians were not segregated into separate companies, nor were they provided with tribal identifications. See the draft technical report for more detailed analysis.

From this period, as in prior periods, some of the civil records for Stonington pertained to Indians who could not be clearly identified as Eastern Pequot. Other documents, however, when correlated with records from other sources, clearly pertained to Eastern Pequot. In 1776, Bartlett Shelley and Samuel Shelley attended school in Stonington (Ephraim Fellows, School Journal) (Brown and Rose 1980, 370, 371; Joslyn 1996, 26).⁷² Amos Tokus, son of Sylvia Tokus, was born May 5, 1777. Sylvia also had an unnamed daughter and possibly a son Gideon (Brown and Rose 1980, 411). On November 14, 1779, Edward Nedson married Sarah Sowas, widow of Nathaniel Suncimon (Joslyn 1996, 24; Bailey 1896, 63).

8. *From the American Revolution to the Availability of Regular Overseer's Reports in 1822.* On May 3, 1788, the residents of the Lantern Hill reservation petitioned the General Court for overseers. One 20th-century researcher described this petition as by the "Eastern Band of Pequot" (Burley 1965, 2). However, the petitioners did not use that terminology to describe themselves:

The Petition of us the Subscribers Indians of the pequod Tribe in Stonington humbly sheweth that for several years passed they have been destitute of an Overseer by reason wherof they have suffered very great inconvenience for them being no Person to proportionate the profits of the herbage &c. Some of the Indians have had double and threble [*sic*] the profits that they ought to have had while at the same time have refused to be their proportion of those expences that are general that is to say the Maintaining of the Poor supporting outside fences also a very great variety of other matters rendering it absolutely necessary that some Person be appointed to superintend our general concerns and that the profits and expences may be equallized among us We therefore pray that some suitable Person or Persons may be appointed as Overseers to us and as there are several of our white Neighbours Men of some character that only want an Opportunity to strip us of every thing we posses and as We must be supposed to know who are

⁷²Although Lynch questioned the Eastern Pequot identity of Bartlett Shelley based on the 1808 lawsuit (Lynch 1998a 5:44), the body of the evidence indicated that he was Eastern Pequot.

friendly or, at least who we are willing to place confidence in could wish therefore to have the Liberty of chusing our Overseers and would propose Mr Charles Huit of Stonington and Elisha Williams Esq of Groton praying you appoint them our Overseers (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, II:252, 252b; typescript, Indian Papers, Volume II, First Series (B), 349).⁷³

In response to this petition, the same session of the General Assembly appointed Captain Stephen Billings of Groton and Mr. Charles Hewett of Stonington as overseers for the tribe of Pequot Indians living in the town of Stonington (IP, II:253; typescript, Indian Papers, Volume II, First Series (B), 351). Some years later, on October 11, 1795, the Town of Norwich petitioned the General Assembly concerning Pequot Indians from the Town of Stonington who fell ill and became chargeable on the rates (IP, 2nd, II:155, 155b, 155c, 155d; Account of expences, IP, 2nd, II:157).

Between the end of the Revolution and the turn of the 19th century, persons identifiable as Eastern Pequot Incians continued to be mentioned in local civil records. It is not clear that either petitioner #35, petitioner #113, or the third parties have made an exhaustive survey of the local records for this period, so it is possible that additional data might be available. As had been the case earlier, Stonington civil records also mentioned Indians who cannot be identified as Pequot. Church records from this period pertaining to Indians submitted by the petitioners and third parties were very sparse, and none could be identified by BIA researchers as pertaining specifically to the Eastern Pequot. The third-party comments included a few seamen's protection certificates for Indians whose birthplace was given as Stonington, but not all of these persons could be identified as Eastern Pequot through other records.⁷⁴ In 1807, the Town of North Stonington was separated from the Town of Stonington. From that time onward, the majority of the civil records were found in North Stonington, although some continued to be located in Stonington. The division of responsibility apparently did not occur at once. Although the North Stonington Vital Records began in 1807, the division of responsibility for paupers was not made until 1818-1819 (Lynch 1998a Ex.).

A recent standard reference work has stated concerning the Eastern Pequot that, "By the early nineteenth century, two-thirds of the tribe were living on the reservation with the rest working as

⁷³Signed: Jacob Sowrs, John Quiumps, James Neel [*sic* in transcript; should be Ned], John Kindness, James Abner, Jere Shuntups, Willard Miller, Cyrus Shelly, Elizah Waggs, Lem Shelly, Mary Sower, Mary Quiumps, Eliz Shelly, Betty Tikins, Mary Abner, Judy Moses, Tump Moses, Mary Honnabell, Eliz. Tikins, Mary Sowers, Josiah Sowrs, Margt. Quiump, Hanb Paukeese, Lucy Tikens, Peter Peters, Grace Poll, Shell Sinament, Pigg Georj, Ame Telltken(?), Hannah Shelly (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, II:252, 252b; typescript, Indian Papers, Volume II, First Series (B), 349).

⁷⁴For details and individual listings, consult the draft technical report.

servants in white homes or on whaling expeditions" (Conkey, Boissevain, and Goddard 1978, 182). It provided no documentation for this conclusion.

On May 6, 1800, a petition signed only by a non-Indian, Latham Hull, was presented to the Connecticut General Assembly on behalf of the Indians of the Lantern Hill reservation, stating:

... sd tribe are the owners of About two hundred & forty Acres of land in sd Stonington, that the Whole people At pleasure turn in their Cattel, horses, & Sheep upon our lands, which eat and destroy the herbage thereon, that Other tribes of Indians, With Negroes & Molattoes, who have not any Right, move in Amongst us and improve our lands, and we Cannot turn them of, that theer is A Number of Aged & helpless people in our tribe that suffer for want of food, and their is no provision for them - - that our Overseers are Old men, one Which lives in Groton About 80 Years Old, and lives A Number of miles from us, that our Rights are infringed With impunity
therfor we Your Memorialists humbly pray Your honours to take our Unhappy case into Your wise Considerations, and Grant us Such Releif in the premises . . . (IP, 2nd, II:105-105b).

In response, the May 1800 session of the Connecticut General Assembly appointed Major Latham Hull, along with Charles Hewit [Hewett], one of the former overseers, who was continued in office (#113 Narr. Pet., Exhibit J; IP, 2nd, II:106, 106b; Van Dusen and Van Dusen 1965, 38, 387, 389). In May 1804, Charles Hewett, deceased, was replaced by Eli Hewit⁷⁵ (Lipson 1986, 48).⁷⁵ In October 1808, James Treat and Joshua Downer [?] of Preston were appointed to audit and adjust the accounts of the overseers of the Stonington Indians and report to the General Assembly the following May (IP, 2nd, II:108, 108b).⁷⁷

At the May 1814 session, Stanton Hewit [Hewett] and Joseph Hull were appointed overseers of the Indians in North Stonington (#113 Pet. Narr., Exhibit M). The following year, May 6, 1815, the new overseers, together with Ebenezer Morgan and William Williams of Groton, who were serving as overseers for the Western Pequot submitted an important petition, co-signed by numerous non-Indian neighbors, to the General Assembly concerning schools for the Indian

⁷⁵Name mis-transcribed as Eli Howes [sic] (#113 Pet. Narr., Exhibit K; IP, 2nd, II:107, 107b).

⁷⁶The footnote to this item in the *Public Records of the State of Connecticut*, Volume XII, referred back to the 1788 appointment of overseers, apparently unaware of the 1800 appointment. It cited only to DeForest and Dwight for documentation; said that they "numbered about 100 or so by 1820" with no citation (Lipson 1986, 48n29).

⁷⁷*Public Records of the State of Connecticut*, Volume 14, list this; footnote 24 referred to Conkey, Boissevain & Goddard 1978, 182 (Arnold 1990, 129, 129n24).

Children of Groton and Stonington (#113 Pet. Narr., Exhibit N; #113 Pet. A-2; IP, 2nd, I:18).⁷⁸ The petition stated that there were about 29 or 30 Stonington Indians in all, with 10 children; at Groton, 35 in all with about 15 children; and the Mohegan tribe, 52 in all, with about 12 children, for a total of 116. It stated that there were 14 “heads of families” at Stonington, but actually listed only seven, with two persons per household. These heads of families were:

Samuel Shelly	2	1 poor	2 children
Barrett [?] Shelly	2	1 poor	0 children
Cirus Shelly	2	0 poor	0 children
James Nead	2	1 poor	4 children
Isaac Fagins ⁷⁹	2	1 poor	5 children
Polly Johnson	2		
Nabby hugh	2		

Wives ---

14 heads of family, 11 children, 4 Towns poor [*sic*], Stonington tribe 29 (IP, Second Series, I:19; Lynch 1999, Exhibit).⁸⁰ [internal footnote added]

There was no follow-up report because the committee reported to the May 1815 session that it had inadequate data (IP, 2nd, I:20). In May 1819, the General Assembly appointed Stanton Hewit and Charles Wheeler Esq. overseers of the North Stonington tribe of Indians (Lynch 1998a 5:41; IP, 2nd, I:109, 109b). In May 1820, the Assembly appointed Thomas Wheeler as overseer of the tribe of Indians in the Town of North Stonington (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, 2nd, I:110, 110b).

In May 1819, Connecticut enacted that the overseers of the “respective tribes of Indians in this State” should annually “settle their accounts of the concerns of said tribes with the respective County Courts in the counties in which said tribes are situated” (IP, 2nd, II:167, 167b). Shortly after that date, in 1822, annual overseers’ reports for the Lantern Hill Reservation began to be recorded (see below). The 1821 act required that in the future, overseers were to be appointed to each tribe by the County Court (#113 Pet. 1996, HIST DOCS II, Doc. 48; citing STAT. LAWS

⁷⁸The third party comments cited this document as General Assembly Papers, Record Group 7:18a, 19a, omitting the listing of names (Lynch 1998a 5:39-40).

⁷⁹*Sic*, should be Fagins; transcribed Falgyns by Joslyn (Joslyn 1996, 27). The third-party comments argued that since the surname did not previously appear on Eastern Pequot petitions, the Fagins family was not Eastern Pequot from the standpoint of descent. This is not a necessary conclusion — presumably, Isaac Fagins had a mother, while the petition itself indicates that he had a wife.

⁸⁰The third-party comments interpreted this entry as meaning that all town paupers were being classified as Pequot Indians (Lynch 1999, 18). The passage does not require this interpretation: in the light of numerous other paupers named in the town records, it would appear more probable that some of the Indians were being classified among the town paupers.

CONN., TITLE 50, 278-279, "An Act for the Protection of Indians, and the Preservation of their Property").

For this period, the only significant external descriptions in the record was the one which resulted from the 1820⁸¹ description of a visit to Stonington⁸² by Timothy Dwight, president of the Connecticut General Assembly⁸³ and the 1822 report by Jedediah Morse, which at least in part derived from Dwight. Dwight's descriptions of the Indians, as summarized below by DeForest in 1852, were very unflattering. On the other hand, Dwight's descriptions of the Yankees who lived in the Town of Westerly, Rhode Island,⁸⁴ and of the French Canadian peasantry were equally unflattering if not more so. Perhaps he was just a curmudgeon. Certainly his statements that the Pequots did not as a rule enter into legally binding marriages is contradicted by contemporary civil and church records.

He found some residing in wigwams, others in framed houses the best of which were small, rude and almost worthless as a protection against the weather. In these wretched tenements lived about two-thirds of the tribe; the others being distributed as servants among the English families of the neighborhood. They were in poverty, misery and degradation; excessively idle, licentious and intemperate: in a single drunken frolic they would squander the earnings of a year. A small number, both of men and women, were reputed to be honest; but the rest were liars and thieves, although with too little enterprise to steal any thing of importance. There was no such thing among them as marriage, the two sexes cohabiting without ceremony or covenant, and deserting each other at pleasure. The children were sometimes placed by their parents with English farmers, and often behaved well for a time, but as they became older, grew up to be as vicious and good for nothing as their fathers. Some of those who hired out as servants were tolerably industrious; and the women among them, especially, showed a great fondness for dress, and were often seen at church. The others dozed away life in slothful inactivity; were always half-naked, and very often half-starved. This is indeed a sad account. One hundred and sixty years of contact with a

⁸¹ Misdated to 1798 by the third-party comments (Lynch 1998a 5:31).

⁸² Dwight did not distinguish between Stonington and North Stonington. Stonington; cultivated partly by tenants--Indians still remaining here--Their degraded character and situation--The perfection to which man arrives in a state of nature--General observations upon the remnants of the Indian tribes now found in New-England--Means of effecting their civilization (*Dwight's Travels*, 3:23-35; [submitted selection is incomplete]).

⁸³ Dwight, Timothy, S.T.D., D.D. (Late president of Yale College, author of *Theology Explained and Defended*). *Travels in New-England and New-York*. Published by Timothy Dwight, 1822. Letter IV. Stonington.

⁸⁴ Letter V, Westerly--Charlestown--South-Kingston--Aboriginal tribes . . . (*Dwight's Travels* 3:36-41).

Christian race had not brightened the condition of the Pequots morally or intellectually, and physically had darkened it.

Among this miserable band of human beings there was, however, one aged man, who, to considerable natural intelligence, seems to have united a sense of religion. For a series of years he had preached to the others, and sometimes, it was said, gave them very excellent exhortations. His degraded countrymen held him in much respect, and occasionally assembled very generally to listen to his discourses. This man, probably, was the sole remaining fruit of the religious interest which took place among the Pequots about 1742. The respect with which his people regarded him is a striking instance of the influence which consistent purity of character will often exert even in the most debased and abandoned communities. (DeForest 1964, 441-442; citing *Dwight's Travels*, 3:27-29).

There is no indication that Jedediah Morse's "tour performed in the summer of 1820" as listed in the title of his report to the Secretary of War included a visit to the Lantern Hill reservation. Morse reported that:

In 1820, this band counted fifty individuals. Their principal men were Samuel and Cyrus Shelley, Samuel Shantup and James Ned. With few exceptions they were still intemperate and improvident; of course, poor and miserable. They made brooms, baskets and similar articles, and generally exchanged them for ardent spirits. They enjoyed the same opportunities of attending religious worship and sending their children to school, as the white people of the town, but seldom availed themselves of these privileges. A few, however, were apparently pious, and held a meeting once a month at which they all spoke in turn (DeForest 1964, 442-443; citing Morse's *Report on the Indian Tribes*; see also Burley 1965, 2).

In 1790, the Federal Government took the first decennial census of the United States. The records for Rhode Island (U.S. Bureau of the Census 1908b) showed possible entries for some families ancestral to Marlboro Gardner. At the time, however, these families did not appear in any records associated with the Lantern Hill reservation.⁸⁵ The presentation of the extracts from the 1790 Connecticut census in the third party comments (Lynch 1998a 30) contained annotations that were not in the original, equating the column for "all other free persons" with "Negro." Such an automatically assumed equivalency is not valid. Discussion of the methodology for using Federal census records for 1790-1840 may be found under criterion 83.7(b). The only other Federal record pertaining to the Eastern Pequot from this period was the

⁸⁵First Census of the U.S., Washington County, Rhode Island, Hopkinton Town: Gardner, Stephen (Indian), 10 in household (U.S. Bureau of the Census 1908b, *Heads of Household Rhode Island* 1908, 43). South Kingstown Town: Eck, John (Indian), 3 in household (U.S. Bureau of the Census 1908b, *Heads of Household Rhode Island* 1908, 49).

1820 Revolutionary pension application filed by the veteran James Ned or Nedson (Joslyn 1996, 23; #35 Pet. B-02B). It provided data only concerning the individual family.

The North Stonington, Connecticut, vital records as copied in the Barbour Collection in the Connecticut State Library begin in 1807. The earlier records for this geographical territory were included in Stonington. Although there were records for persons who bore the same surnames, during this period only one record clearly pertained to an Eastern Pequot: on April 8, 1822, Cyrus Shelley married Betsey Rodgers (Joslyn 1996, 27; by Paris Hewit, J.P.; N. Stonington Records 75; Barbour 1918a, 50). No clearly Eastern Pequot vital records were identified in Stonington between 1800 and 1822 (#113 Pet. 1996, GEN DOCS III).

Unlike the vital records, which were very sparse for the period from 1800 through 1822, numerous documents relating to Eastern Pequot were submitted from the civil records. The records of North Stonington and Stonington during the period were so intertwined in the submissions that they have been carried below in combined chronological order. Some documents pertained specifically to Indians, such as Willard Miller or Hannah Shelley, who can be identified as Eastern Pequot on the basis of other data. Others referred only more generally to Indians. The civil records provided some additional documentation on the interchangeable use of surnames. During this period, some individuals who in 18th century documents had been shown as Indian appeared with non-Indian ethnicity recorded. The most extensive mentions pertained to otherwise well-known Eastern Pequot families such as Shelley, Nedson, and Pawheague. The Shelley family continued to be mentioned in various southern New England Indian records through much of the 19th century. As in the case of the Nedson family, the Shelley family had documented contact with the Nipmuc Indians of Windham County, Connecticut, and Webster, Massachusetts.⁸⁶ Neither petitioner nor the third parties submitted, nor did BIA researchers search for, civil records from other towns of southeastern Connecticut or southwestern Rhode Island from this period pertinent to persons identified as Eastern Pequot.

The third parties submitted a considerable amount of information based on crew lists of outgoing vessels from and seamen's protection certificates issued by the port of New London, Connecticut (original copies of some, but not all, of the entries abstracted by the third parties were also submitted by petitioner #35 (#35 Pet. Vital Statistics). Some of these were of primary interest as indicating that persons with known Eastern Pequot, or Eastern Pequot-associated, surnames, born in Stonington, were, at this time, identified as Indian. Such identification, however, was not always consistent from one voyage to another, or with information found elsewhere in the historical record. Moreover, such general identifications as "Indian" provided no data

⁸⁶For individual listings and identifications, see the draft technical report.

concerning an individual's tribal affiliation.⁸⁷ Perhaps the greatest interest of the sequence of records as a whole was that these certificates indicated that there were during this period, in the region of Stonington, Connecticut, far more men identified as "Indian" than appeared on the records of any of the local tribes--Narragansett, Mohegan, Western Pequot, or Eastern Pequot.

The petitioner and third parties submitted and BIA researchers located a small amount of other miscellaneous data that possibly pertained to Indians of Eastern Pequot origin. However, the data was so general that the individuals who appeared in these records could not be tied to the population of the Lantern Hill reservation.

9. *Overseer's Reports and Petitions as Fundamental Documentation, 1822 to the End of the Civil War.* During the period between 1822, when the regular Eastern Pequot overseers' reports resumed, and the Civil War, Connecticut enacted several pieces of legislation that affected the administration of Indian tribes within the state. In 1824, Title 51. "Indians. An Act for the Protection of Indians, and the Preservation of their Property" provided that overseers must be bonded and continued the provision for annual settlements with the county court. The remainder of the provisions dealt primarily with property (#113 Pet. 1996, HIST DOCS II, Doc. 49; citing STAT. CONN. Title 51, 233-234). The 1849 act of the same title made no significant changes that would impact the Lantern Hill reservation (#113 Pet. 1996, HIST DOCS II, Doc. 50; citing REV. STAT. CONN., Title 26, 441-442), but the 1850 "An Act in Addition to and in Alteration of 'An Act for the Protection of Indians, and the Preservation of their Property'" provided that the county court of each county should have jurisdiction of applications for the sale of lands belonging members of such tribe, who, at the time of such applications, were about to remove from Connecticut or actually resided outside the boundaries of Connecticut (#113 Pet. 1996, HIST DOCS II, Doc. 51; citing PUBLIC ACTS (1850), Ch. 51, 37-38). However, the petitioners submitted no deeds that fell under this provision. The 1850 act was repealed two years later in any case. The 1852 act which repealed it (#113 Pet. 1996, HIST DOCS II, Doc. 52; citing PUBLIC ACTS, CH. 55, 66-67) established provisions under which which overseers could, under county court jurisdiction, regulate sales or exchanges of land and other property by members of the state's tribes. This was, in turn, altered in 1855, voiding any sales made by individual Indians of "conveyances of any land . . . belonging to or which have belonged to the estate of such tribe" (#113 Pet. 1996, HIST DOCS II, Doc. 53; citing PUBLIC ACTS, Ch. 65, 79-80).

Lantern Hill reservation records maintained by the state-appointed Eastern Pequot overseers are available, though not always in the form of annual reports, from 1822 through the end of the

⁸⁷For individual listings, see the draft technical report. Neither is it safe to assume that two individuals bearing the same name were the same person. The record presented for a man named Stephen Gardner contained no data to indicate that it did, in fact, pertain to the father of Marlboro Gardner who later appeared in Eastern Pequot records: April 18, 1811. Records of Crew List of Outbound Vessels, Port of New London, Brig Sophia. Stephen Gardner, cook, POB Stonington, POR Norwich, 23, Colored (Lynch 1998a, 5:38).

Civil War. For year-by-year listings of the names that appeared on the overseers' reports from 1822 through 1865, see the draft technical report. The first two were basically accounting records, covering expenditures made by the overseers, in 1822 (#113 Pet. 1996, HIST DOCS I, Doc. 41) and 1823-1824 (#113 Pet. 1996, HIST DOCS I, Doc. 41; #35 Pet. Overseers Reports). The dating of the documents as presented by the petitioners was not always clear. For example, one had "1824" written at the top in a modern hand. However, the date on the reverse of the document in an original hand was March 1825, while the only dates within the document itself referred to amounts "Paid Pequot Indians by order of Col. Thomas Wheeler, in 1824" and a sum received "By use and improvement of Indians town pasture in summer of 1824 as per agreement . . ." indicating that this was the spring 1825 settlement of account made by Henry Chesebrough under order of Col. Wheeler (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS I, Doc. 41). For descriptions and analysis of those reports specifically pertinent to the genealogical background of the petitioner's members, see criterion 83.7(e), below.

Silas Chesebrough submitted a request to resign as overseer on February 13, 1834 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS I, Doc. 41). Consequently, on February 10, 1834:

the selectmen of North Stonington stated in a petition to the New London court that there was in their town a "remnant"⁸⁸ of a tribe of Indians who continue[d] to possess certain real estate in our town and that from the destitute and helpless condition of most of these unfortunate persons, it is necessary the little estate should be managed in the most judicious and economical manner." The petition also stated that inasmuch as Chesborough was about to remove from the town, a new overseer needed to be appointed for the tribe (Court Records, New London County, CSL) (Grabowski 1996, 87). [footnote added]

The selectmen recommended the appointment of Col. Ezra Hewitt as the new overseer (#35 Pet., B-02B). Possibly as a consequence of the change in overseers, the next report submitted as evidence covered the period from June 16, 1835, through January 6, 1836 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41). The next account, by Ezra Hewitt, began June 21, 1838, and continued through December 25, 1838 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41).

The next year, a petition dated February 8, 1839, signed by at least a portion of the residents of the Lantern Hill reservation was drafted for submission to the New London County Court in Norwich requesting the replacement of Ezra Hewitt as overseer. The petitioners to the Norwich County Court claimed that only twelve Pequots remained on the reserve (Lynch 1998a 1:13;

⁸⁸For precedents concerning interpretation of the word "remnant" as applied to petitioning groups in the past, see the technical report to the Cowlitz final determination (CIT FD TR 2000).

Lynch 1998a 5:54). The signers did not include any members of either the Brushell or the Gardner families (Stonington Historical Society, Folder; Indian, Misc.; Lynch 1998a 5:53). It is not known whether or not the above document was actually submitted to the court. If it was, the County Court did not replace Ezra Hewitt, because the next overseer's reports, covering the period from June 19, 1839, through 1841 were submitted by him (#35 Pet. Overseers Reports). On January 27, 1841, the "Remnants of the Pequot Tribe residing in North Stonington" again petitioned to the County Court against Ezra Hewitt as overseer (Grabowski 1996, 83; citing OR Court Records, New London County, CSL), complaining that his ill management of finances had been hurtful to their welfare (LaGrave 1993, [9] (Superior Court Records, New London County 1841, Indians 54.7 (c) article 17; Lynch 1998a 5:56). On February 1, 1841, a counter petition was filed by the selectmen of North Stonington (#35 Pet., B-02B). The County Court did not accede to the removal petition, for the next series of overseer's reports for 1842-1843 (#35 Pet. Overseers Reports) was filed by Ezra Hewitt.

The report beginning June 20, 1845, headed "The Pequot Indians in North Stonington in acct. with Elias Hewitt" (#35 Pet. Overseers Reports), contained the usual mentions. That beginning June 12, 1846, was similar (#35 Pet. Overseers Reports), as was the one which began July 1, 1847 (#35 Pet. Overseers Reports). There was no report for the period from June 1848 through June 1849 in the record. The overseer's report which began June 21, 1849 (#35 Pet. Overseers Reports), added two significant pieces of information beyond the ordinary lists of payments. The first indicated "NB Sam Shuntaup has gone to the state of Wisconsin he lets his land & Recd the Rents before he left to pay his expenses" and the first mention of Rachel Hoxie (see discussion under criterion 83.7(e)).

Petitioner #35 asserted that in the 19th century, there was continued contact between the Lantern Hill reservation and Erothertown, asserting: "For example, in 1849-50, Samuel Shuntaup is said to have 'gone to Wisconsin,' a journey that other tribal members are known to have undertaken both before and after his departure" (#35 Pet. Narr. 1998a, 45). BIA researchers located no data in the record showing continued contact besides this one incident.

The next report filed by Elias Hewitt covered the period from June 27, 1850, through June 29, 1854. It was only one page and contained very few specific items, all of which were before June 24, 1851. There were none from then until two notations dated June 29, 1854 (#35 Pet. Overseers Reports). On April 9, 1851, Elias Hewitt had been cited to appear in court to answer the following complaint and, as he later wrote, "at which time I did not appear and of course supposed I was Removed but I understand I am not . . . wish your Honor to Excuse me from serving any longer as overseer to said Indians . . ." (#35 Pet. Petitions). It is apparent from the following petition, dated March 13, 1851, from the selectmen of the Town of North Stonington to the New London County Court, that Elias Hewitt's tenure as overseer had not been satisfactory:

... there is in said town a small remnant or part of a tribe of the Pequot Indians, tht said Indians have in same town a Reservation or tract of about 400 acres of valuable land, & that Elias Hewitt Esq of said town is ofer about four years past, has been overseer - to said Indians & has the care of their said Lands, & that complaints are frequently made of late that said Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the rects & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer - - Wherefore we pray . . . John D. Gallup, Isaac M. Minor, Wm. Vincent jr, Chas. P. White, Luke C. Reynolds, Selectmen (#35 Pet. Petitions).

The plain language of “remnant” or of descriptions of tribe and being in a “state of decline” is identifying an existing entity, one that may not be as strong and easily identified as in previous years, but an entity, nonetheless, is being identified. It is apparent from the next sequence of overseer’s reports that Elias Hewitt had, in fact, been replaced in 1851 by Isaac W. Miner. Miner’s reports over the next several years were very succinct and mentioned only a few of the persons who were previously, and would be subsequently, identified as Eastern Pequot. They did record the return of Thankful Ned and her son Leonard Brown to the reservation, and the first residence of Eunice (Fagins) Cottrell (#35 Pet. Overseers Reports). Miner was also more active than his predecessors in overseeing the leasing of the Indians’ pasture land and accounting for the resulting income. “A lease concluded in 1853 stipulated that the ‘said Stantons are to improve said pasture in a good husbandlike manner.’ The Indiantown pasture belonging to the Pequot tribe was leased out, excluding the ‘yards that the said Indians had plowed last year.’” (LaGrave 1993, [9-10]; no citation). The lease was renewed three years later (North Stonington Records 8:46).

On September 9, 1857, Miner, as overseer, compiled the first census of the tribe that had been attempted. He headed it: “The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge -” (#35 Pet. Overseers Reports). The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins & two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marinda Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson & one child, Thomas Ned, Leonard Brown, Ezra Ned [dead], Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill. New London. Isaac W. Miner Overseer (#35 Pet. Overseers Reports). The census was clearly up to date, for on September 1, 1857, Samuel Shantup, one of the tribe’s oldest members and a long-time listee on various overseers’ reports, had died unmarried in North Stonington, age 78 (Brown and Rose 1980, 368). It was also more extensive than the list of persons on the overseer’s report for the following year (#35 Pet. Overseers Reports), but was essentially consistent with Miner’s subsequent censuses, through the end of the Civil War (#35 Pet. Overseers Reports).

The record as submitted contained very little in the way of external descriptions of the Pequot during the period from 1822 through the end of the Civil War. Schoolcraft's *Indians of the United States* contained a "Plan of Colonization, or Removal of the Indian Tribes of the United States West of the Mississippi in 1825" (Schoolcraft 3:573-576, 583; NP 1978, App. 3). The portion of it headed "Statement, Showing the Names and Numbers of the different Tribes of Indians now remaining within the Limits of the several States and Territories, and the quantity of Land claimed by them respectively. (1825.)" indicated that in Stonington, Connecticut, 50 persons claimed 300 acres, while in Groton, Connecticut, there were 50 persons, but no information as to their lands (Schoolcraft 3:583). The chart did not indicate the source of the information.

Approximately a quarter-century later, DeForest indicated that: "the following facts concerning their situation at the present day were collected in North Stonington during the fall of 1848" but did not indicate their source. The data that he gave, though much quoted in subsequent secondary works, is not in accordance with the data recorded in the contemporary overseers' reports:

Their land amounts to about two hundred and forty acres, originally as good as most in the vicinity, but long used chiefly for pasturage, and now much worn down. Some years since, several lots were cultivated by the Indians themselves; at present not one. The number of families living on the tract is reduced to three, of which one consists of three individuals, another of the parents and nine children, and the third of a single man who lives alone. There is a very aged woman, likewise, who lives a little off from the reservation. The others of the tribe have scattered because the heads of the families are dead. Some are in Ledyard, some in Preston, others in Providence, and thus throughout various parts of the country. A few lately came from some part of New York, to see if there was anything accruing to them from the property of the tribe. The land rents, annually, for about one hundred dollars, which by no means supports even those few who remain on it. Only one, Sam Shantup, lives in a house; the rest occupy huts. Some of the children have been taught a little at school. Others have been put to service, but, owing to their idleness and improvidence, with very little result. None of them work; they are all extravagant and intemperate; and in morals they are as miserable as miserable can be" (DeForest 1964, 443-444).⁸⁹

In 1851, Schoolcraft apparently identified the Eastern Pequot as 50 "Mohegans at Stonington" (Schoolcraft 1851, 524). The various editions of DeForest's *Indians of Connecticut*, which

⁸⁹Most subsequent descriptions were apparently based on DeForest's summation (Caulkins 1895, 605; Britton 1930, 60; Williams 1941, unpaginated [4]; Conkey, Boissevain, and Goddard 1978, 182). Caulkins specified that she had obtained additional data on Mashantucket from the 1895 overseer, but provided no specific source for her statements concerning Stonington (Caulkins 1895, 604, 604n10).

appeared in 1851, 1852, and 1853, contained extensive additional information, both historical and contemporary.

Federal census records, vital records, seamen's records, and similar civil records and church records from this period that pertained to the family complexes of Brushell/Sebastian and Fagins/Watson for petitioner #35 and Gardner/Wheeler and Hoxie/Jackson for petitioner #113 have been incorporated in the accompanying charts pertaining to those families. There continued to be mentions of the Lantern Hill reservation families such as the Neds, the Shelleys, and Shantups in local civil records. That these persons appeared in local civil records is not, in itself, evidence that they were not maintaining tribal affiliation, as argued in the third party comments (Lynch 1998). Rather, it must be evaluated in light of the contemporary overseers' reports and other data which indicated the existence of an ongoing entity which existed under state supervision.

Additionally, during this period, as earlier, the local civil records of the towns of southeastern Connecticut contained references to individuals bearing the same surnames as persons who appeared in the records of the Lantern Hill reservation's overseers (for example Nedson and Fagins), but who could not, on the basis of the evidence submitted, be directly linked to those families. Other families who later claimed to be Pequot, such as Crosley, have not been located in any contemporary records submitted.

PEP submitted several military and pension records (#113 Pet. GEN DOCS I). None of the military records applied directly to pre-Civil War Lantern Hill reservation Eastern Pequot families. John Noyes Hoxie was a brother of Rachel, but he was never on the overseers' lists. Amasa Lawrence was a Western Pequot, not Eastern--so was Austin George, though he was at one point married to Eunice Wheeler, the future wife of Marlboro Gardner. Neither Calvin Williams, Ammon Potter, nor Marlboro Gardner appeared on Eastern Pequot lists until the 1870's (see the accompanying charts for the military documentation on Marlboro Gardner). The record submitted for a man named Calvin Williams was not for the same man who later resided on the Lantern Hill reservation.

SUMMARY UNDER THE CRITERIA 83.7(a-g)

Executive Summary. The Department has before it petitions from two groups, the Eastern Pequot Indians of Connecticut (#35) and the Paucatuck Eastern Pequot Indians of Connecticut (#113), both of which have evolved in recent times from the historical Eastern Pequot tribe. I am issuing a positive proposed finding for both petitioners, but for the period 1973 to the present, under criteria 83.7(b) and 83.7(c), the Department finds that there is not sufficient information to determine that there is only one tribe with political factions.

The two petitioners derive from a single historical tribe with a continuous state relationship since colonial times. As such, the modern conflicts between the two, which have focused on their relationship with the State of Connecticut, are relevant evidence for political influence, although it is unclear if it is as one tribe, or as two. Petitioner #35 (EP) has taken the position that there was only one tribe, but has not presented sufficient evidence to demonstrate that this was the case after 1973, although there is some evidence that only one tribe exists within the meaning of the regulations. Petitioner #113 (PEP) has taken the position that the EP families were not of Eastern Pequot ancestry and were never part of the tribe. The proposed finding for EP concludes that the PEP position is not correct. Both groups derive from the historical Eastern Pequot tribe which was recognized by the State of Connecticut. The State continues to recognize a successor to the historical Eastern Pequot tribe, but has not taken a position as to the leaders of that successor.

In addition to evidence and argument on the proposed findings in general, petitioners, interested parties, and informed parties may submit comments as to the Secretary's authority, under the circumstances of recent separation of the two petitioners, to recognize two tribes or only one tribe which encompasses them both, as the continuation of the historic tribe. On the basis of the evidence currently before the Department, the petitioners may be able to present a stronger case as one entity rather than as two. However, for the proposed finding, neither petitioner presented an analysis of the conflict between the two groups, focused around the relationship with the state, which might provide useful evidence of a political conflict between two parts of one group or mobilization of political sentiment within two separate groups.

The 25 CFR Part 83 regulations provide that: "A petitioner may be denied acknowledgment if the evidence available demonstrates that it does not meet one or more criteria. A petitioner may also be denied if there is insufficient evidence that it meets one or more of the criteria" (83.6(d)). The reason that this provision of the regulations is not now resulting in two proposed negative findings is that the major question currently remaining to be decided does not pertain to the availability of evidence that the petitioners meet the criteria, but to the nature of the potentially acknowledgeable entity for the period from 1973 to the present. Following an evaluation of

evidence and arguments submitted during the comment period, the Department will complete the analysis under criteria 83.7(b) and 83.7(c) from 1973 to the present.

The proposed positive findings for both petitioners do not prevent the Department, in the final determination stage, from recognizing a combined entity, or both petitioners, or either one of the current petitioners but not the other, or neither of the current petitioners, depending upon the evidence developed during the comment periods by both petitioners and all interested and informed parties, as verified and evaluated by BIA staff.

- Criterion 83.7(a). The Eastern Pequot tribe is regularly identified as an American Indian entity from 1900 through 1973. Since 1973, there are regular identifications of the Eastern Pequot tribe, the overwhelming majority of which simultaneously mention both the Eastern Pequot Indians of Connecticut (petitioner #35) and the Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113) as subgroups of that historical tribe. The petitioner meets this criterion.
- Criterion 83.7(b). The historical Eastern Pequot tribe, including the antecedents of both petitioners, meets the criterion through 1973.

For the period since 1973, the evidence now in the record is not sufficient to determine that there is only one tribe with two factions (these being the Eastern Pequot Indians of Connecticut (petitioner #35) and the Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113)). The Department consequently makes no specific finding for the period 1973 to the present.

- Criterion 83.7(c). The historical Eastern Pequot tribe, including the antecedents of both petitioners, meets the criterion through 1973.

For the period since 1973, the evidence now in the record is not sufficient to determine that there is only one tribe with two factions (these being the Eastern Pequot Indians of Connecticut (petitioner #35) and the Paucatuck Eastern Pequot Indians of Connecticut (petitioner #113)). The Department consequently makes no specific finding for the period 1973 to the present.

- Criterion 83.7(d). The petitioner meets this criterion.
- Criterion 83.7(e). The evidence indicates that the ancestors of both petitioners, using essentially parallel documentation acceptable to the Secretary, were members of the historical Eastern Pequot tribe in the 19th century, and that the current members of both petitioners thus descend from the historical Eastern Pequot tribe. In many cases, Connecticut's state records, overseer's reports, petitions, and similar records carried the names of direct and collateral ancestors of both petitioners on the same documents. The petitioner meets this criterion.

- Criterion 83.7(f). The petitioner meets this criterion.
- Criterion 83.7(g). The petitioner meets this criterion.

Impact of Continuous Historical State Acknowledgment since Colonial Times upon the Evaluation of the Evidence. Because the petitioners are, singly and together, the continuation of a historically state-recognized tribe whose relationship with the state of Connecticut goes back to the early 1600's, possessing a common reservation, this evidence provides a common backbone and consistent backdrop for interpreting the evidence of continued tribal existence. When weighed in combination with this historical and continuous circumstance, evidence on community and political influence carries greater weight that would be the case under circumstances where there was not evidence of a continuous longstanding relationship with the state based on being a distinct political community. Members of the tribe occupied a somewhat different status than non-Indians within Connecticut. The greater weight is assigned for the following reasons in combination:

- The historical Eastern Pequot tribe has maintained a continuous historical government-to-government relationship with the State of Connecticut since colonial times;
- The historical Eastern Pequot tribe had a state reservation established in colonial times, and has retained its land area to the present;
- The historical Eastern Pequot tribe had members enumerated specifically as tribal members on the Federal Census, Special Indian Population Schedules, for 1900 and 1910.

Past Federal acknowledgment decisions under 25 CFR Part 83 provide no precedents for dealing with a tribe which is presently state recognized with a state recognized reservation and has been so continuously since early colonial times. The closest parallel is Maine, where the Federal government in the Passamaquoddy case stipulated to tribal existence, based on the historical state relationship. That precedent provides guidance in this matter. The Department is not applying a different standard of tribal existence. Rather, the evidence, when weighed in the context of this continuous strong historical relationship, carries greater weight.

Procedures. This is a proposed finding based on available evidence, and, as such, does not preclude the submission of other evidence to the contrary during the 180-day comment period which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. The final determination, which will be published separately after the receipt of the comments, will be based on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria.

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 antecedent group, the Eastern Pequot tribe based on the reservation at Lantern Hill in North Stonington, New London County, Connecticut, has regularly been identified as an Indian entity. The majority of the identifications specifically included the petitioner's direct or collateral ancestors as members of that entity.

From 1900 through the early 1970's, identifications indicated the presence of a single entity, although sometimes mentioning the presence of tensions and conflicts within that entity. From the early 1970's to the present, identifications have noted the existence of two groups (under various names), the petitioner (Paucatuck Eastern Pequot Indians, #113) and its predecessor organizations, and petitioner #35 (Eastern Pequot Indians of Connecticut) and its predecessor organizations. However, from the 1970's through the present, almost no external identifications mentioned the existence of only one or the other of these organizations. Almost every identification, aside from coverage of such functions as powwows sponsored by one or the other, mentioned both, and described them as rival groups within the context of the Lantern Hill reservation and the historical Eastern Pequot tribe.

Precedent has defined identification as an Indian entity on a "substantially continuous" basis to comprise the existence of at least one identification per decade, taken from any of the five possible forms of evidence listed. In this case, identifications exist much more frequently, and occur in multiple forms of evidence. Since the regulations require only that there be sufficient evidence that the petitioner meets the criterion, the following does not summarize every document submitted, but introduces the major forms of evidence demonstrating that the petitioner meets the criterion. Throughout the period to 1989, the Lantern Hill reservation was administered under the provisions of State legislation. For more detailed descriptions of the individual items, see the accompanying charts. There were no identifications of the petitioner as other than Indian.

1900-1909. There is a Federal identification (1900 Census, New London County) of the reservation and its inhabitants on the 1900 special Indian Population schedules and a field visit by an anthropologist (Speck 1903). It is known that there was a state-appointed overseer during this period, but the overseer's reports from 1892-1909 are missing.

1910-1919. There is a Federal identification (1910 Census, New London County) of the reservation and its inhabitants on the 1910 special Indian Population schedules. State records resume in 1910 in the form of reports by the overseer and continue throughout the decade.

1920-1929. Reports by the state-appointed overseer continue throughout the decade; a 1924 newspaper article, "Last of Pequot Tribe of Indians Live on Lantern Hill Reservation," identified not just individuals descended from the historical Eastern Pequot Indians, but a contemporary entity.

1930-1939. A Federal identification exists in the form of a report on New England Indians prepared by Gladys Tantaquidgeon (Tantaquidgeon 1934, Tantaquidgeon 1935); reports by the state-appointed overseer continued through 1935, supplemented by a June 9, 1933, order from the Superior Court of New London County, Connecticut, which defined the tribal membership and regulated residency on the Lantern Hill reservation (*In re Ledyard Tribe* 1933). After transfer of authority to the Connecticut State Park and Forest Commission, there were published annual reports on the status of the reservation from 1936 through 1939. There was, additionally, a wide variety of newspaper coverage which described the contemporary entity (70 Members Now in Two Pequot Indian Tribes 6/30/1931; Poor But Proud 7/9/1933; Founders of Norwich 6/10/1937; On Connecticut's Pequot Indian Reservation at North Stonington 3/26/1938).

1940-1949. There were two Federal identifications of an entity during this period in the form of reports compiled by a Library of Congress researcher and published by the Government Printing Office (Gilbert 1947, Gilbert 1948). As of 1941, responsibility for Connecticut's Indian reservations was transferred to the Office of the Commissioner of Welfare, which generated numerous records pertaining to the Lantern Hill reservation throughout the decade, including specific descriptions (J.R. Williams Notebook c. 1941). There was, additionally, some newspaper coverage (Two of 3 Connecticut Indian Reservations Near Lantern Hill 2/8/1945).

1950-1959. Records of the Connecticut Welfare Department identifying the Lantern Hill reservation and its residents as Eastern Pequot continued. These were supplemented by newspaper coverage (Nizza, Connecticut Indians 1/22/1956; Stone, Pequot Tribe of Indians and their Reservation part Four, Lantern Hill . . . 3/26/1946; State's Four Indian Reservations 8/29/1957).

1960-1969. Records of the Connecticut Welfare Department identifying the Lantern Hill reservation and its residents as Eastern Pequot continued. These were supplemented by newspaper coverage (New Haven Register 1/28/1960; New London Day 1/29/1960 and 8/4/1960; Pequots Still Dislike "White Eyes," Profile of a Vanishing American 9/30/1964; The Courant Magazine 9/5/1965).

1970-1979. Records of the Connecticut Welfare Department identifying the Lantern Hill reservation and its residents as Eastern Pequot continued. In 1973, with establishment of the

Connecticut Indian Affairs Commission (CIAC), the Eastern Pequot were one of the tribes legislatively assigned to have a delegate on this state board. The controversy over CIAC representation generated repeated identifications of both of the contending groups within that entity in CIAC records. The Eastern Pequot were additionally identified in a report prepared by a researcher for the state (Guillette 1979). Controversy between the groups antecedent to the petitioner and to petitioner #113 generated extensive newspaper coverage throughout the decade (Hartford Courant 9/4/1976; Norwich Bulletin 9/13/1976; The News 9/13/1976; Norwich bulletin 1/19/1977, 4/26/1977). In 1979, shortly following the death of Atwood I. Williams Jr., a local paper published a feature story which focused on his children and grandchildren, indicating that they intended to return to the Lantern Hill reservation (Bates, Debbie. Start Move Back to Pequot Lands. *The Sun*, Westerly, RI, 6/12/1979).

1980-1989. Records of the CIAC continued to identify an Eastern Pequot entity, and both of the contending groups within that entity, as did, at the end of the decade, the records of Connecticut's Legislative Task Force on Indian Affairs 1989-1990. Throughout this decade, newspaper articles provided extensive coverage of the CIAC disputes and decisions and the resulting litigation, proposed and actual elections by both contending organizations, and some feature articles on the reservation which described the Eastern Pequot as comprising both groups (see detailed listing in the accompanying charts).

1990-1999. There was Federal identification of an entity, including both contending groups, in correspondence from the Department of Housing and Urban Development (HUD) concerning the proposed establishment of a housing authority for the reservation. There was further state documentation from the Legislative Task Force on Indian Affairs, and extensive newspaper coverage (see detailed listing in the accompanying charts). Most of the newspaper coverage was generated by the disputes between the two contending groups. However, some of the coverage focused solely on petitioner #113 in the context of events sponsored by the group (Dorsey, Kristina. Celebrating Native American Heritage. Paucatuck Pequots Planning a Powwow. *The Day*, New London, Connecticut, 10/10/1991, F12; #113 Pet. 1994 A-6; Groark, Virginia. Buffalo at this Event chewed Up by Indians and Not Cowboys. *The Day*, New London, Connecticut, 2/1/1993; Yim, Eli. Powwow Celebrates Indian Culture. *The Day*, New London, Connecticut, 10/11/1993; #113 Pet. 1994, A-6).

The combination of the various forms of evidence, taken in historical context, provide sufficient external identification of the Eastern Pequot as an American Indian entity from 1900 until the present, and of the petitioner as a group which has existed within that entity. Therefore, the petitioner meets criterion 83.7(a).

83.7(b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

Petition Review Process. This finding was completed under the terms of the Assistant Secretary's directive of February 7, 2000 (ASIA 2000). The directive applied to all future proposed findings, including those in progress, except the Little Shell Chippewa, which was close to completion. BAR staff was directed orally by the acting Director, Office of Tribal Services, in December 1999 to make a change in internal procedures for review of acknowledgment petitions. This preliminary direction encompassed the major tenets of the final, written directive. In particular, this finding focuses on evaluating the petitioner's specific conclusions and description of the group concerning maintenance of a tribal community up until the present. Because evaluation of this petition was begun under the previous internal procedures, this finding includes some analyses which go beyond evaluation of the specific positions of the petitioner.

Historical Community: Methodology. 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 prior decisions pertaining to New England tribes indicated that for the time span from the colonial period to the 19th century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather was evaluated more generally, under the provisions of the definition of community in 83.1. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations:

saw [the 1994 25 CFR Part 83] revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden . . . A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here . . . further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account (59 FR 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)).

For the period from first contact through the end of the Civil War, the evidence pertaining to the Eastern Pequot has been summarized above in the historical orientation. This approach was

chosen because, although evidence primarily applicable to 83.7(b) and 83.7(c) has been discussed separately below in the evaluation under the criteria, the essential requirement of the Federal acknowledgment regulations under 83.7 is that of tribal continuity. Tribal continuity is evaluated by examination of evidence of existence of community and political processes over time and descent from the historic tribe. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets a specific criterion at a certain date. This summary discussion of some of the evidence for community between first sustained contact and 1883 draws on the historical overview, presenting selected “high points” in more or less chronological order to show how the evidence is being evaluated. It is to be read together with the overview, which describes the overall evidence for continuity of tribal existence. It is also to be read together with the summary discussion of criterion 83.7(c), which describes some of the evidence for political influence, because much of the specific evidence cited provides evidence for both community and political influence. Under the regulations, evidence about historical political influence can be used as evidence to establish historical community (83.7(b)(1)(ix)) and vice versa (83.7(c)(1)(iv)).

In this case, the evaluation pertains to an Indian group which has had both continuous recognition by the State of Connecticut and continuous existence of a reservation since the colonial period. These provide a defined thread of continuity through periods when other forms of documentation are sparse or do not pertain directly to a specific criterion. To some extent, state recognition is more directly applicable to criterion 83.7(a) than to criteria 83.7(b) and 83.7(c), but here it is more than identification as an entity, because it reflects the existence of a tribe and a political relationship with the state. The general body of evidence has been interpreted in the context of the tribe’s relationship to the colony and state.

First Contact through the Establishment of the Lantern Hill Reservation in 1683. This following very succinct summary is the result of detailed analysis of the material from the early period to 1683 by the BIA research staff (see draft technical report, pages 9-127). The material after the 1685 establishment of the Lantern Hill reservation will be discussed in more detail.

Records of colony actions and actions of other tribes from first contact through 1637 clearly identify a distinct Pequot tribal body, which occupied a defined territory acted in concert in opposing or making alliances with other tribes and the English through the end of the Pequot War (Williams, *Complete Writings*; *Winthrop Papers* 3; Gookin 1792; Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Starna 1990; O’Connell 1992; Grumet 1995; Bragdon 1996; Cave 1996; McBride 1996). Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural and political changes had occurred ((Narragansett PF 1982, 1; Mohegan PF 1989, 2; Miami PF 1990, 3-4, 7-8), this is sufficient evidence to demonstrate that 83.7(b) is met or the undifferentiated

historic Pequot tribe as a whole, predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637.

From 1638 through 1654, the records of the United Colonies referred to the Pequots frequently, and specifically referred to the Pequots assigned to the custody of the Eastern Niantic sachem Ninigret as a body (Potter 1835; Hoadly 1850; Denison 1878; Chapin 1931; Haynes 1949; Winthrop Papers 1949; Williams 1963; Pulsifer 1968; Sehr 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; *Winthrop Papers* 1992; Vaughn 1995; *Papers of John Winthrop* 4; *Acts of the Commissioners of the United Colonies*). The Commissioners of the United Colonies removed them from Ninigret as a body in 1654 and assigned Harmon Garret as governor over that body in 1655. After the death of Harmon Garret, colonial authorities appointed Momoho as his successor over a specific, named, group, "Momohoe [*sic*] and the Pequots with him in those parts," which then undertook efforts⁹⁰ to have a specific piece of land set aside for its use (Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 8n, 81-82 117n, 809). Under precedents for evaluating tribes in early years of contact with Europeans, before substantial cultural changes had occurred, even after tribes had become politically subject to colonial authorities, the material cited is sufficient evidence to show that criterion 83.7(b) is met.

Establishment of the Lantern Hill Reservation to the American Revolution. From establishment of the Lantern Hill reservation (purchase 1683; survey 1685), the Eastern Pequot tribe had a distinct land base. Occupation of a distinct territory by a portion of a group provides evidence for community, even where it is not demonstrated that more than 50 per cent of the total group resides thereon (Snoqualmie PF). From 1685 to the end of the Civil War, the documents show a continuous reservation community with an essentially continuous population, allowing for normal processes of inmarriage, outmarriage, off-reservation work, and interaction with neighboring tribes (see the draft technical report, Table 2, Tabulation of Identified Eastern Pequot Population, 1722-1788). The documentation throughout this period contributes to a showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes of name," whether they are called Momoho's band, or the Pequots at Stonington, or by other phrases.

The fact that the petitions and civil records from the 1700's show that some members of the tribe, for various reasons such as the binding out of children mentioned in the 1723 petition (IP, 2nd, II:22.; Bassett 1938; citing CSL, Indian papers, Loose Index, Doc. 22 a b), seeking gainful employment, etc. lived in the towns surrounding the reservation, rather than on the reservation, is not evidence that a tribe no longer existed. Rather, the descriptions in 1749-1751 indicate specifically that the tribal affiliation of these individuals was recognized by the tribe itself, which protested that rights should not be limited to the direct descendants of Momoho and the Pequots

⁹⁰May 13, 1673, petition by Momoho and the Pequots to the Court of Election at Hartford "That they may have land assigned to them as their own to plant on, and not that they be allwayes forced to hire . . ." Minutes of Committee for hearing Indian complaints; Indians I.36 (Trumbull 1859, 8n).

over whom he had served as governor (IP, Series 1, II:50-52). That off-reservation residency does not negate the existence of community has been accepted in prior findings (Narragansett PF 1982, 9; Gay Head PF 1985, 2). The petitions of 1723 and 1749 reflected both the existence of an ongoing residential community of Eastern Pequot Indians on the Lantern Hill reservation and a broader community of off-reservation Eastern Pequot: "and there are many More who Claim a right, yet The English dispute it" (IP, Series 1, II:50-52).

A Connecticut Indian reservation in the colonial and early Federal period was not a prison, to which the tribe's population was confined. Neither was it a gated community, to which all access by outsiders was prohibited. By comparing a wide variety of documents, it does not appear that the Eastern Pequot tribe, or its overseers, added to the membership lists any persons who were not qualified to be included and who were not accepted by the continuing tribal population.⁹¹ While the data was not included in the material submitted by the petitioners, the BIA researcher compared the available information on Eastern Pequot membership with information on Narragansett families known to have lived in the Stonington and North Stonington areas from the 1780's onward. There was no indication that the members of such families were included on the Eastern Pequot records unless they had married into the Eastern Pequot. Neither was there indication that miscellaneous non-Indians were included on the Eastern Pequot records and petitions (see working paper, draft of Table 3 for the draft technical report).

There is evidence in the 18th and 19th century records that the population of the Lantern Hill reservation did not constitute a totally endogamous group, but intermarried with neighboring Indian tribes. However, this did not constitute an innovation. Rather, all data concerning Indian genealogy of southern New England prior to first sustained contact with non-Indian settlers and during the early contact period (Potter 1835, 171-174; Wheeler 1886-1887, Chapin 1931) indicated that at least the ruling families of the Pequot, Mohegan, Narragansett, Eastern Niantic, Western Niantic, and Montauk sustained a regular practice of patterned out-marriage, while there were early occurrences of marriage into other tribes on the geographical margins of the southern New England region (Wampanoag, Massachusetts, Nipmuc, and Connecticut River Indians). In the cultural context of the region, therefore, the persistence of intertribal marriage did not constitute a change which would bring the persistence of the identity of the individual tribal groupings into question. The 25 CFR Part 83 regulations specifically allow for the movement of individuals and families between tribes, while patterned outmarriage with other tribes is

⁹¹Methodologically, it should be noted that the third party comments (Lynch 1998a) generally assumed that if a surname appeared in Mohegan, Mashantucket, Narragansett, or other tribal data as well as Lantern Hill reservation records, this signified that the family in question should not be identified as Eastern Pequot, either for purposes of showing descent or for purposes of showing community (e.g. Lynch 1998a, 5:24, 5:26). Because of intermarriage and because the 25 CFR Part 83 regulations allow for the movement of individuals and families between tribes, the BIA's analysis below does not accept this assumption, either for criterion 83.7(b) or for criterion 83.7(e).

interpreted as evidence in favor of community. The data available for the 18th century prior to the American Revolution indicated only minimal intermarriage between the Eastern Pequot and non-Indians, although this practice became more common in the 19th century (see also the discussion under criterion 83.7(e)). Marriage to non-Indians does not indicate either that there has been dissolution of tribal relations or that there is no tribal community.⁹²

The petitions concerning the appointments of overseers in 1763-1766 are discussed in more detail under criterion 83.7(c). The presentation of the petition reflects the continuing existence of an identifiable tribal community. The reservation was at this time in the jurisdiction of the Town of Stonington, that of North Stonington not yet having been separated from it. There is no requirement that all members of the community sign such a petition. In regard to criterion 83.7(b), the political material is greatly strengthened for the period from 1769 through the 1770's by the descriptive materials produced by the Reverend Joseph Fish in regard to his missionary efforts on the Lantern Hill reservation (#35 Pet. Narr. 1998b, 37; #113 Pet. 1996, HIST DOCS III, Doc. 88). He referred to the settlement as "Indian Town," visited it, focused on the need to locate space for the school, the amount of contributions promised by various of the Indian families, and arrangements for providing school space in the home of a tribal member, as well as arranging for contributions to the needy. The Fish material is useful throughout as describing the continuing existence of a historical Eastern Pequot community on the Lantern Hill reservation in the period 1757-1773, and indicates also that the tribe included off-reservation residents, such as an elderly woman who was still living on the coast.

The third parties implied that the adherence of several Eastern Pequot families to the Brothertown movement, resulting in their migration to New York and, ultimately, to Wisconsin, dissolved tribal relations (Lynch 1998a; see response Grabowski 3/15/1999). The participation of some members of the Eastern Pequot in an intertribal movement, although those individuals may have severed their relations with the Eastern Pequot, neither dissolved tribal relations of the remaining Eastern Pequot nor negated the existence of tribal community. Both the Mohegan and the Narragansett, both of whom have received Federal acknowledgment through 25 CFR Part 87, also had extensive participation in the Brothertown initiative and a portion of their tribal members also migrated to Brothertown.⁹³ On the basis of precedent, the available material is sufficient to meet 83.7(b) for a tribe during the colonial period.

From the American Revolution to 1883. The documentation throughout this period contributes to a showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian

⁹²"Narragansett marriage to Non-Indians, black and white, became an issue in the 19th century . . . the issue of race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, ..." (Narragansett PF 1982, 3).

⁹³The emigration of substantial numbers of persons from other countries to the United States in the past four centuries has not resulted in the legal or social termination of the national entities that they left.

identity continuously over a period of more than 50 years, notwithstanding changes of name.” The several petitions are discussed in detail under criterion 83.7(c). In 1788, the tribe identified itself as “us the Subscribers Indians of the pequod Tribe in Stonington” pointed out specific inconveniences caused by the absence of an overseer in regard to such necessary community functions as maintaining the poor and keeping up the “outside fences,” and stated that in choosing an overseer, “We must be supposed to know who are friendly or, at least who we are willing to place confidence in, . . .” (Burley 1965, 2; IP II:252, 252b, 253; typescript IP, II, First Series (b), 349, 351). This statement indicates that the Indian population constituted a group who recognized a common identity, consulted with one another, and reached a consensus on items of interest to them.

The May 6, 1800, petition from the Indians of the Lantern Hill reservation pointed out that non-Indians were infringing on the reservation, that their overseers were elderly men, one of whom lived some distance away, and requested relief (IP, 2nd, II:105-105b; 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389; Lynch 1998a, 5:24, 5:26). The third parties argued that such a petition complaining about infringements on the reservation by persons not legally entitled to reside indicated a loss of tribal relations (Martin and Baur to Fleming 12/15/1998, 5), but cited in support a similar petition filed by the Mohegan Indians in 1778 (Lynch 1998a, 5:27). The Mohegan tribe has been recognized through the 25 CFR Part 83 process. Contrary to the third parties’ argument, a protest from the tribe itself against infringements on its lands by the local non-Indian population clearly reflects the existence of an ongoing tribal community, rather than its absence.

The combined petition submitted by the Eastern Pequot, Western Pequot, and Mohegan overseers, co-signed by numerous non-Indian neighbors, to the General Assembly on May 6, 1815, concerning schools for the Indian children of Groton and Stonington provided considerably more descriptive data in regard to community (number of adults, number of households, number of children, number of poor⁹⁴) than in regard to political authority or influence. The petition stated that there were about 29 or 30 Stonington Indians in all, with 10 or 11 children. It stated that there were 14 “heads of families” at Stonington, but actually listed only seven, with two adults per household. These heads of families were: Samuel Shelly, Barrett (?) Shelly, Cyrus Shelly, James Nead, Isaac Faginys, Polly Johnson, Nabby Hugh (IP, 2nd, I: 18, 19, 20; #113 Pet. Narr., Exhibit N; #113 Pet. A-2).

The limited amount of data concerning community in Connecticut’s Indian Papers may be extended by the use of other types of documentation. In 1820, Timothy Dwight, president of the Connecticut General Assembly, visited the reservation. He described the housing (some wigwams and some framed houses), and indicated that about two-thirds of the tribe were living

⁹⁴The third parties were mistaken in asserting that the petition included the “Town’s poor” as part of the “Stonington Tribe” (Lynch 1999, 18), since town records indicate that there were many more poor than the few noted in this petition.

on the reservation, the others being distributed as servants among the English families of the neighborhood. His generally unflattering description emphasized poverty and degradation, but also mentioned industriousness and church attendance, particularly by the women (DeForest 1964, 441-442; citing *Dwight's Travels*, 3:27-29). Dwight provided no data concerning off-reservation Eastern Pequot Indians. Jedediah Morse's 1822 description, not based on a personal visit, was also general, although it contained more names and details than Dwight. Morse also described an existing community, indicating that the Eastern Pequot made brooms, baskets and similar articles, had the same opportunities of attending religious worship and sending their children to school, as the white people of the town, and that some were apparently pious and held a meeting once a month at which they all spoke in turn (DeForest 1964, 442-443; citing Morse's *Report on the Indian Tribes*; see also Burley 1965, 2). Both Dwight and Morse described a community which was clearly identifiable by outside observers. The gradual adoption of some aspects of non-Indian culture does not indicate either the dissolution of tribal relations or the cessation of the existence of community according to the precedents (Narragansett PF 1982, 10; Gay Head FD 1987, 3)

In examining the Federal census records from 1790-1840, the BIA researcher did not analyze those families which were not, through other documents, identified at some time in the historical record as part of the Eastern Pequot group with ties to the Lantern Hill reservation. Thus, the analysis in the draft technical report excluded not only those families other documents identify as solely of African-American origin, but also those of Western (Mashantucket) Pequot, Mohegan, and Narragansett origin unless they had some documented familial relationship with the Eastern Pequot. In the census records prior to 1850, only the head of household was listed. Listing of a head of household in the category of "other free persons" (or variants thereof) does not provide *a priori* evidence either that the household was African-American, as indicated by the third-party comments (Lynch 1998a, 5:36) or that the household, if otherwise documented as Indian, consisted of persons who had abandoned tribal relations. Rather, the census evidence must be correlated with all other documentation and evaluated in context in order to reach a conclusion.

When households were listed in residential order on the early censuses, the records can be of some use in determining the geographical relationship of households of interest. In those cases such as the 1810 census of most towns in Connecticut, however, where the enumerator grouped all "other free" households together in a separate section, the census cannot be used for that purpose.⁹⁵ For 1850 through 1880, the census was of more use for criterion 83.7(e), because the

⁹⁵As of the preparation of the proposed finding, both petitioners and third parties had submitted excerpts and selected photocopies from the census for this period, but it was not clear whether the material submitted constituted a complete survey. The records submitted contained some names that occurred in other documents as Eastern Pequot, but the majority of known Eastern Pequot did not appear as heads of household. The data was not sufficient to permit analyzing geographical distribution. Under the new procedures, the BIA researcher did not obtain the missing material. The complete census data was submitted after April 5, 1999, and will be considered for the final determination. For identifications of those Eastern Pequot household heads listed on the 1800-1840 census

entries included the names of household members other than the head, ages, and places of birth. While the information cannot be regarded as 100 per cent reliable, it can nonetheless be utilized for purposes of analysis. The listing of ethnicity on the censuses for these years must be correlated with other available documentation.

Throughout the years, as can be seen from the overall documentation, the overseers regularly paid Indians from other tribes (such as Betsy Wheeler, a Western Pequot), and non-Indians, to care for Eastern Pequot Indians; conversely, the town records indicate that Eastern Pequot Indians were paid to care for Indians from other tribes and non-Indians on occasion. These were contractual relations based on the need for care and no single set of transactions provided definitive data concerning the nature of the community.

Overall, the records reflect a single community. The entries on the 1842/1843 Indian Overseer reports indicated an acquaintanceship between the Brushell and Gardner families in the 1840's. On October 9, 1843, the overseer paid Harry Gardner for keeping Moses Brushel, paid David Holmes for making a coffin for M.B. and paid Primus Wheeler for digging his grave; on November 15, 1843, he paid Harry Gardner for keeping M Brushel (#35 Pet. Overseers Reports).

The absence of signers from the Brushell and Gardner family lines on the petitions may or may not be of significance. For example, Thankful Nedson signed in 1839, but not in 1841. She was, however, still a member of the tribe, because North Stonington wrote to the overseer concerning support for her and her son in 1850, and her name reappeared on later records of the reservation. Similarly, although Clarry [Clarissa] Shelley signed this petition, she was rarely mentioned in the overseer's reports. No extant document for this period can be regarded as equivalent to a tribal roll or tribal census, and the possibility remains that not all tribal members agreed with the removal request.

On September 9, 1857, Isaac W. Miner, as overseer, compiled the first census of the tribe that had been attempted. He headed it: "The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge -" The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins & two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marinda Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson & one child, Thomas Ned, Leonard Brown, Ezra Ned [dead], Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill (#35 Pet. Overseers Reports). Miner did not limit himself to persons who resided on the reservation (Thankful Ned and Leonard Brown had resided off-reservation in the past; the 1850 and 1860 census indicated that Laura Fagins and Abby Fagins may have been residing off reservation currently). While the record does not show the basis of this compilation, it appears, when compared to the full body of the documentation in the record, to have included only those

material in the record, see the draft technical report.

Eastern Pequot who were either currently residing on the reservation (even if they were self-supporting), or currently receiving benefits from the tribal funds (even if they resided off-reservation). These benefits were at this time paid only to families in need of assistance. It omitted the ancestors of the two largest family lines in both current petitioners (Gardner/Wheeler descendants and Brushell/Sebastian descendants), both of which in 1857 were living off-reservation and were self-supporting. This does not mean that they were not regarded as tribal members, either by the tribe or by the state--Laura Fagins, for example, was not listed between her marriage in 1843 and the 1857 census, but was included again when she began drawing benefits for her children.

For the the post-Civil War era, the BIA researcher has not attempted to determine what became of pre-Civil War families of Eastern Pequot descent which gradually ceased to maintain contact with the reservation. For evaluating petitions #35, EP, and #113, PEP, the crucial issue for the post-Civil War era is determining the nature of the association between the major modern descent lines and the remainder of the ongoing community of the Lantern Hill reservation and the wider membership of the Eastern Pequot tribe. Specifically, these descent lines consisted of the descendants of Tamar (Brushell) Sebastian, Marlborough and Eunice (Wheeler) Gardner, Rachel (Hoxie) Ned Anderson Orchard/Jackson, Laura (Fagins) Watson, and Abby (Fagins) Randall. The reservation, through much of this period, contained individuals from other families, such as Shelley and Ned, which have left no descendants in the current membership of either petitioner. They were, nonetheless, part of the historical community, and therefore the nature of the historical community must be evaluated by including them, and particularly the nature of the association of the petitioner's ancestral families with them.

From the end of the Civil War through the early 1880's, the overseers' reports were highly consistent in their listing of Eastern Pequot individuals associated with the Lantern Hill reservation, allowing for variants in spelling. Essentially, the following were named, here grouped by surname:

- Eunice (Fagins) Cottrell
- Lucy Ann Fagins
- Abby (Fagins) Randall/Jack, with five children
- Laura (Fagins) Watson, deceased, leaving five children
- Charity Fagins
- Joseph Fagins
- Marinda (Ned/Nedson) Douglas Williams
- Leonard Ned aka Brown
- Calvin Ned
- Caroline Nedson
- James Kindness
- Rachel Hoxie aka Ned aka Anderson aka Orchard/Jackson with five children
- George W. Hill

Andrew Hill

Lucy Hill aka Lucy Reynolds (#35 Pet. Overseers Reports).

Aside from the annual listings, the major events reflected in the state documents were efforts to sell parts of the Lantern Hill reservation land. These efforts, which resulted in counter-petitions, indicated a considerably larger group of individuals who considered themselves to have rights in the Lantern Hill property than those who were listed on the overseers' reports for the same era. These additional persons signed the petitions together with the persons listed by the overseers (see more detailed discussion under criterion 83.7(c)).

Neither petitioner nor the third parties submitted a systematic survey of the 1870 Federal census (NARA M-593, Roll 113). Rather, there were only incomplete extracts (Lynch 1998a 5:77-78; #113 Pet. 1996, GEN DOCS III). The records submitted that pertained to individual families have been incorporated into the accompanying charts for criterion 83.7(e). Because the North Stonington records implied the existence of a residential cluster, although not all of the key ancestors asserted by the petitioner were included in the cluster, they have been abstracted here. The following persons were grouped together as "Indians in North Stonington," all shown as born in Connecticut):

1/1 Colvin,⁹⁶ George, 61, m, Ind, farm hand; Eunice, 65, f, I, keeping house;
2/2 Williams, Calvin, 40, m, I, farm hand; Amanda, 41, f, I, keeping house; Hill, George, 50, m, I, farm hand;
#3 omitted;
4/4 Jackson, Henry, 45, m, I, farm hand; Rachel, 39, f, I, keeping house; Isaac, 20, m, I, farm hand; Fannie, 8, f, I; Jennie, 6, f, I; Phebe E., 4, f, I; Lydia, 2, f, I; Anry, 8/12, m, I;
5/5 Andrew, Isaac, 20, m, I, farm hand;
6/6 Congdon, Lee, 49, m, I, blacksmith, \$500 personal property; Catherine, 48, f, I, keeping house; George, 19, m, I; Lorin [?], 18, m, I; Frank, 17, m, I; Anna, 14, f, I; Osma, 5, m, I; Irvin, 4, m, I; Susan E., 1, f, I;
7/7 Gray, Issac, 20, m, I, farm hand; Boswick, Charles, 11, m, I, farm hand; Baker, George, 35, m, I, laborer; Baker, Phebe, 28, f, I, domestic servant; Brown, Leonard, [age illegible], m, I, farm hand (1870 U.S. Census, North Stonington, New London County, Connecticut; NARA M-593, Roll 113, 436).

While some of the group, such as Eunice (Fagins) Cottrell and Leonard Brown [Ned], were clearly associated with the Eastern Pequot tribe on the basis of other documents in the records, such families as the Congdons and the Bakers had never been identified as Eastern Pequot by the

⁹⁶Sic. This name should have been Cottrell.

Connecticut overseers and never signed tribal petitions.⁹⁷ Not all were Indian, for example the husband of Rachel (Hoxie) Jackson, and not all were in fact born in Connecticut. Both petitioners have asserted that Calvin Williams was present by virtue of his marriage to Amanda (Marinda) Ned. This has not been documented. He was paid from tribal funds to serve as a preacher on the reservation, and several of his collateral relatives were also listed on petitions and lists prepared in the 1870's. His two children, born in the early 1860's, were by Eunice Wheeler, who would later marry Marlboro Gardner. After the death of Amanda Ned, he married a daughter of Tamar (Brushell) Sebastian. While he has not been documented to have ties of genealogical descent from an identified Eastern Pequot, his biography indicates a closer involvement with the community than would result solely from his 1869 marriage.

Writing retrospectively much later, a local resident described recollections of the Lantern Hill reservation in the 1870's:

From Old Mystic the road to Lantern Hill follows the floor of a narrow, rather level, sparsely settled valley. About a mile south of the hill the highway passes through Indian Town, the reservation set aside by the colonists for the remnants of the Pequot Indians after their crushing defeat by Major John Mason in 1637. Here as late as 1870 dwelt a few Indians, mostly half breeds, who made a precarious living by a pretense of farming, basket weaving and picking berries, but among them was one woman undoubtedly of pure Indian blood, who claimed to be the last of the Pequots. She was the wife of Calvin Williams a full blooded negro⁹⁸ who, by his marriage had acquired the right to a residence on the reservation, where he made a comfortable living by farming. The couple lived in a neat, well kept cabin which I visited several times in my boyhood. I remember vividly that the most conspicuous article of furniture was a large illustrated family bible which was displayed on the center table of the little sitting room. Both husband and wife were members of the Baptist church in Old Mystic, at which they were regular attendants" (Harris and Harris n.d. [c. 1930?], 73-74). [footnote added]

In the early 1880's, a local historian wrote that: "It is wellnigh impossible to ascertain at the present time how many Pequots belong to or have an interest in these reservations. The Indian towns of the olden time have run down to two small houses on each reservation, which are now

⁹⁷The Bakers appear on Western Pequot overseer's reports. There were Congdon families in both the Mohegan and the Narragansett. The BIA researcher did not determine the ancestry of this particular family, but it had been residing in Rhode Island in 1860.

⁹⁸For discussion of this issue, see the background file on the Quash Williams family (BAR). The ancestry of Calvin Williams is known only by the names of his father and grandfather; the maiden names of his mother and paternal grandmother have not been identified. He signed Eastern Pequot petitions from 1873 onward, and was carried on the overseer's records as Eastern Pequot in the latter 19th century, as were several of his collateral relatives. His obituary in 1913 identified him as Pequot.

occupied by four families. How many are living elsewhere cannot be determined” (Hurd 1882, 35). This statement was not valid. The petitions and overseers’ reports from the post-Civil War period indicate clearly how many persons were receiving assistance, how many were classified by the overseers as tribal members, and how many asserted an interest in or right to the land when sales were proposed.

While some of the group, such as Eunice (Fagins) Cottrell and Leonard Brown [Ned], were clearly associated with the Eastern Pequot tribe on the basis of other documents in the records, such families as the Congdons and the Bakers had never been identified as Eastern Pequot by the Connecticut overseers and never signed tribal petitions. Not all were Indian, for example the husband of Rachel (Hoxie) Jackson, and not all were in fact born in Connecticut. The Bakers may have been present by virtue of the wife, nee Phebe Fagins.

The 1880 census contained only one small group which might indicate a settlement on the Lantern Hill reservation:

#370/410, Cottrell, George, I, m, 66; Eunice B., I, f, 72, wife;
#371/415, Brown, Leonard, I, M, 62, works on fr; Sunfun [?], Eliza A., F, 57;
#372/416, Reynold, Lucy, I, f, 64
#373/417, Williams, Calvin, I, M, 48, farming; Amanda, I, f, 53, wife, keeping house (NARA T-9, Roll 109, 1880 census, North Stonington, New London County, Connecticut [page omitted]).

The remainder of the identified Eastern Pequot families were enumerated separately, among the general population of New London County.

Because the community as a whole, throughout this period, had a residential focus on the reservation, and still maintained a very high rate of intermarriage and patterned outmarriage,⁹⁹ particularly with the Western Pequot and with the Narragansett, the Eastern Pequot tribe meets criterion 83.7(b) for the period through 1883.

Sources Reviewed for the Petitioner's Position that it Meets Criteria 83.7(b) and 83.7(c) since 1883. The source for statements of the position of the PEP petitioner are primarily the ethnohistorical report submitted as part of the 1996 petition (Grabowski 1996). The petitioner submitted another report on modern community in 1999 (Austin 1999) which, being out of time, is being held for utilization during preparation of the final determination.

⁹⁹The use of this type of evidence under the criteria is discussed in more detail below under “marriage patterns and community” for the later period.

Consistent with the directive, BAR field interview data was utilized only for purposes of evaluation of the petitioner's data and position and not to develop alternative positions which might demonstrate the petitioner met the requirements of the regulations. Completion of the finding within the expected time frames meant that detailed transcripts were not made of the tapes of most of the field interviews. The interviews contain additional information which may, based on a detailed analysis of complete transcripts, and supplementation by additional interviews and documentation, help demonstrate past and present community and political process not found to have been shown by the petitioner. Alternatively, there may be data in the field interviews which conflicts with the petitioner's data.

On the other hand, since much of the technical report had been drafted prior to issuance of the directive, the following analysis does include description and evaluation of written documentation which was in the record, but which was not specifically included in the petitioner's narrative and argumentation. This material falls particularly into the category of evidence pertaining to the nature of the Eastern Pequot tribe as a whole between 1883 and 1973, rather than to the specific subgroups of the Eastern Pequot tribe antecedent to each of the current petitioners.

From 1883 to the 1920's. The documentation throughout this period contributes to a showing of community under 83.7(b)(1)(vii), "The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes of name." In 1887, Richard Anson Wheeler published a "historical sketch" of the Pequot (Wheeler 1887). The privately published pamphlet represented Wheeler's speech at the groundbreaking for the monument to Major John Mason in Groton in June 1887. This booklet did not differ in any significant way from the chapter on the Pequots published five years earlier in a local history (Hurd 1882), being an almost word-for-word repetition. The BIA did not receive information as to whether Wheeler had originally written it for Hurd.

On January 5, 1889, *The Day*, New London, Connecticut, published an article which mentioned Eunice Cottrell, Eastern Pequot, recently deceased, believed to be age 115. This contained no description of the tribe (Female Longevity, *The Day*, 1/5/1889). Three days later, *The Day* published a brief notice concerning a minister who had refused to perform a proposed marriage between a Pequot woman and an elderly local man at North Stonington (Compliment Paid to the Pequots, *The Day*, 1/8/1889). This contained no description of the tribe, but implied that local people were well aware of its existence.

The Eastern Pequot account covering the period from July 2, 1889, through 1890, showed Gilbert Billings as overseer. He stated that, "[d]uring the last year I have been called upon for help by one family that has not been helped before" (#113 Pet. 1996, HIST DOCS I, Doc. 41; #35 Pet. Overseers Reports). It listed the following names, which, it should be noted, include direct and collateral ancestors claimed by both of the current petitioners:

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Members of Tribe: Abby Randall, John J. Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Munroe Watson, Molbro [?] Gardiner, Phebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson, [Three pages later in the photocopied document in the #113 petition, but apparently a continuation of the list: follows immediately in #35 Pet., Overseers Reports] Maria Simons, Mary Simons, Herman Simons, Lucy A. Sawant [Lawant?], Russel Simons, Dwight Gardiner, Calvin Williams, Tamar Sebastian, Leonard Nedson, Mary Ann Potter. Account of provisions furnished each family: Molbro Gardiner, Calvin Williams, Tamar Sebastian (#113 Pet. 1996, HIST DOCS I, Doc. 41; #35 Pet. Overseers Reports).

The 1890-1891 report, "Eastern Tribe Pequot Indians North Stonington in account with Gilbert Billings overseer," showed goods furnished to Molbro Gardner, Calvin Williams, Tamar Sebastian, Leonard Nedson, Jesse Williams, and Mary Ann Potter. The overseer stated: "In the last year I have been called upon for help by three familiy's [sic] that have not been helped before" (#35 Pet. Overseers Reports). The list of "Members of Tribe" was essentially the same as the prior year.

No overseer's reports were submitted for the period from 1891 through 1910. A 1924 newspaper article stated that the immediate predecessor of attorney Charles L. Stewart of Norwich as overseer was Calvin Snyder, "who now resides in Westerly" (Last of Pequot Tribe, *The Evening Day*, New London, Connecticut, 8/5/1924). Snyder's records, if they survive, have not been submitted by either petitioner or by the third parties.

No further newspaper or local historians' mentions of the Eastern Pequot were submitted by petitioners #35 or #113 until the 1900 publication of Richard Anson Wheeler's history of Stonington, which stated that:

The Pequot reservations in Ledyard and North Stonington do not at the present time contain a single wigwam house, nor a residence of any Pequot descendants . . . The North Stonington reservation remains intact and is leased as pasture land and the yearly income of both reservations is applied by the overseers thereof for the benefit of the sick and feeble old men and women of both of the clans of the Pequots, wherever they may reside" (Wheeler 1900,195; cited in Lynch 1998a, 5:96).

Wheeler's assertion that there were no residents on the reservation was not confirmed by more reliable contemporary records, such as the Federal census.

The 1900 special Indian Population schedules for North Stonington provided an identification of an Indian entity usable as evidence under 25 CFR Part 83. Some of the families included, such

as Wilcox (Narragansett) or Henry and Josephine (Lawrence) Wheeler (Mashantucket Pequot), while current residents of North Stonington, were not part of the population that had ever been associated with the Lantern Hill reservation. The remaining listees, however, included the majority of the Eastern Pequot population that had appeared on the last preceding and next succeeding overseer's reports, comprising direct and collateral ancestors of both petitioners in addition to surviving members of the Ned and Hill family lines.

Neither petitioner submitted a systematic survey of the 1910 census entries for the ancestors of the petitioners (NARA T-624, Roll 142). The third parties submitted some extracts (Lynch 1998a 5:100-102), but they also were not complete: for example, there was no data from Groton, Connecticut. The material from Ledyard included the special Indian Population schedules for the Mashantucket Pequot reservation. The material from North Stonington, Connecticut, included the special Indian Population schedules for the Eastern Pequot reservation (NARA T-624, Roll 142, ED 525, Sheet 13A: 1910, Thirteenth Census of the United States, New London Co., CT, Indian Population, North Stonington Reservation), which again showed direct and collateral ancestors of both petitioners. The data indicated that not all of the petitioner's ancestors who were residing in the town were included on the special schedules.

Charles L. Stewart was appointed overseer of the Eastern Tribe of Pequot Indians about 1908, according to the final account he submitted. However, the appointment may have taken place a year or so later than his 1929 estimate, for the first account that he submitted covered the period from January 1, 1910, through June 22, 1911 (#35 Pet. Overseers Reports). It indicated that there were 500 [sic] acres of land, which had never been the case, and stated that there were three houses on the reservation (#35 Pet. Overseers Reports).

Because of the missing overseer's reports from 1891-1909, it is not clear when members of the Gardner family in addition to Marlboro Gardner began to appear in the records pertaining to the reservation. His collateral Simons relatives, who have no descendants in the petitioner, appeared in the records more regularly than did his immediate family. Eunice Wheeler (Gardner) was residing there in 1900, but not in 1910. The Hoxie/Jackson family, however, appeared regularly in the reservation records throughout the post-Civil War period.

An interview provided by #113 with a member of the Jackson family, a half-sister of Atwood Williams Sr, born 1906, gives strong evidence that an internal dispute over the status of the Sebastians as Pequot goes back well before Atwood Williams' action in the 1920's (see below). The PEP petition quotes the interviewee as stating that her uncle William Jackson had "betrayed" the tribe by agreeing to a request by Emeline Sebastian to swear she was Pequot (Moore 1991; Grabowski stated that it was Jackson's wife who swore the affidavit, Grabowski 1996, 181, 206). According to the interviewee, the statement was an affidavit sworn in Norwich for the overseer

(Moore 1991).¹⁰⁰ The interviewee stated her mother, Phoebe Jackson (mother of Atwood Williams Sr.) was greatly against the Sebastians, noting that her mother and other older members expressed anger several times at Liney Sebastian's presence (Moore 1991). However, the interviewee stated that William Jackson made the statement at the behest of his wife Fannie, not Liney (Moore 1991). Fannie was a step daughter of Moses Sebastian. This interview material indicating the dispute existed in the first decade of the 20th century and implicitly earlier, is consistent with a report by an older Sebastian, born 1910, who said that his grandfather, Solomon Sebastian (born 1858) had told that family dissension had existed before he [Solomon] was born. Solomon Sebastian reportedly stated "We've always argued, they claimed we were not Indian" (Burgess 1998, 3-4). The dispute between the Jacksons and the Sebastians would probably not have had the racial overtones that characterized Helen LeGault's later opposition, judging by the non-Indian ancestry of Phoebe Jackson. Significantly, the same interviewee who was cited in the PEP petition concerning the Sebastians, denied in the same interview that LeGault was Indian, notwithstanding that her sister-in-law was from the same family (Moore 1991). A similar position was taken in 1973, by Arlene (Jackson) Brown, in addressing the CIAC. She denied that the Gardner line was Indian, claiming that Marlboro Gardner was West Indian.

1920 to 1940. By 1929, Franklin Cleveland Williams (who was a Western Pequot through his father, but also was a son of Sarah Sebastian, a brother-in-law of Clarence Williams, and a brother-in-law of Paul Spellman) applied to build a house on the Lantern Hill reservation, which was approved over the objections of Atwood I. Williams. The record does not indicate, however, that this controversy specifically involved the right of the descendants of Tamar (Brushell) Sebastian as Eastern Pequots, but rather the issue was that the applicant was a Western Pequot. The overseer wrote

During the year I made the following [illegible]. [illegible] Williams of Stonington, Connecticut, admittedly a Pequot Indian, who had been duly enrolled as a member of the Western Branch Pequot Indians appealed to me for permission to erect a dwelling upon the Reservation of the Eastern Branch at North Stonington. Oral permission was given him by the overseer. Williams' right to occupy lands of the Eastern Branch of Pequot Indians was challenged by the chief of both tribes, Mr. Atwood I. Williams of 388 Cranston Street, Providence, Rhode Island. The chief of the tribe is known as "Chief Silver Star." I fixed a time for a hearing, at which Franklin C. Williams appeared in person and also by his counsel . . . chief Silver Star appeared in person. At the conclusion of the hearing I sought the advice of the Honorable Allyn L. Brown of the Superior Court and thereafter ruled that Section 5167 of the General Statutes, Revision of 1918, makes no distinction whatever between several branches of the same tribe, and that a

¹⁰⁰No documents were found in the record which corresponded to a possible sworn statement by William Jackson.

recognized member of this tribe is not debarred from the occupational right of the Reservation simply because either for convenience, or expediency, or other reasons, the tribe may have been divided into separate branches. My conclusion was that the petitioner, Franklin C. Williams, had the right, with the approval of the overseer, to erect a dwelling on the lands belonging to the Eastern Branch of Pequot Indians (#113 Pet. 1996, HIST DOCS I, Doc. 41).

The State Parks and Forest Commission distinguished between reservation residency and tribal membership. On August 22, 1938, the Commission authorized Arthur Sebastian Jr. to reside on the Eastern Pequot Reservation, North Stonington, Connecticut ("a person of Pequot blood, but not a member of the tribe," . . . "provided, however, that no tribal rights are hereby conferred. . . ." (Lynch 1998a 5:125-126). Through the later 1930's, Atwood I. Williams continued to object to residency by the Sebastians (see the letter from Allen B. Cook, State Park and Forest Commission, to Ellsworth C. Gray re: genealogy of Benjamin Sebastian 12/12/1938; Lynch 1938, 5:126).

The first extensive discussion of the genealogical objections raised by Atwood I. Williams to the residence of Tamar (Brushell) Sebastian's descendants on the Lantern Hill reservation appeared in 1937 as part of a talk by the overseer, Gilbert S. Raymond, on Pequot history, made to a civic group (Founders of Norwich Re-Elect Reginald Reynolds President. Norwich Bulletin 6/10/1937).¹⁰¹ At approximately the same period of time, perhaps between 1936 and 1938, the compiler of genealogies for the Connecticut State Parks and Forest Commission addressed the issue of Tamar (Brushell) Sebastian's origins (#35 Pet., Genealogy; see also J.R. Williams Notebook c. 1941). That the genealogical objections mentioned by the State Park and Forest Commission genealogies were raised by Atwood I. Williams is at least implied by a December 12, 1938, letter from Allen B. Cook, State Park and Forest Commission, to Ellsworth C. Gray, concerning the genealogy of Benjamin Sebastian (Cook to Gray 12/12/1938; CT FOIA #18; Lynch 1938, 5:126).

Other external, descriptive material in the record that might contribute to an understanding of community is very sparse. In 1923, an unidentified newspaper published an article on Mr. and Mrs. William H. Jackson under the title, "Observed Silver Wedding Day on the Pequot Indian Reservation." The article did not describe either the tribe or the reservation as such, but rather the family gathering held on the occasion. It did mention that a six-month-old granddaughter "is the youngest member of the Pequot tribe" and gave the residence of another daughter as Providence, Rhode Island (Observed Silver Wedding Day 1923).

¹⁰¹See also: "Disputed strain of Portuguese-Pequot [*sic*] marriage" (J.R. Williams Spiral notebook, ETH DOCS III, Doc. 65).

On August 5, 1924, *The Evening Day* of New London, Connecticut, published a somewhat more extensive article, "Last of Pequot Tribe of Indians Live on Lantern Hill Reservation. Origin of Tribe is Mystery. Intermarried with Narragansetts--Little Colony Numbers 25."¹⁰² The historical aspects were taken from either Hurd (Hurd 1882) or Wheeler's pamphlet (Wheeler 1887) which, as mentioned above, were basically identical. The article mentioned William Jackson as a member of the tribe and appears to have been connected to Thomas W. Bicknell's project for placing historical markers at New England's Indian historical sites (Last of Pequot Tribe, *The Evening Day*, New London, Connecticut, 8/5/1924).

A 1927 obituary from an unidentified newspaper described William Albert Gardner as a "Pequot Indian Descendant," born in North Stonington 40 years before, and resident of the locality his whole lifetime. Although it primarily contained personal information, it did mention that, formerly a farmer, he had spent his "latter life" on the Pequot Indian reservation, where he conducted a refreshment stand and bait business (William Gardner, Pequot Indian Descendant [1927]). While his wife was listed on the 1923 overseer's report, his name did not appear (#35 Pet. Overseers Reports). *The Day* of New London, Connecticut, published an article which considered both the Eastern and Western Pequot tribes (70 Members Now in Two Pequot Indian Tribes 6/30/1931). A local resident, writing retrospectively at a later date concerning the 1930's, described that at Lantern Hill, he met a boy who lived on the reservation, giving the name as Paul Leroy Stacy [Spellman?] (Harris and Harris n.d., 76-77). In 1933, a newspaper article stated, concerning contemporary conditions on the reservation, that the, "inhabitants of the North Stonington reservation gain a livelihood by working at odd jobs. The reservation borders Long Pond, and a few of the Indians eke out an existence by taking care of the summer cottages which dot the shore" (Poor But Proud 7/9/1933).

Charles L. Stewart continued as overseer after 1915, until 1929. His reports continued to be informative concerning circumstances of the reservation residents, whether they resided permanently or worked off-reservation (#35 Pet. Overseers Reports),

During the period from 1932 through 1937, Raymond maintained a ledger, which is located at the Connecticut State Library (Raymond Ledger 1932-1937). This was in addition to his annual accounts, and contained annotations such as that concerning Mary E. Davis and Abigail E. Davis of Providence, Rhode Island: "Never have seen these two or heard from them" (Raymond Ledger 1932-37).

Gilbert's annual account dated May 22, 1934, including "a list of members of the tribe (as near as can be ascertained)" (#35 Pet, Second Submission, Sources Cited; CT FOIA #69) was basically the same as the June 1, 1934, list of "Members of the Eastern Tribe of Pequot Indians. Filed and

¹⁰²All copies of this item submitted to the BIA were either incomplete, partially illegible because of bad photocopying, or both.

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Allowed in the New London County Superior Court," which contained the names of 39 members, with addresses (New London County, Connecticut, Superior Court; typed copy, #35 Pet., Litigation 1980s; different typescript, #113 Pet. 1996, HIST DOCS I, Doc. 41).

On June 10, 1937, Gilbert Raymond, the former overseer and current liaison between the State Park and Forest Commission and the Pequot reservations, gave an extensive talk on Pequot history to the Founders of Norwich (Founders of Norwich, *Norwich Bulletin* 6/10/1937). Concerning the Lantern Hill reservation, he stated:

The Eastern Reservation

This reservation now consists of about 270 acres of wood, brush and pasture land, probably not over ten acres of which can be cultivated, in the western part of the town of North Stonington southerly of Lantern Hill and on the eastern shore of Long pond. This is about the same size as when established, except for about 60 acres which have been sold. The last sale was made about 1880 when the state legislature authorized a sale of 30 acres to Mrs. Sarah Mallory, who later sold the land to William L. Main. On this reservation there are six or seven houses, small frame shacks occupied by members of the tribe, about 15 living there, the number varying from time to time. The children who go to school from there attend the country school on the Westerly road about one and one-half miles this side of North Stonington village. There are also three cottages on the shore of the pond, the sites being leased by residents of Mystic, and which are used during the summer (Founders of Norwich, *Norwich Bulletin* 6/10/1937).

On March 11, 1936, the minutes of the State Park and Forest Commission indicated, concerning the Eastern Pequot Reservation, that Atwood I. Williams, Westerly, Rhode Island, was at present recognized as leader by the tribe. It indicated that there were 16 members on the reservation, 12 elsewhere in Connecticut, and 15 in other states, for a total of 43 (#35 Pet. Narr. 1998b,45; citing State Park and Forest Commission 1936). This meeting also adopted provisions for tribal membership and admission to membership, as follows:

- (a) Children of resident members will be members by birth.
- (b) children of non-resident members will be eligible for membership upon proof of such parentage.
- (c) All other admissions to a tribe will require written application, accompanied by reasonable proof of descent and presence of Indian blood. Such applications should be endorsed by the recognized Leader of the tribe, if any, or in lieu thereof the endorsement of two resident members. In doubtful cases the Commission will hold a public hearing with due notice to the interested parties before granting or refusing the application" (#35 Pet. Narr. 1998b, 45; citing State Park and Forest Commission 3/11/1936).

Fourth Sunday Meetings. The EP petition described the “4th Sunday Meetings” as gatherings which were “both religious and social in nature” (EP Narr 7/98, 50-51). The meetings are described as beginning “sometime prior to 1921.” These were prayer meetings, at which families gathered for religious ceremonies, followed by a social gathering and a meal. According to the EP petition, the adults “discussed tribal matters and gossiped.” the reported topics of discussion were any problems residents or other members were having with State or local officials regarding either reservation land use or assistance, trespassers on the reservation, and problems with the “LeGault faction.” The meetings took place for the most part on the reservation, at the home of “Aunt Liney,” Tamer Emeline (Sebastian) Williams.¹⁰³

PEP indicates that before the time of Emeline Williams’ meetings, reservation religious meetings were held first by Calvin Williams (Emeline’s husband), who is noted as having been a paid preacher for the tribe (see discussion under criterion 83.7(c)). Subsequently a Narragansett preacher named Samuel Dixon is reported to have taken over running the meetings (see also Moore 1991). PEP quotes a contemporary account of pre-Emeline meetings as not being limited to Indians, but including various non-Indians (citing Stone 1985:77). One PEP interviewee gave an indication that the attendees were drawn from the area, without limiting it to tribal members or even Indians (Moore 1991). This material would tend to undercut the claim also made by the petitioner that the successor meetings were secretly tribal meetings (see below).

PEP identifies what appear to be the same “fourth Sunday meetings” that the EP petition did, indicating them to have been a part of their antecedent group’s political processes (Grabowski 1996, 154-155). The petition researcher (Grabowski 1996) states that the “religious meetings” in the 1930’s were:

held in tribal members’ homes, sometimes out of doors, weather permitting. In earlier years, the Sunday meetings were rotated from house to house and afterwards would be followed by a general potluck picnic (Moore 1991; Jackson 1995; Potter 1995; A. Cunha, personal communication). Children would play while the grownups discussed tribal business (Grabowski 1996, 191).

The PEP petition also claimed that those meetings concealed the purpose of the meeting, to conduct “tribal business,” from outsiders, including the overseer (Grabowski 1996, 191). PEP held further that:

¹⁰³Emeline Williams, Calvin Williams’ widow, was a daughter of Tamar (Brushell) Sebastian. She was identified as one of the last of the Eastern Pequot basket-makers by Eva L. Butler in 1947 (Butler 1947, 41; *in* Speck 1947), and lived on the reservation until her death in 1942. About 1941, a researcher for the state wrote that: “She has prayer meeting in her house three or four times a year. Anybody comes that wants to” (Williams Notebook c. 1941). The Paucatuck petitioner notes the report but does not comment beyond saying that this was “uncorroborated” (Grabowski 1996, 191n210).

Tribal members from off the reservation came to these meetings as was practical, depending upon where they lived. Since the religious meetings were held regularly, off reservation tribal members were well aware when they took place. Moreover, as part of the same social (kin) network as on reservation members, they were also well informed regarding topical issues and new developments concerning the tribe (Grabowski 1996, 191).

There was not substantial information in the Moore interview (Moore 1991) to validate this part of the description. That the PEP sources also refer to the "fourth Sunday" meetings is consistent with this finding's conclusion that at this point in time, 1920 to 1940, the Eastern Pequots were not significantly divided, although there were some internal conflicts concerning the Sebastians. However, the PEP petition's description does not indicate that the Gardner/Edwards line members, who were not directly related to the Jacksons, were participating in these meetings, nor does it provide any explicit indication that members of the Gardner/Williams line (linked to the Jacksons by marriage) attended them.

1940-1973. Throughout the mid-20th century, from transfer of jurisdiction to the Welfare Department in 1941 to eruption of the CIAC controversy in 1973, there is no evidence in the record that the State of Connecticut was looking at "membership" in the tribe in any meaningful sense. Therefore, the records from this period provide no direct evidence concerning political authority and/or influence, or community. The state's definition of eligibility to reside went entirely by descentancy, on the basis of the lists transferred to them from the State Park and Forest Commissioner. From 1941 through the 1970's, Connecticut's records paid no attention to anyone who didn't apply for reservation residency, and evaluated that simply on the basis of being able to show descent and 1/8 blood (very vaguely defined and certainly not scientifically computed). Unless an individual applied to reside on the reservation, which from at least 1936-1970's was being administered as state-owned land on which certain defined individuals were rather grudgingly permitted to live, the state apparently had no interest in the tribes and certainly didn't keep track of potential "membership" in any meaningful sense after the compilation of the genealogies of the late 1930's and the J.R. Williams Notebook c. 1941. From 1941 through 1959, the majority of the reservation residents were elderly. Much of the Welfare Department correspondence had to do with various requests for financial assistance, which were not limited to any particular family lineage.

From the late 1920's through the 1960's, the record reflects the tensions on the Lantern Hill reservation which resulted from the opposition of Helen (Edwards) LeGault to the presence of those Eastern Pequot who also shared African-American ancestry. This opposition by Mrs. LeGault continued into the period of the CIAC controversy and was not limited to the descendants of Tamar (Brushell) Sebastian. As will be seen from the data included in this finding, in the 1970's her proposed Eastern Pequot membership lists also excluded the descendants of the Hoxie/Jackson line, who were not included in the membership of petitioner #113 until after her death in 1990. This exclusion is a significant item in interpreting

community. In the 1936 listing of Lantern Hill residents by the State Parks and Forest Commission, eight of the total 13 were members of the Jackson family. By contrast, three were Sebastians, one was Helen LeGault (Gardner/Edwards line), and the last was the Western Pequot, Franklin Williams (also a Sebastian descendant), who had built a house on the reservation (Connecticut, State of. Thirteenth Biennial Report of State Park and forest Commission, December 9, 1936, 30).

As can be seen from the census records for 1910 and 1920, Helen Dorothy Edwards had spent her childhood off-reservation, in the household of her non-Indian father. Therefore, the statement in the #35 (#35 Pet. Narr. 1998b) narrative paralleling her experience with that of Tamar (Brushell) Sebastian as having spent a childhood on the reservation, left for some time, and then returned, was not valid. In an undated entry, made between approximately 1935-1939 given the context of the record, Raymond made a note in his ledger concerning this family line:

Mrs. Emma Gardner Edwards (Mrs. Williams [*sic*] Edwards) (sister¹⁰⁴ of Grace Gardner Boss) not to go on List not a member of tribe (a Narragansett) (not a member) (mother of Helen Edwards LeGault). Mrs. Helen Edwards LeGault daughter of above (not a member of Tribe) (wife of George) Lives on the Reservation, has been there about 2 years. Has 5 brothers Sisters - 2 sisters, 3 brothers who do not live on the reservation (not members) of Eastern Tribe (Raymond Ledger 1932-1937). [footnote added]

Raymond's analysis did not address descent, but reflected the current membership status, which was that the Edwards family had not been included in the list of members certified by the Superior Court on June 9, 1933.

In 1956, Mrs. LeGault wrote that she had been on the southern portion of the reservation property for almost 29 years, which would place the beginning of her residency as 1927, approximately the same date as her 1926 marriage and about the same date as the death of her uncle, William Albert Gardner (LeGault to Barrett 11/15/1956). This date would also suit the recollection by Harold Jackson that he stayed with the LeGault's for about a year before he took his first off-reservation job. The 1933 overseer's report indicated that there were seven houses on the reservation, with their occupants listed. One of the occupants was given as "Mrs. Grace [*sic*] LeGault" with the handwritten annotation, not typed "(not a tribal member)" (#113 Pet. 1996, HIST DOCS I, Doc 41). This was the earliest documentation concerning Helen (Edwards) LeGault's residency on the Lantern Hill reservation.

¹⁰⁴*Sic*, but in error: should read sister-in-law. In another place, in a list of houses on the Eastern Reservation, he wrote "LeGault daughter of Mrs. Gardner-Boss, House on West side highway" (Raymond Ledger 1932-1937). This too was mistaken: Mrs. LeGault was a niece by marriage of Grace (Jackson) Gardner Boss.

Subsequent documents indicated that Mrs. LeGault resided on the reservation in the house where her uncle, William Albert Gardner, had previously lived. She did not, however, remain there throughout the period after 1933, for in 1948-1950 she engaged in negotiations with the Office of the Commissioner of Welfare concerning her desire to return to the reservation and obtain assistance in repairing the house (Squires to LeGault 6/14/1948; Squires to LeGault 7/12/1949; Connecticut, State of. Welfare Department. Squires, Clayton S., Memorandum, Pequot Reservations 5/10/1949; Lynch 1998a, 5:134-135). In the later 1950's, she negotiated with the Welfare Department for permission to build another house on the site (Connecticut, State of. Welfare Department. Palmer to Squires and Barratt on behalf of Helen Legault re: her desire to build a house on property on the Eastern Pequot reservation other than that which she now uses 1955-1957; CT FCIA #68), while in 1959, she and her husband were described as "summer residents" (Connecticut, State of. Welfare Department. Residents on Indian Reservation, Eastern Pequot, Richardson to Kelly 8/5/1959).

By 1933, Mrs. LeGault was actively publicizing her opposition to some of the other residents on the Lantern Hill reservation. The July 9, 1933, article in the *Hartford Courant*, quoting Helen (Edwards) LeGault, stated:

Why Pure Stock has Dwindled. Mrs. Le Gault, one-half pure Pequot, is proud of her original blood. She feels strongly against the intermarriage of the Pequots with other races. The Indian blood that is left is the weakest of all, she asserted. She attributed this intermarriage to stark necessity. The original Pequots could not make a living among themselves and it became necessary to take husbands of other races in order to exist. This has accounted for the dwindling of the tribe to a mere handful . . . (Poor But Proud 7/9/1933).

Concerning LeGault's parents, the article stated: "Mrs. Edwards mother was of Pequot and Narraganset Indian ancestry, while her father was a full-blooded Pequot. Her husband is of Yankee stock (Poor But Proud 7/9/1933).

Atwood I. Williams was in a somewhat different position than the Edwards family (his wife's nieces and nephews), in that his own mother was Phoebe Esther Jackson.¹⁰⁵ Some of his children were born in North Stonington, but he was not listed on any Eastern Pequot overseer's reports prior to 1929, and neither he nor any of his children ever resided on the reservation. However, his mother (at least sporadically), his aunt and uncle (continuously), and several of his half-siblings and their children were residents (see discussion above, #35 Pet. Overseers Reports).

¹⁰⁵ Nephew of William Jackson. Atwood Williams is Will Jackson's nephew. Sister had him by a white man before she was married. Will has an old fiddle - he learnt himself. Looked at hundreds of pictures of all kinds of negroes. I guess Will has a good deal of Indian blood because his nephey [sic] is Atwood Williams who looks like a full-blooded Indian (Williams Notebook c.1941).

The same 1933 article which quoted Helen LeGault also summarized Atwood I. Williams' attitude. Noting his marriage to Agnes Eunice Gardner, also Indian, it stated: "Chief Williams believes in keeping the Indian blood as pure as possible and has endeavored to impress this important fact on the members of the two reservations" (Poor But Proud 7/9/1933). The same attitude was expressed by a niece of Agnes (Gardner) Williams in a 1941 interview.¹⁰⁶

During this same period, Connecticut sources noted that Elizabeth (George) Plouffe, one of the leading Western Pequots, had "great scorn for" Williams himself because of his partly black ancestry (Williams Notebook c. 1941).¹⁰⁷ Her sister, Flora (George) Stenhouse, was still expressing the same attitudes at the end of the decade. Writing to the Governor of Connecticut in regard to the Lantern Hill reservation, she stated that she wanted it used for the Ledyard (Western Pequot) Indians: "On this 'Lantern Hill Reservation' there is not one living there of Pequot blood but who claim to be Pequots. All of them are of negro blood and are 'squatters'. The old Pequots who lived there are now dead, but these people are getting the benefits from the reservation that should be for the Pequots" (Stenhouse to Bowles 5/17/1950; Lynch 1998a 5:135-136).¹⁰⁸ While the views of the Western Pequots might be considered irrelevant, these statements provide relevant background material for the testimony that the group presented before the CIAC in the 1970's (see below).

¹⁰⁶Mrs. Calvin Geer - 1/4 Indian

Her mother was half indian, 1/4 yankee, 1/4 spanish. Her father a yankee. She has married a blond, blue-eyed yankee farmer named Geer. Has seven children. All are blue eyed blonds (but 1/8 Indian) . . . Mrs. Geer wanted it understood that there was not a drop of negro blood in her. She was indignant at the "Indians" on the reservation at Lantern Hill who she says are a bunch of negroes. Her aunt, a Mrs. Atwood Williams, of Mystic is married to another part Indian and they were active some years back in the "Indian Federation" but has since dropped since so many negroes came in (Williams Notebook c. 1941). [capitalization *sic*]

¹⁰⁷[p. 19] "Mrs. Plouffe has many grievances . . . Then against the "n[. . .]s" at Lantern hill. Claims that none of them belong there - squatters etc. Envises them the comparatively good land they have. Wishes the state would run them out"; [20] re Ledyard: Great scorn for Atwood Williams because of his "grant [*sic*] sachem" ideas and his negro blood (Williams Notebook c. 1941). [ellipse inserted by BIA researcher]

"At Wms. Westerly pretends to be full blooded but has 2 races. Silver Star" (Williams Notebook c.1941).

¹⁰⁸"Dear Sir: I am representing the Pequot Indians of Ledyard which are the last remaining ones . . . I wanted to talk to you about Lantern Hill which is called the "Eastern Reservation". It was bought for the Pequots in 1683 for old chief Mamohoe whom we descended from . . . On this "Lantern Hill Reservation" there is not one living there of Pequot blood but who claim to be Pequots. All of them are of negro blood and are "squatters." The old Pequots who lived there are now dead, but these people are getting the benefits from the reservation that should be for the Pequots. The Lantern Hill Reservation has a good road, a nice lake, phone and lights and can get in and out and a living could be made there. What I want to know is why we Pequots can't go there and claim our land? It was our land in the beginning. Not one there can prove they are of Pequot blood. More and more are going there every year and taking land. There isn't much land left . . . Mr. Squires told me to have a paper made up signed by all the members of the Pequot tribe and stating that we want our land back. He told me to take it to our State Representative and have him bring the paper in for the September 1949 Session . . ." (Mrs. Sidney Stenhouse to Governor Chester Bowles 5/17/1949; Lynch 1998a 5:135-136).

The petitioner's description of community after 1920 is very general. The petitioner states that "even though most tribal members were no longer living on the North Stonington reservation in the early 1900's, it is clear that they were still sustaining strong social ties with other tribal members on and off the reservation" (Grabowski 1996, 150). The petitioner's most substantial discussion of historical community in the 20th century is to identify what it refers to as "kinship clusters," but the actual discussion of these, while introduced by a reference to 1930-1931 (Grabowski 1996, 165), focused on the 1910-1920 era (Grabowski 1998, 166-168). The petition concludes that "most of those who resided on the reservation as of 1930 and 1931 were related to each other (Grabowski 1996, 166)." It described these residents as the "Jackson/Spellman extended kin network," noting that others from the network worked off-reservation, "returning on Thanksgiving, Christmas and other holidays to visit with relatives and other tribal members on the reservation." The petition goes on to say that "there were also [other] similar kin-based clusters of eastern Pequots who continued to reside off reservation, primarily in North Stonington, Providence and Westerly" (Grabowski 1996, 166), but the more detailed discussion of these also focused on 1910-1920.

A limitation of the petition's discussion of the Jacksons (Grabowski 1996, 197) is that it excludes the Jackson kinsmen who were related to or socialized with the Sebastians--for example, the state reports that Grace (Jackson) Gardner Boss, widow of William Albert Gardner, in the late 1930's and early 1940's, when she spent weekends on the reservation, stayed with Tamar Emeline (Sebastian) Williams or, after Emeline's death in 1942, with her daughter Sarah Holland--, thus giving only a part of the picture. The "kinship clusters" are not clearly defined, but appear to be no more than close family groups. They are defined at one point in the petition text as the "Wheeler/Williams Edwards/Wheeler and Jackson/Spellman kin clusters" (Grabowski 1996, 202). Examined in the light of the available genealogical data, this consists of the two main branches of the Marlboro Gardner family, and, apparently, a portion of the Jackson line connected with them. However, the petition is not clear on this question.

The petition contains few descriptions of social events that brought members together, other than meetings at Helen LeGault's house on the reservation which were both social and political. It provides no clear dates for these--the only ones documented took place in the 1970's and later. The petition also states that Atwood Williams hosted gatherings of tribal members at his house in Westerly. It stated that his large house provided meeting place for extended kin and tribal members alike (Grabowski 158-60). A limited review of BIA interview data concerning Williams' activities did not provide information which would support the petitioner's position. A limited examination of BIA interview data did not indicate other tribal events or social gatherings beyond family affairs. However, it was not possible to complete review this body of data.

Marriage Patterns and Community. The regulations provide for measurement of rates of marriage within the group and, "patterned out-marriages" with other Indian populations (83.7(b)(1)(i)) as a means to demonstrate community. Creation of an analysis of marriage rates for the entire group historically would require considerable staff time and amount to conducting a

new analysis rather than evaluating either or both petitioner's analysis. However, a partial reconstruction and analysis was possible, based on the materials prepared in evaluating tribal ancestry for criterion 83.7(e). This counted the marriages extant in the years between 1883 and 1940 for all of the Eastern Pequots that could be identified. It thus includes ancestors of the EP petitioner (#35) as well as the ancestors of the PEP. This count found that of 167 total marriages, 54 (39 percent) were with other Eastern Pequot. Another 17 were with Western Pequot (10 percent). Narragansett spouses accounted for 25 marriages (15 percent) and marriages with miscellaneous other Indians or Indian descendants were six percent. The balance of 61 (36 percent) were with non-Indians. This count substantiates the petitioner's position that marriages within the tribe and with neighboring tribes were common, and provides good evidence to demonstrate community. However, it does not reach the 50% rate of endogamous marriage sufficient in itself to demonstrate community under 83.7(b)(2)(ii).

Marriages within a group may also be approached from the point of view of analyzing the kinship ties which are established by such marriages. Marriages establish kinship links which in small tribal societies are an important part of community. Particularly in a small group such as these, a description of the resulting network of kin relationships provides good evidence for community, without calculating marriage rates. Indeed, marriage rates are a means of quantifying kinship ties within a group, which may be evaluated by other means.

The ancestors of the Eastern Pequot are few enough and the reconstruction of family genealogies for this finding complete enough to provide the basis for a description of marriage-based kinship ties. An analysis was made of the interlinking of Eastern Pequot family lines as a result of marriages between the 1850's and 1930's (see Snoqualmie proposed finding for a similar analysis). The number of available marriage partners who were Pequot was limited to no more than two dozen at a given point in time. This analysis showed that the Jackson family, the line with the most consistent reservation residence between 1880 and 1920, was linked to both the Sebastians and the Cardners. The Sebastians were linked with both the Laura Fagins and the Abby Fagins lines. There were also marriage links, from the 19th century, to lines which later died out (*e.g.*, the Ned or Nedson line). An additional set of ties developed because in some cases, the same individual had been married first to a member or connection of one line, and then to another (*e.g.*, John Randall). This analysis does not address the marriages to Narragansetts and Western Pequots, although these provide additional kinship links through those family lines--of particular significance in indicating the existence of a single community are such marriages as that between one of the Sebastians and a daughter of Eunice (Wheeler) Gardner's oldest son, Cyrus George.

In summary, the main family lines between 1880 and 1920 were linked together both by extant marriages and by ties from marriages in the preceding two generations. They formed a set of families linked by many different kinship ties. In addition, because marriages occurred between Pequot individuals who were not living in the same town, this provides evidence that social contact was being maintained, and was the basis for locating marriage partners.

Evaluation of the Evidence, 1883-1920. The Eastern Pequot tribe as a whole, including the ancestors of petitioner #113, meets the requirements of criterion 83.7(b) between 1883 and 1920. Important evidence for this is the kinship based social ties which derive from the substantial number of marriages in existence in this time period which linked the several family lines. This evidence is supplemented by the substantial number of marriages with neighboring tribes, particularly the Narragansett. These provide additional evidence that the group was part of the Indian society of the region.

Supporting evidence to that based on kinship is the geographical concentration of much of the membership on or near the reservation at Lantern Hill. While not forming a distinct settlement, except for the small proportion living on the reservation, much of the membership was close enough that, consistent with past decisions, social interaction was easily possible. This geographical pattern thus supports more direct evidence of social ties.

Additional evidence for community is found in the overseers' reports, although these were not available for the years between 1891 and 1910. The overseers were knowledgeable observers of the group, because of their interaction with it. Allegations by petitioner #113 and the third parties that the overseers were not knowledgeable, or were corrupt, were not sustained by the body of data in the record. Although their reports provide few details, they are premised, particularly the identification of who was and who was not a member, on knowledge that a social group existed.

A final factor in support of a demonstration of community is the consistency of the group's membership, as reported by the overseers, before, after and during the period between 1883 and 1920. Consistency of membership by itself does not demonstrate community but provides supporting evidence when weighed together, as here, with other factors, provides supporting evidence.

1920-1940. The historical Eastern Pequot tribe as a whole meets the requirements of criterion 83.7(b) for the time period between 1920 and 1940. There continued to be kinship based social ties which derived from the number of marriages in existence in this time period which linked the several family lines and from marriages in the previous generations. In this period also, that evidence is supplemented by the substantial number of marriages with neighboring tribes, particularly the Narragansett. These provide additional evidence that the group was part of the Indian society of the region.

The "Fourth Sunday" gatherings on the reservation were important additional evidence for community. These were held regularly, and drew a substantial number of members, from different parts of the several family lines. They were both social and political gatherings. Supporting evidence to that based on kinship and the "Fourth Sunday" gatherings is that there continued to be a geographical concentration of much of the membership on or near the

reservation at Lantern Hill. While not forming a distinct settlement, except for the small proportion living on the reservation, much of the membership was close enough that, consistent with past decisions, social interaction was easily possible. This geographical pattern thus supports more direct evidence of social ties.

Additional evidence for community is found in the overseers' reports, which were useful evidence until 1936, when the overseer system ended, and to a lesser extent through the end of the 1930's, as the former overseer continued to act as agent for the State Park and Forests Commission. Although their reports provide few details, they are premised, particularly the identification of who was and who was not a member, on knowledge that a social group existed.

The documentation pertaining to community during this period specifically for the ancestors of petitioner #113, as distinct from the tribe as a whole, was not as strong as that for the tribe as a whole. The petitioner argued that there were several "kinship clusters." The named clusters included part of the Jackson family line, which is not presently substantially enrolled with PEP. The clusters are not clearly defined, but appear to be no more than family groups. The existence of such groups may provide evidence for community but does not so by itself, without evidence that the groups are linked together in a community. In addition, the petition does not show how the clusters are connected with each other, a necessity for showing tribal community. The existence of such groups may provide evidence for community but does not do so by itself, without evidence that the groups are linked together in a community.

The written documentation indicates that there was also substantial solidarity within the two segments which may have subsequently separated into the two petitioners with the Jacksons, to a considerable extent, constituting a bridge between the Sebastians and the Gardners in the 1930's and early 1940's, as evidenced by Harold Jackson's having lived for a time with George and Helen LeGault, while his aunt Grace (Jackson) Boss, widow of a Gardner, stayed with Tamer Emeline (Sebastian) Williams and later with Emeline's daughter when she came to the reservation for the weekend. Grace (Jackson) Boss also endorsed the application of Ralph Powers, a Sebastian descendant, for tribal membership during the 1930's.

1940-1973. The material submitted by PEP reflects its interpretation that the Eastern Pequot tribe consisted only of the Gardner/Wheeler and Hoxie/Jackson descendants. If petitioner #113 today is essentially one family line (Gardner), that line was, from 1940 to 1973, sufficiently close in relationship to provide a basis for assuming the existence of community. This is the argument used in EP in part to establish community in this time period--the expansion of the Sebastians. It is equally applicable to PEP.

For the particular time period, 1940-1973, there was not good evidence to show social gatherings involving most of the group (as defined by the petitioner). The social gatherings which provided evidence for social community for EP provided evidence that the Fagins line descendants were maintaining social contact with and participating with the Sebastians, but did not involve

members of the Gardner family lines. It was unclear if the Jacksons were involved, but to the extent that the tribal members overall were involved in the Fourth Sunday meetings, this is evidence for community. However, there is some evidence that the Gardner descendants may have been marginal to the activities of the remainder of the tribe.

Conversely, PEP's position is that the Sebastians were not included in any of their gatherings, citing this as evidence that the Sebastians were not part of "their" tribe. PEP did not provide sufficient evidence to demonstrate separate social gatherings of their portion of the family lines. Because there was insufficient information on the nature of the gatherings discussed, this could not be evaluated. However, if there were gatherings of the PEP ancestors which were more than family reunions and which did not include the Sebastians, it would provide evidence of at least a division within the Eastern Pequot, if not a separation into two parts.

The evidence in the record indicates that the Eastern Pequots as a whole, including the family lines of both petitioners, remained essentially a single social group in this time period. There remained, to a somewhat diminished degree, social ties based on past marriages between family lines and intertribal marriages. There was substantial solidarity within the two segments which may have subsequently separated into the two petitioners. However, this finding does not reach a conclusion that the families ancestral to the petitioning groups had separated into two communities before 1973. The available interview data is insufficient to establish at what point in time they may have become two separate communities. Many individuals who grew up in the era when there was clearly a single tribal community were still alive between 1940 and 1973, and a few are still alive today. Available interview data from the petitioners and BIA interview data do not indicate any informal social interaction between the Sebastians and the Gardners among members in their 60's or younger (born after 1940). Further, there was no substantial data found in the available interviews to indicate significant social connections of the Jacksons in recent eras with either the Gardners or the Sebastians, notwithstanding the marriages of both Atwood Williams and his aunt, Grace Jackson, in the previous generation, with Gardners (see Moore 1991). This finding does not conclude whether the petitioning groups had separated into two communities within this time period.

As evaluated under the standard articulated for a historical state recognized tribe, the petitioner meets criterion 83.7(b) from 1940 to 1973, based on the conclusion that there was a single community which included, but was not limited to, the Gardner and Hoxie/Jackson descendants.

1973 to the Present. There is insufficient evidence in the record to enable the Department to determine that the petitioners formed a single tribe after 1973. The Department consequently makes no specific finding for the period 1973 to the present because there was not sufficient information to determine that there is only one tribe with political factions (see for example, *Paucatuck Eastern Pequot Indians of Connecticut et al. v. Connecticut Indian Affairs Council et al.* No. 6292, Appellate Court of Connecticut, decided March 28, 1989, which describes each current petitioner as a "faction of the tribe"). This reflects in part the apparent recentness of the

political alignments reflected in the petitioners after their formal organization in the early 1970's. A finding concerning community in this time period will be presented in the final determination. This question of whether there are one or two tribes since 1973, evaluated in the context of the preceding history, should be addressed by petitioners and interested parties during the comment period (see the appendix).

The historical Eastern Pequot tribe, which includes the petitioner as one of its component subgroups, meets criterion 83.7(b) through 1973.

A decision on the period subsequent to 1973 is deferred to the final determination.

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

This petitioner, or the historic Eastern Pequot tribe, the predecessor group from which it evolved, has been in sustained contact with non-Indian settlers since the 1630's — a period of 370 years. The historic Eastern Pequot tribe was located in southeastern Connecticut, 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. 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 provide that 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). The precedents in prior positive Federal acknowledgment decisions pertaining to New England tribes indicated that for the time span from the colonial period to the 19th century, evaluation of political influence or

authority had not been tied to the specific forms of evidence listed in 83.7(c), but rather was evaluated much more briefly, and generally, under the provisions of the definition of political influence or authority in 83.1. The relevant language in 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)).

In many instances, for the pre-20th century portion of the historical development of the Eastern Pequot tribe, 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. Throughout its history, the context for administration of the Lantern Hill reservation has been set by the legislation passed by Connecticut and the administrative systems established by that legislation. The documents generated, by their very nature and purpose, showed less about the internal structure of the tribe's politics and/or leadership than they showed about the tribe's external relationships with the non-Indian administrative authorities. At the same time, they provided evidence that there was a political relationship between an Indian political entity and the non-Indian government. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. The isolated political documents must also be interpreted in light of the general continuity of the reservation population as shown by a wide variety of other documents (see draft technical report).

For the period from first contact through the end of the Civil War, the broader evidence pertaining to the Eastern Pequot has been summarized above, in the historical orientation. This approach was chosen because, although the primarily applicable evidence for 83.7(c) through 1883 is evaluated here, the essential requirement of the Federal acknowledgment regulations under 83.7 is that of tribal continuity. For earlier historical periods, where the nature of the record limits the documentation, the continuity can be seen more clearly by looking at combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets the criterion at a certain date. For some periods, one kind of evidence is available; for other periods, other types of evidence. This summary discussion of the major evidence for political authority or influence between first sustained contact and 1883 draws on the historical overview, presenting selected “high points” in more or less chronological order to show how the evidence is being evaluated. It is to be read together with the overview, which describes the overall evidence of tribal existence. It is also to be read together with the summary discussion of criterion 83.7(b), which describes some of the evidence for community, because much of the specific documentation cited provides evidence for both community and political influence.

Early Contact 1620-1637. The evidence submitted for the early contact period, 1620-1637, consisted primarily of historical narratives, written mainly by modern anthropologists, pertaining to colonial contact with the Pequot prior to the Pequot War of 1637-1638 (Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Starna 1990; O'Connell 1992; Grumet 1995; Bragdon 1996; Cave 1996; McBride 1996), and some limited extracts from contemporary documents such as the writings of Roger Williams and the papers of John Winthrop (Williams, *Complete Writings*; Winthrop Papers 3) or later colonial narratives (Gookin 1792). These described dealings with the tribe by the colonial authorities, listed some leaders, and gave limited information, only from an external viewpoint, concerning the aboriginal political structure. Precedent does not require detailed information concerning the internal political processes of the historic tribes which were predecessors of petitioners in the early contact period (Narragansett PF 1982, 11; Gay Head PF 1987, 10; Mohegan PF 1989, 5). This material meets 83.7(c) for the undifferentiated historic Pequot tribe as a whole, predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637.

Pequot War to 1654. The evidence submitted for the period of the Pequot War and its aftermath consisted of historical records and narratives indicating that by decision of the colonial authorities, the Pequot survivors were subjected to the Mohegan and Narragansett after the Pequot War (1637-1638). The evidence indicates that the modern Eastern Pequot evolved primarily from those Pequot subject neither to neither of the two larger tribes, but rather those who were placed in charge of the Eastern Niantic head sachem Ninigret, as well as those who found refuge with a minor Eastern Niantic sachem, Wequashcuck I. The future of "Ninigret's Pequots," who did not acquiesce to a status of docile subjection, remained a matter of dispute among the colonial authorities from the mid-1640's until 1655, when colonial authorities, having removed them from Ninigret in 1654, assigned Harmon Garrett, a younger half-brother of Wequashcuck I, as their governor and provided them a temporary residential site within what is now Connecticut (Potter 1835; Hoadly 1850; Denison 1878; Chapin 1931; Haynes 1949; Winthrop Papers 1949; Williams 1963; Pulsifer 1968; Sehr 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; *Winthrop Papers* 1992; Vaughn 1995; *Papers of John Winthrop* 4; *Acts of the Commissioners of the United Colonies*). Between 1655 and 1677, after the death of Wequashcuck I, the specific group of Pequots removed from Ninigret in 1654 may have been joined by at least some of the unassigned Pequot survivors who had found refuge with him, but the documents do not suffice to show exactly how such a combination took place. The precedents clearly indicate that the acknowledgment process allows for the historical combination and division of tribal subgroups and bands, and that temporary subjection to another Indian tribe does not result in a permanent cessation of tribal autonomy (Mohegan PF 1989, 26-27; Narragansett FD, 48 Federal Register 29 2/10/1983, 6177; Narragansett PF 1982, 2). The events of this period do not indicate that the petitioner fails to meet the "autonomous entity" requirement under 83.7(c).

Autonomy vis-a-vis Connecticut, 1655-1989. Historical records and narratives indicate that for approximately 330 years, the predecessors of the Eastern Pequot tribe antecedent to the current

petitioners (under the appointed Indian governors Harmon Garret from 1655 to 1677 and Momoho from 1678 to 1695; under colony-appointed and state-appointed non-Indian overseers through much of the 18th through the 20th centuries) were under supervision of non-Indian authorities. From its establishment in 1683 until 1989, the Eastern Pequot reservation was under the direct administration of Connecticut, first as a British colony and then, after the American Revolution, as a state. In the Mohegan case, the Attorney General of the State of Connecticut argued that this indicated the petitioner did not meet the requirement that: “The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present” (83.7(c)), saying that “. . . the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut . . . [and therefore] the MT did not meet the ‘autonomous entity’ requirement of Criterion c” (Mohegan PF 1989, 26). The AS-IA concluded: “[T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut . . .” (Mohegan PF 1989, 26-27; for related precedents, see Narragansett PF 1982, 11; Narragansett PF 1982, 2; Gay Head PF, 4). As long as the state was dealing with a group as a group which had named leaders or the evidence shows that the group was acting in concert, thus exercising political influence internally, the petitioners meet the “autonomy” requirement of 83.7(c).

Establishment of the Lantern Hill Reservation. A considerable amount of the documentation submitted concerned the purchase of “a tract of land that may be suitable for the accommodation of Momohoe [*sic*] and the Pequots with him in those parts, as comodious as may be” (Trumbull 1859, 81-82; Trumbull 1859, 117n; Stiles 1759; Trumbull 1852; Hurd 1882; Wheeler 1887). The evidence indicated that the Eastern Pequot predecessor band was not passive in the initiative. On May 13, 1678, Momoho and the Pequots submitted a petition to the Court of Election at Hartford “That they may have land assigned to them as their own to plant on, and not that they be allwayes forced to hire . . .” Minutes of Committee for hearing Indian complaints; Indians I.36 (Trumbull 1859, 8n; see also Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 809). The Connecticut General Assembly’s action stated that, “the land shall be for the use of Mamohoe [*sic*] and his company dureing the Court’s pleasure,” identifying both a leader and the existence of a group.¹⁰⁹ The evidence also showed that Momoho was “representing the group in dealing with outsiders in matters of consequence” (83.1). Other documents from the period through 1701 named the leaders with whom the colony of Connecticut was dealing and provided limited information concerning internal political processes (McBride 1996, 88; Connecticut Records, IP 1st Series [1]:44; IP I:48; Hoadly 1868, 202, 280; *Winthrop Papers* 147; Hoadly 1868, 140-141, 326; Col. Rec. 4:326). On the basis of precedent, this material is sufficient to meet 83.7(c) for a tribe during the colonial period. There are no records showing the appointment of an Indian governor after Momoho’s death about 1695, and the 1723-1751 petitions discussed below

¹⁰⁹This proposed finding does not address the question of the current title to or legal status of the Lantern Hill reservation.

indicate that the tribe coalesced around his widow. This material is sufficient to show the petitioner meets 83.7(c) for the later 17th century.

Attempts by Non-Indians to Disestablish the Lantern Hill Reservation and Resistance by the Tribe, 1723-1750. This documentation consists primarily of petitions submitted in 1723 and 1749-1751 from the Eastern Pequot to Connecticut colonial authorities, resulting from two disputes with non-Indians, one connected with the laying out of land warrants to Pequot War veterans on the reservation tract, and the other from the provisions of the will of son of the man who had sold the land for the Lantern Hill reservation to Connecticut. The petitions are supplemented by material concerning the responses by the Connecticut General Assembly.

The 1723 petitions were signed by Momoho's widow and other councilors "in behalf of ye rest of Mo-mo-hoe's men & their Posterity" (IP, series 1, Vol. I, Doc. 73; Bassett 1938; IP, series 1, Vol. I, Doc. 74; CSL Towns & Lands, Series 1, Vol. 3, doc. 227 a b; CSL IP, Loose Index, Doc. 22 a b; IP 2nd series Vol. II, Doc. 23); those from 1749-1751 by "Mary Mo mo har, Samson Sokient &c all Indian Natives of ye Tribe of Momohor" (CSL IP Vol. 2, Doc. 40; Hoadly 1876, 9:446; Bassett 1938; IP 1st series, Vol. II (A), 53-54, 65; IP, II, Doc. 42 a, 50; Hoadly 1876, 574; Hoadly 1877, 18). The 1749 petition resulted in an extensive committee investigation by the Connecticut General Assembly, which generated a lengthy report. The associated documents included a bill of expenses by which the two named Eastern Pequot leaders, Mary Momoho and Samson Sociant, and the counsel they employed documented their efforts to obtain testimony on behalf of the tribe, trips to various sites such as Voluntown, Preston, and Plainfield to obtain copies of relevant documents, etc.

Such occasional petitions have been accepted in prior positive acknowledgment decisions in the New England geographical area as providing sufficient documentation concerning political leadership and influence and internal political processes for the later 17th and 18th centuries (Mohegan PF 1989, 6). Precedents also indicate that the defense of a tribe's economic position is a significant indicator of political processes (Snoqualmie PF 1993, 25; Tunica-Biloxi PF 1980, 4). On the basis of precedent, this material is sufficient to meet 83.7(c) for a New England tribe during the colonial period.

Appointment of Non-Indian Overseers, 1763-1765. Mary Momoho appears to have died between 1751 and 1763 (since she had been a married woman in 1695, her death can scarcely be considered premature). From this time forward, there is no evidence in Eastern Pequot petitions that any one individual held the position of sachem, or a comparable office. Precedent indicates no requirement under the regulations that such a formal office have been maintained (Mohegan PF 1989, 5), and the following petitions indicate that the tribe did maintain some type of political structure capable of representing its wishes in dealing with colonial authorities. In 1763, the Eastern Pequot on the Lantern Hill reservation petitioned the colony of Connecticut for the appointment of overseers, to which the Assembly responded by appointing Israel Hewitt Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill

Reservation. In May 1764, the Assembly changed the appointment of overseers “upon the memorial of” 11 named “Pequot Indians living at Stonington, in behalf of themselves and the rest of said Pequots, . . .”. Two years later, October 6, 1766, the “Indian inhabitants of the Town of Stonington” (nine signers) petitioned again, requesting replacement of Ebenezer Backus as overseer by Dr. Charles Phelps of Stonington. The General Assembly appointed Phelps in response to the petition (IP, II:250; IP, I:120; Hoadly 1881, 276; IP, II:250; typescript IP II, first Series (B), 347; Hoadly 1881, 526).

The appointment of overseers for the Eastern Pequot reservation by the colony of Connecticut in itself provides data about the continuous existence of the tribal entity, but no specific information about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers, combined with the signatures on the petitions, indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes. On the basis of precedent, this material is sufficient to meet 83.7(c) for a tribe during the second half of the 18th century.

Petitions and Overseers’ Appointments, 1788-1822. During the period of the American Revolution, documentation from New England colonial authorities in regard to Indian tribes within their borders is generally sparse. In 1788, the Connecticut General Assembly received a petition from “us the Subscribers Indians of the pequod Tribe in Stonington” pointing out that for several years they had been “destitute of an overseer by reason wherof they have suffered very great inconvenience for them being no Person to proportionate the profits of the herbage &c.” and proposing Charles Hewitt of Stonington and Elisha Williams of Groton. The General Assembly in response appointed Stephen Billings of Groton and Charles Hewitt of Stonington (Burley 1965, 2; IP II:252, 252b, 253; typescript IP, II, First Series (b), 349, 351). The 1788 initiative of the Indians in requesting the appointment of overseers after the lapse of several years indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes, and that they utilized the overseers appointed by the state to serve certain purposes which they themselves desired.

On May 6, 1800, the Indians of the Lantern Hill reservation submitted a petition to the Connecticut General Assembly pointing out that non-Indians were infringing on the reservation, that their overseers were elderly men, one of whom lived some distance away, and requesting relief. In response, the May 1800 session of the General Assembly appointed Latham Hull to replace Stephen Billings (IP, 2nd, II:105-105b; 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389). The 1800 initiative of the Indians in requesting the replacement of inadequate overseers, while listing specific grievances (that non-Indian neighbors turned their cattle and sheep in on reservation lands, and non-Indians who had no legal rights moved onto the reservation), indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. As of its date, the tribe had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it. The 1788 and 1800 petitions indicate that there were tribal leaders who were “. . .

representing the group in dealing with outsiders in matters of consequence” (83.1 see also precedents in Mohegan PF 1989), specifically of economic consequence (Snoqualmie PF 1993, 25; Tunica-Biloxi PF 1980, 4). On the basis of precedent, this material is sufficient to meet 83.7(c) for a tribe during the early Federal period (Miami PF 1990, 8).

The state made subsequent appointments of overseers in May 1804, October 1808, and May 1814, May 1819, and May 1820. The overseers presented a petition concerning education for the Indian children¹¹⁰ on May 6, 1815 (IP 2nd, II:107, 107b; Lipson 1986, 48n29; IP 2nd I:18, 19, 20; IP 2nd I:109, 109b; IP 2nd, I:110, 110b). The appointments provide some data concerning background tribal continuity, but do not meet (c) for 1804-1820, since they do not include information concerning or indicating internal political authority or influence. The May 6, 1815, petition concerned the establishment of schools for the Pequot Indian children at Groton and Stonington, as well as the Mohegan Indians children, but it was signed by the overseers only and did not give any indication that it was submitted at the wish of the Indians of the Lantern Hill reservation themselves, and thus does not meet 83.7(c)(2)(iii). However, the above evidence can be used in conjunction with the next two items as implying the existence of internal leadership. In 1820, Timothy Dwight, president of the Connecticut General Assembly, visited and described the Lantern Hill reservation, indicating the presence of a well-respected indigenous preacher (Dwight's Letter IV. Stonington; Dwight 1822; Morse 1822; see also Burley 1965, 2). Two years later, Jedediah Morse published a report on the Lantern Hill reservation which was possibly in part derived from Dwight, but which contained more names and details, and specifically named the “principal men” as Samuel and Cyrus Shelley, Samuel Shantup and James Ned (DeForest 1964, 441-443; citing Dwight's Travels 3:27-29; citing Morse's Report on the Indian Tribes). Three of these “principal men,” omitting Samuel Shantup, had also been listed as household heads in the 1815 overseers' petition concerning education. Precedent does not require that there have been either a single named leader or a formally designated leader (Mohegan PF 1989, 6). The evidence, in the context of a group with a distinct territory, is sufficient to show that the petitioner meets criterion 83.7(c) for the period from 1800 to 1822.

Overseers and Petitions, 1822-1883. The surviving series of reports and accounts submitted by the overseers of the Eastern Pequot reservation begins in 1822 and continues, with occasional minor gaps, until 1875. There are no overseer's reports in the record from 1875 until 1889,¹¹¹ though there is quite a bit of other documentation for that period. The final petition in the record is dated 1883.

¹¹⁰See discussion under criterion 83.7(b).

¹¹¹A letter from the North Stonington Town Clerk's Office to Connecticut Secretary of State Charles E. Searls, dated February 4, 1881, stated that his office had received no report from the overseer of the Indians residing in the town since that filed by Leonard Williams in 1875: Mr. Charles P. Chipman, the present overseer, had never made any return to that office (Hillard to Searls 2/4/1881; #35 Pet., B-02B).

On February 8, 1839, the “Pequot Tribe of Indians in the town of North Stonington” submitted a petition to the County Court at Norwich, New London County, Connecticut, requesting the replacement of an overseer “who lives at some distance from us & it is very difficult to get him to attend his duties as overseer, especially for the year last past, he has been absent from home some three months at a time” . . . and requesting the appointment of Charles Wheeler “who lives near to us & is well qualified to assist us & whose location renders him well acquainted with our necessities & our situation . . .” (Stonington Historical Society, Folder; Indian, Misc.). Two years later, July 27 1841, the “undersigned Indians being remnants of the Pequot Tribe of Indians resident in North Stonington” again submitted a petition objecting to the existing overseer and requesting the appointment of Charles Wheeler or Gordon S. Crandall (Superior Court Records, new London County 1841, Indians; Court Records, New London County, CSL; LaGrave 1993; Grabowski 1996).

The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves still, as in the later 18th century, expected the state-appointed overseers as agents to carry out their wishes in some matters. Although the court did not respond to the petition favorably, but rather continued the prior overseer in office, the presentation of the petition, signed by six women and four men, indicated that the group had internal organization. Of the four men who signed, two (Cyrus Shelly and Samuel Shuntaup) had been identified as “principal men” of the Eastern Pequot by Jedediah Morse nearly 20 years earlier. In 1841, the Indians protested that the overseer lived about three miles from the reservation, rarely came to see them, and did not obtain fair rents for their land. It was signed by five men and five women (#35 Pet. B-02B). The regulations do not require that in order to demonstrate political process, a petition must be signed by the entire tribe. Petitions which show a portion of the tribe expressing an opinion or preference on issues of importance or consequence are also evidence of political process (Mohegan PF 1989, 6). In 1841, a counter-petition was submitted by the selectmen of the Town of North Stonington (#35 Pet. B-02B) commending the current overseer for his frugality, and the County Court did not accede to the Indians’ petition. That the State did not act upon the petitions does not diminish their value in showing that, as of 1839-1841, the Eastern Pequot tribe had sufficient internal political organization to decide upon its preference as to a nominee for overseer, create a formal document, and present it (“ . . . representing the group in dealing with outsiders in matters of consequence” (83.1)).

On March 13, 1851, the Selectmen of the Town of North Stonington petitioned the New London County Court, stating that, “complaints are frequently made of late that said [Eastern Pequot] Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the rents [sic] & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer, . . .”(#35 Pet. Petitions; source not cited). On the basis of the document submitted, there is no evidence that the selectmen of the Town of North Stonington submitted this document at the request of the Eastern Pequot Indians, nor is there any parallel document in the record signed by representatives of the Eastern Pequot Indians. This provides documentation concerning the continuing presence of an

identifiable Indian entity, but does not provide evidence sufficient to demonstrate that the petitioner meets 83.7(c) for 1851.

On May 19, 1873, Leonard C. Williams of Stonington, Overseer, petitioned the General Assembly for permission to sell a portion of the Lantern Hill reservation (Bassett 1938; #35 Pet. Petitions). The bill empowering him to do so was considered at the May session (#35 Pet. Laws). The legislature enabled the overseer to survey and sell all of the Lantern Hill reservation but 100 acres and invest the money for the benefit of the Indians (Bassett 1938; June 17, 1873, action on Petition of Leonard C. Williams, Overseer. Conn. Special Acts. 1873-01877, 8:53-54). Nine years later, a local history stated that owing to the great depression in real estate, nothing had been done on the premises (Hurd 1882, 35). The passage must have been written some time prior to the publication of the book, as the sale had taken place in 1880 (see below). It was also an oversimplification.

The proposed sale engendered protests by the Indians who would be affected by it. On June 26, 1873, the "members of the Pequot tribe of Indians of North Stonington" remonstrated against the sale of lands and requested removal of Leonard C. Williams as overseer (Lynch 1998a 5:81-82; Grabowski 1996, 114). The names of signers on photocopy submitted to the BIA (#35 Pet. Petitions) were nearly illegible. Combining the transcriptions in petition #35, petition #113, and by the BIA researchers, the names appear to be:

Calvin Williams, Amanda Williams, E. Cottrell, Rachel M. Jackson, Fanny ",
Irean ", Phoebe ", Lucy ", Wm. H ", Jane M J, Leonard Brown, [illegible],
[illegible], Janes [James?] M Watson, Sarah J Watson;¹¹² [following page, may or
may not represent a continuation] Mercy Williams her mark, [illegible],
[illegible], [illegible] Hill ((#35 Pet. Petitions; Lynch 1998a 5:81-82; Grabowski
1996, 114).

This 1873 petition contained for the first time the name of Calvin Williams. Possibly, he signed in right of his wife, Amanda (Nedson) Douglas, but this is not a necessary conclusion, as subsequent petitions also contained the names of some of his collateral relatives. The legible portions of the document did not contain the names of Tamar (Brushell) Sebastian or of any of her older children; or of Marlborough or Eunice (Wheeler) Gardner or any of their collateral relatives. The BIA is not prepared to reach any conclusion on what may have been contained in the illegible portions.

It was also not fully consistent with another document, dated June 27, 1873, "A list of the names of those belonging to the Pequot tribe of Indians of North Stonington. On file in Superior Court

¹¹²The third party comments identified this as Sarah (Niles) Watson, second wife of Albert Watson, the widower of Laura Fagins (Lynch 1999, GET CITE). However, it was more probably Laura's youngest child, Sarah Jane Watson.

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Records, New London County, located in the State Library, Hartford” (#35 Pet. Overseers Reports), which contained the following names:

Francis __ Watson, Mary C. Watson [?], Edgar Ross,¹¹³ Mary A. Potter, Harriet Merriman, Jesse I. [L.] Potter, Amman Potter, Wm. Merriman, John Brushel, Calvin Nedson, Lucy [?urey E., Percy?] Williams, Harriet Williams, Wm Williams, Emily Brushel,¹¹⁴ John Randall, Charity Fagins, Hannah Brushel, Joseph Nedson, Caroline Nedson, Fanny Sherley, Lucy George, Lucy A. George, Harriet Simon, Eunice Gardner, Marlboro Gardner, Dwight Gardner, Martin Nedson, Lucy Hill, Thomas S. Skesux, [Gusey?] Skesux. "These are the names and their is others may the Lord have mercy and healp us and give for Jesus Sake" (#35 Pet. Overseers Reports; Lynch 1998a 5:83-84).

This second document from the summer of 1873 did include representatives of both the Brushell and the Gardner families, as well as several collateral relatives of Calvin Williams. A near-contemporary letter to the Honorable Superior Court for the County of New London, dated July 1, 1873, was signed by non-Indians and the North Stonington selectmen (Lynch 1998a 5:82).

The documents from the summer of 1873 were followed up by a March 31, 1874, "Remonstrance to Superior Court, New London, against sale of land" which stated: "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington" and again requested the removal of Leonard O. Williams as overseer. Signers were:

Calvin Williams, Amanda Williams, Mercy Williams her X, Eunice Cottrell her X, Leanard Brownne, Abby Randall, Florance Randall, Ellice Randall, John Randall Jr., Jesse L. Williams, Sophia Williams, Elizabeth Williams, Harriet E. Williams, William L Williams, Jane M. [James M.?] Watson, Agustus E. Watson, ____ Watson, Francis Watson, Mary A Potter X, Emily Ross?, Rachel Jackson X, Issac Tracy X, Fannie Jacson X, Ireine Jackson, X, Phebe Jackson X, Lucy Jackson X, Wily Jackson X, Permic? Jackson X, Fansos Jackson X, Molbrow Gardner X. (#35 Pet. Petitions; Lynch 1998a 5:82-83).

¹¹³There was a Narragansett Ross family in Stonington, Connecticut, for many years, but this is the only appearance of the surname in Eastern Pequot records. For further identifications and comments on the various signers, see the draft technical report.

¹¹⁴Lynch identified her tentatively as Emeline Brushel, who was, he said, a daughter of Lucinda Brushel (Lynch 1998a 49). The BIA researcher could not verify such a relationship, there being no mention of an Emeline Brushel on the overseer's report cited by Lynch.

An investigator for the Connecticut Welfare Department wrote in the early 1940's that in 1880, the overseers and successors were empowered to sell all land reserved for Indians except 100 acres, first giving notice three weeks ahead in two weekly newspapers of New London County, and sold 30 acres (Williams 1941, [24]). The act permitting this sale had been passed in 1873 (see above) and did not occur in 1880. The sale, from Charles P. Chipman, overseer, to Sarah H. Mallory, was dated March 30, 1880 (Bassett 1938; Lynch 1998a 5:86-87; citing Warranty Deed, North Stonington Land Records, 11:353-354). The same year, the overseer issued a 99 year lease to William Main for wood cutting rights, \$1.00 *per annum* (Williams 1941, [24]).

A letter from the North Stonington Town Clerk's Office to Connecticut Secretary of State Charles E. Searls, dated February 4, 1881, stated that his office had received no report from the overseer of the Indians residing in the town since that filed by Leonard Williams in 1875: Mr. Charles P. Chipman, the present overseer, had never made any return to that office (Hillard to Searls 2/4/1881; #35 Pet., B-02B).

The next petition signed by the Eastern Pequot was not a direct response to the 1880 sales, as it mentioned that Chipman was deceased. On December 3, 1883:

To the Hon John D. Park Chief Justice of the Supreme and Superior Courts of Connecticut. We the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington would respectfully represent to your honor that Mr. Chipman our former overseer being dead We would request your honor to appoint Charles H. Brown of North Stonington for overseer . . . Signed: Eunice Cottrel her mark, Calvin Williams, Molbro Garner, Mrs. Rachel Jackson, Phebe Jackson, Fannie Jackson, Irene Jackson, Henry Jackson, William Jackson, Jennie P. Jackson, Mrs. Abby X Randall, Mrs. Amanda Williams, Mrs. Mary E. Bastian, Wm. A. Bastian, Ella J. Bastian, Edgar W. Watson, Amon Potter, Harriet Potter, Ned [Sesos?] Williams, Francis Watson (#35 Pet. Petitions; Lynch 1998a 5:91-92).

This petition was not a complete listing of the Eastern Pequot at the time: Leonard Ned, for example, did not sign. It was not signed by Tamar Brushell or by any of her children. It did, however, include one of her daughters-in-law, Mary E. (Watson) Sebastian, oldest daughter of the late Laura (Fagins) Watson, and two of Tamar's grandchildren through that marriage. It again included not only Calvin Williams, but one of his nephews, Ammon Potter. Marlborough Gardner signed, but his wife did not. Abby (Fagins) Randall signed, but her children did not; however, Rachel (Floxi) Ned Anderson Orchard/Jackson's children signed with her. It was in the tradition of Eastern Pequot petitions concerning overseers, in that it nominated a specific individual as a replacement, thus indicating that the tribe was participating in a common political process.

The petitions and lists generated by the proposed land sale are evidence indicating that from 1873 through 1883, the tribe was able to generate organized protests against an governmental initiative which they regarded as contrary to its economic interests, and to present documents to this effect to the non-Indian authorities. This evidence shows that the petitioner meets 83.7(c) for the period from 1873-1883.

Absence of Documentation Pertaining to Political Authority or Influence, 1884-1920. During this period, under the provisions of the existing Connecticut legislation, the Eastern Pequot continued to be a state-recognized tribe with overseers reporting to the County Court. However, after the 1883 petition, the records submitted in evidence for the next 50 years contained almost no documentation concerning leadership or political process among the Eastern Pequot. The obituary of Calvin Williams, who died July 8, 1913, stated: "He was a Pequot Indian and . . . was living with his wife and stepdaughter on what is known as the eastern reservation Rev. Mr. Williams was well known in southern New London county where he had preached for a long time." The obituary indicated that he had been "ill and bedridden" for "several years" (Aged Pequot Indian Minister is Dead, #113 Pet. GEN DOCS I; #35 Pet.). He had been a reservation resident since at least 1870, and according to one PEP researcher was paid \$2.00 per week from tribal funds for preaching (Grabowski 1996, 176). Williams had been the first signer of the petitions of June 26, 1873, and March 31, 1874; the second signer of the petition of December 3, 1883. During his adulthood, he had been successively married to women from three Eastern Pequot families (Wheeler, Nedson, Sebastian). In connection with other documentation, this can be used as evidence that the leadership that Williams exercised in the 1870's and 1880's may have continued into the early 20th century. The overseer's reports after 1910 and the 1900 and 1910 Federal censuses do verify Williams and his wife as residents of the reservation until his death.

1920's and 1930's. Charles L. Stewart served as overseer from 1910 until 1929. No reports were submitted for the years 1924-1928 by either petitioner #35 or petitioner #113. Stewart's final report, dated June 14, 1929, was headed: "Eastern Tribe of Pequot Indians, In account with Charles L. Stewart, Overseer, from June 25, 1928 to June 14, 1929. Final Account. Inventory of assets. Disbursements." He stated that he had served for 20 years, and tendered his resignation (#35 Pet. Overseers Reports). Stewart's 1929 final report indicated two items of significance: first, the appearance of Atwood I. Williams, described by Stewart as "(Chief Silver Star) Providence R.I." and as "the chief of both tribes, Mr. Atwood I. Williams of 388 Cranston Street, Providence, Rhode Island." This was the first appearance of Atwood I. Williams as an Eastern Pequot member on any overseer's list included in the record.

The appearance of Atwood I. Williams as an Eastern Pequot leader in the overseer's accounts in the late 1920's, when he had not been mentioned in prior Lantern Hill reservation records, is not clearly explained. At the same time he first became prominent in Eastern Pequot records, he was active in broader New England pan-Indian activities. For discussion of his activities in this context, see the accompanying charts. During the subsequent years, the state did recognize his

position and did assign to him certain decision-making authority (see below). However, since he also during this period explicitly opposed the residence of the descendants of Tamar (Brushell) Sebastian on the reservation, he appears to have been a subgroup leader in addition to his state-appointed position.

In 1929, Judge Allyn L. Brown, Judge of the Superior Court, New London County, Connecticut, appointed Gilbert Raymond overseer of both the Western Pequot and Eastern Pequot reservations. According to the newspaper article, before that time there were separate overseers for each tribe (Founders of Norwich 1937, [3]). Raymond's first report was dated June 24, 1930 (#35 Pet. Overseers Reports). The 1931 overseer's report reflected Atwood I. Williams' objection to the residence of Sebastian family members at Lantern Hill. Raymond's list of "Members of the Eastern Tribe of Pequot Indians (As near as can be ascertained)" contained 41 persons. Several were marked ">" and a handwritten note in the margin stated, "Chief Silver Star objected to these names members [sic]." They were [as best as the BIA researcher could determine amid all the other markings on the list] >Mrs. Sadie Holland, >Mrs. Sylvia Sebastian Stedman, >Clarence Sebastian, >Mrs. Peter Harris, >Albert E. Carpenter, >Mrs. Catherine Carpenter Lewis, >Franklin Williams (#113 Pet. 1996, HIST DOCS I, Doc. 41). The 1931 report was approved by the New London County Superior Court (Annual Accounts of Overseer, *Norwich Bulletin* 6/28/1931).

According to Gilbert Raymond's ledger for 1932, "Chief Silver Star objected to Raymond's account, his reappointment and to leases for more than a year. (Accounts and reappointment accepted but leases for more than year disallowed)" (Williams 1941, [24]). One researcher for #113 misidentified the overseer at this date, stating that in 1932, Atwood Williams objected to the reappointment of the overseer George Reynolds [sic] (Grabowski 1996, 183). In 1933, according to Gilbert Raymond's ledger, Atwood I. Williams (Silver Star) again objected to accounts and reappointment, which the judge did not accept. Raymond's annual report, dated May 25, 1933, was filed in court and allowed on June 9, 1933 (#113 Pet. 1996, HIST DOCS I, Doc. 41).

On June 9, 1933, the Superior Court, New London County, Connecticut, issued an order: In re Ledyard Tribe of Pequot Indians, Eastern Tribe of Pequot Indians. It was:

Ordered and decreed that the persons whose names are listed as members of the respective tribes as they appear in the Annual Reports of the Overseer on file herein, and this day allowed, are hereby recognized by the Court as members of said Tribes at this date. Applicants apply to overseer and to Atwood I. Williams of Westerly, R.I. for the Eastern Tribe and Mr. John George of Stonington, Conn. for the Ledyard Tribe (In re Ledyard Tribe 1933).

The ruling listed forty members of the Eastern Pequot tribe (In re Ledyard Tribe 1933), and also stated:

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Ordered and decreed that any person who may hereafter claim to be listed as a member of either tribe shall present his or her application in writing to the Overseer who shall mail copies thereof to the recognized leaders of the tribes, or their successors, the present leader of the Eastern Tribe being Mr. Atwood I. Williams of Westerly, R.I., and the present leader of the Ledyard Tribe being Mr. John George of Stonington, Conn. (In re Ledyard Tribe 1933).

It generated extensive newspaper coverage, some of which publicly printed the list of tribal members. On the same date, "Chief Silver Star on June 9th 1933 announced to Court that he had apptd John George chief of Ledyard Tribe. Silver Star is 'Chief Sachem'" (Raymond Ledger 1933-1937).

In June 1934, the Superior Court renamed Raymond as Pequot overseer for another year (Renamed Overseer of Pequot Indians, *The Day*, New London, Connecticut, 6/5/1934). In November of the same year, he met with the State Park and Forest Commission:

Pequot Indians. Mr. Peale introduced their Overseer, Mr. Raymond, who outlined in some detail the present condition of the tribe, domiciled on two reservations and in other towns of Connecticut and Rhode Island, with complicating circumstances. Their dwindling funds and increasing need for assistance, refused by the towns affected, obviously call for the attention of the coming Assembly, and after some discussion Mr. Peale was requested to take up the matter with Judge Allyn Brown, of the Superior Court, for further investigation and report (Connecticut, State of. State Park and Forest Commission. Minutes 11/14/1934; #113 Pet., Folder A-2).

Gilbert's final account to the New London County Superior Court, dated November 6, 1935, was the same as the June account, giving a list of 43 tribal members, but the version submitted to the BIA omitted the handwritten notations that were on the June account (#113 Pet. 1996, HIST DOCS I, Doc. 41). On November 8, 1935, Raymond wrote to a Mr. Parker, of the State Park and Forest Commission, concerning his close-out of Eastern Pequot accounts (#35 Pet., Second Submission, Criterion (a) Folder).

On December 6, 1935, the New London County Superior Court issued an order discharging Gilbert S. Raymond as Eastern Pequot Overseer (New London County, Connecticut, Superior Court 12/6/1935; C.F. FOIA, #64). In spite of the above order, the Park and Forest Commission continued Raymond in office as "liaison" between it and the Pequot tribes at least until 1937. He was still serving in what was essentially the overseer's capacity as late as 1938. In practice, therefore, the administrative alteration that occurred as a result of the 1935 legislation did not create a dramatic change in the local circumstances.

Fourth Sunday Meetings. Calvin Williams' widow, a daughter of Tamar (Brushell) Sebastian, identified as one of the last of the Eastern Pequot basket-makers by Eva L. Butler in 1947 (Butler 1947, 41; in Speck 1947), lived on the reservation until her death in 1942. About 1941, a researcher for the state wrote:

Mrs. Calvin Williams. Father was Sebastian the Portuguese Negro. Her mother Tanner Brussels, a Pequot. She is 72 years old, lives with her daughter a Mrs. Holland, widow. Mrs. William's first husband was Swan "from Cuby". She has prayer meeting in her house three or four times a year. Anybody comes that wants to. Mentioned Will Jackson who had quite a lot of children. Franklin Williams her sisters son, is a good boy, caretaker of a club in Stonington (Williams Notebook c. 1941). Born in Lower Mystic, mother born here. Father arrived in this country in 1840's with Capt. Wheeler, a sea captain. Pictures on wall of mother and father. She typical Indian, he a proud looking man with lots of white hair and Horace Greeley whiskers and slightly negroid features (Williams Notebook c. 1941).

PEP identifies the same "fourth Sunday meetings" that the EP petition did, indicating them to have been a part of their antecedent group's political processes (Grabowski 1996, 154-55). This is consistent with this findings' conclusion that at this point in time, 1920 to 1940, the Eastern Pequots were not significantly divided, although there were internal conflicts over the race question. However, the PEP description does not indicate that the Gardner/Edwards line members, who were not related to the Jackson's, participated in these, nor does it provide any explicit indication that members of the Gardner/Williams line attended them. The petition researcher (Grabowski 1996) states that religious meetings were "held in tribal members' homes, sometimes out of doors, weather permitting. In earlier years, the Sunday meetings were rotated from house to house and afterwards would be followed by a general potluck picnic (Moore 1991; Jackson 1995; Potter 1995; A. Cunha, personal communication). Children would play while the grownups discussed tribal business." The petition also claimed that those meeting concealed the purpose of the meeting, to conduct "tribal business," from outsiders, including the overseer.

Atwood Williams, 1930's - 1955. The petitioner describes one of Atwood Williams Sr.'s political activities within the tribe as bringing food which he obtained from local farmers to donate to needy tribal members on the reservation (Grabowski 1996, 157). No detail was provided about who this was given to or over what span of years. The two cited interview sources were not provided. A limited review of BIA interview data confirmed this activity but did not demonstrate whether or not it was limited to his immediate relatives (half-sisters) living on the reservation.

The petition also states that Atwood Williams' house provided a sanctuary for extended kin and tribal members alike at times of difficulty (Grabowski 1996, 158-160). Supporting interview or documentary materials were not provided. A limited review of BIA interview data concerning

Williams' activities did not provide information which would support or contradict the petitioner's position. The petitioner did not describe, nor did BIA interview inquiries, based on a limited review, develop data about other possible tribal leadership activities or roles by Atwood Williams Sr.

Most of the documentation submitted that pertained to Atwood Williams in the later 1930's pertained to his part-Indian and educational activities. These provided no direct evidence of internal leadership. The importance of phenotype to the PEP group was emphasized by the petition itself, in discussing the representational activities of Atwood I. Williams in the later 1920's and 1930's:

An eastern Pequot tribal member, Bertha Edwards [Pat Brown], was in her teens at the time and was paired with Atwood's son, Atwood Jr., in a mock Indian marriage ceremony in these performances . . . [she] recalls that she was encouraged to participate in these performances by her mother since she was a good dancer, liked to perform, and "looked" the part (Grabowski 1996, 175; citing Brown 1995).

The researcher emphasized that "[l]ooking' Indian was an important qualification for participating in the performances. As was explicitly discussed in the correspondence of Thomas Bicknell, Mathias Spiess and Frank Speck with regard to the Indian Council of New England, if powwows and other media events were to be favorably received by non-Indians, then the natives participating had to 'look' the part — i.e., they had to look stereotypically 'Indian' and not evince noticeable traces of black ancestry" (Grabowski 1996, 175n191; citing Indian Council of New England Scrapbook:).

The BIA report from the mid-1930's stated: "Atwood I. Williams (Chief Silver Star) claims to be the tribal chief of the surviving Pequot and is seeking to gain legal recognition as such. This office is honorary and Mr. Williams acts as master of ceremonies at tribal and public meetings" (Tantaquidgeon 1934, Pequot 4). The State of Connecticut, as of 1936, noted his appointment as a result of the 1933 Superior Court decision, "Eastern Pequot Reservation: Leader Atwood I. Williams, Westerly, RI, is at present recognized by the tribe" (Connecticut, State of. State Park and Forest Commission 3/11/1936). A later comment, collected by an investigator for the Connecticut Welfare Commission, stated that about 1931, "Atwood got signatures of all those who would chip in certain amount [*sic*] and called these member [*sic*] of tribe, all others not" (Williams 1941, [24]), while another from the same period said that: "Atwood I. Williams 'Chief Silver Star' appears to be a self appointed Chief whose influence is quite largely gone (1936)" (Connecticut Park and Forest genealogical charts; #35 Pet., Genealogy, Jackson 1-3-1, sheet 2). The State of Connecticut records contained no further mention of him until 1949, when he spoke to the State Welfare Department on behalf of his son-in-law, John George, a Western Pequot (see below).

The petitioner offers the position that Atwood I. Williams' activities in the AIF showed political processes within the Eastern Pequot. The petition states that: "Because the American Indian Federation was nominally pan-Indian, Atwood was able to use it to gain a wider audience for the organization's events than if it were defined narrowly as purely 'Pequot.' Yet, an examination of the events the AIF sponsored, reveals a decided 'Pequot' bias" (Grabowski 1996, 186). The example of this "bias" supplied by the petitioner was that "for the very first years the organization was up and running, it held annual powwows at the grange fields in North Stonington (The Day 1934)" i.e., near the Pequot Reservation (Grabowski 1996, 186).

The petitioner's position is not supported by the documentary information available about his activities and the activities of the AIF. While these promoted the status of the Indian and Indian culture, there was nothing specific to the Pequot group and no evidence that more than a few Eastern Pequots participated, other than his immediate family. A limited review of BIA interview data concerning Williams' activities with the AIF did not provide information which would support the petitioner's position. All of the interview materials described various events and demonstrations which Williams put on or sponsored, but did not provide information that this was a Pequot-related activity.

A newspaper article concerning his son, Frank Williams, mentioned him in 1944, but provided no indication of his activities (North Stonington Native Indian Will Smoke Peace Pipe V-Day. Unidentified newspaper article, 10/17/1944). In 1949, an agent of the Welfare Department compiled a memorandum concerning the wish of Atwood I. Williams, Chief Silver Star, desire for John George to have use of a house, but also indicating that, "Mr. Williams promised to compile and send me an up-to-date list of known members of the tribe" (Connecticut, State of. Welfare Department. Memorandum of Clayton S. Squires 1949; Lynch 1998a 5:135). The materials received from the State of Connecticut (CT FOIA) did not contain any information concerning a subsequent tribal meeting, or the filing of an up-to-date list of known members.

The newspaper article later the same year concerning his 50th wedding anniversary referenced only his educational and representational activities in the 1920's and 1930's (Indian Sachem Silver Star and Squaw Observe Golden Wedding. *The Westerly Sun* 11/15/1949 [hand-identified, hand-dated]; #113 Pet. 1996, GEN DOCS I). His 1955 obituary stated: "In recent years, however, he retired from active participation in tribal ceremonies and did not attend the pow-wows" (Atwood Williams, Sr., Pequot Indian Chief, is Dead at 74 [hand identified *The Westerly Sun* 9/30/1955]; #113 Pet. 1996, GEN DOCS I).

General Introduction. 1955 to the Present. The two aspects of leadership asserted by petitioner #113 for this period for successors to Atwood I. Williams from 1955 through 1979 pertain to Helen (Edwards) LeGault and to Atwood I. Williams Jr. For discussion of Helen (Edwards) LeGault's position as CIAC representative, from 1973 onward, see the appendix.

Atwood I. Williams Jr., 1955-1973. There is no mention in the written record of any leadership activities exercised by Atwood I. Williams Jr., prior to his presentation of testimony at the 1976 CIAC hearing in regard to Eastern Pequot representation on the commission. At that time, identified as "Alton" I. Williams Jr., he stated that he never lived on the reservation and neither did his father, but he had visited his uncle, Albert Gardner, there, probably in the 1920's (CIAC Hearing 8/10/1976).

A limited review of BIA interview data concerning Atwood Williams Jr.'s activities did not provide information which would support the petitioner's description of his leadership activities for the period between 1955 and 1973, beyond the fact that he brought food to the reservation. There was no detail concerning who he brought it to, especially whether this involved other than close relatives.

Helen LeGault, 1955-1973. Most of the evidence concerning Mrs. LeGault's activities during this period comes from official correspondence with the State of Connecticut. She continued her earlier activities, referenced above in the case of Flora (George) Stenhouse (CT FOIA #17), in urging that certain persons be permitted to reside on the Lantern Hill reservation. There are both direct documents (PEP NARR Ex. CC) and memoranda by Welfare Department officials in the file (Connecticut, State of. Welfare Department. From Herbert Barrell to Fred Speer, attn: George Payne 5/29/1962; Lynch 1998a 5:140). On October 28, 1955, Mrs. LeGault wrote:

I wish to state that the people you took over to this property in question the day I talked to you last July are not related to the former occupant in any way or anyone else that has any rightful claim to this or any other Indian Reservation. This you know.

If you have the authority to allow anyone [sic] who has applied for permission to occupy this property which has always been used by the family of my Uncle or his widow, and you let those people in there that I saw you with, myself and every one concerned will feel justified in believing that you have a very personal reason or reasons.

When I say all concerned I mean people who have a right to call themselves descendants of real Indians, and who have been allowed such a very small part of what really belongs to them.

It seems people who have no Indian blood at all, camouflage their intentions by Applying for state aid, at the same time claim to be Indians and are placed on the small piece of land that has been set aside for the Indians, its really a joke, from thenon [sic] they are favored and given preference (Helen E. Le Gault, Union City, CT, to Clayton S. Squires, State Welfare Dept. 10/28/1955).

She continued her presentation on November 15, 1956, in regard to the homesite on the reservation where her late uncle, William Albert Gardner, had lived before his death in 1927:

I have been on the southern part of this property about twenty nine years. When my Uncle passed away he left a widow, they had no children, his widow remarried and lived there as long as her health would permit, she is now hospitalized and is close to 80 years old . . . However, mr Squires came to Lantern Hill, July 1955, accompanied by some people, whom I know have no legal rights to my Uncle's place no relative of either my Uncle or his widow . . . (Helen E. LeGault to Marvin A. Earrett, Asst. Chief, Div. of Resources & Reimbursement, State Welfare Department 11/15/1956).

Generally, throughout this correspondence, Mrs. LeGault made the assumption that homesites on the reservation were, in some undefined way, private property that should be passed to heirs within a given family line.

There was no indication in the record whether Mrs. LeGault was chosen by the Eastern Pequot reservation residents, or any portion of the Eastern Pequot, to testify at the committee hearing held March 23, 1961, or whether she testified as an individual. At that time, she stated:

. . . in Section 2 where it says that those who reside on reservations on Jan. 1, 1962 may continue to reside thereon. That gives quite a time for people who don't belong there to come as they have in the past and recently more have been coming than we've ever had before. Of course, I've been there 33 years and I've been able to watch it. . . . And there has to be someone there who is Indian to protect that part, and I have it and I'm sure there is no one else there who does . . . (Connecticut, State of. General Assembly. Joint Standing Committee Hearings. Public Welfare and Humane Institutions. Testimony of Helen LaGault [*sic*], March 23, 1961; HIST DOCS II, Doc. 65).

At other points in the dialogue, Mrs. LeGault stated that, "everyone seems to be so afraid they'll hurt the feelings of people that seem to be Indians, that are not. And I don't know why and that's the reason why I'm staying there because I don't mind hurting their feelings. I like to stand up for my own if I may" and "my uncle was there before me and my mother who was own sister to, it was her own brother, she didn't live there because she was afraid of these people and most of these people are afraid of these people [*sic*]. I mean, they resent me too, but I must have what it takes, ..." (Connecticut, State of. General Assembly. Joint Standing Committee Hearings. Public Welfare and Humane Institutions. Testimony of Helen LaGault [*sic*], March 23, 1961; HIST DOCS II, Doc. 65).

After some further discussion concerning non-Indian residents, people whom she described as squatters, Mrs. LeGault entered into a dispute with James Allen of Stonington in regard to the Sebastian family, stating:

Mr. Allen, you know very well that those Sebastians are not Indians, you know it just as well as you want to know it. If I've got to bring up the name I will. It's Sebastian, is that an Indian name, an American name? It's a Portuguese name. I even know where the first Sebastian came from and how he came to this country and what he married and who he married and who she was and you can't claim what kind of Indian she was because you don't know and no one else knows (Connecticut, State of. General Assembly. Joint Standing Committee Hearings. Public Welfare and Humane Institutions. Testimony of Helen LaGault [*sic*], March 23, 1961; HIST DOCS II, Doc. 65).

This issue was presented in the #113 PEP 1994 petition narrative as follows:

At the hearing Helen LeGault as spokesperson, for the Paucatuck Eastern pequot [*sic*] Tribe, told of the Tribes concerns. The major concern was Sec. 2 of the bill stating, those who reside on reservation on January 1, 1962 may continue to reside there(General Assembly 1961 :4 Exhibit DD). This was a major concern to the Tribe, because there were a lot of non-Indians living on the reservation that the Welfare Department put there. The Tribe had repeatedly disapproved of Welfares actions and always rejected the non-Indians as members of their Tribe. Helen LeGault also told the committee of the non-indians on the reservation, some of which the Welfare Department put on and others that just moved on. Neither the State of Connecticut or the Welfare Department did any thing to remove these non-indians, or to help the Pequots. James Allyn of Stonington was no help to the Indians, he had been trying to do away with the Indians and the reservations. James Allyn and a non-indian Arthur Sebastian were friends for many years (Swamp Yankee from Mystic :177-178 Exhibit EE). James Allyn helped Arthur attain residence on the reservation, which at the time Arthur made it known he did not claim to be Indian (#113 PEP Pet. Narr. 1984, 25). [spelling, grammar, spacing, punctuation, etc. *sic*]¹¹⁵

By the mid-1960's, she was focusing upon opposition to reservation residency by members of the Sebastian family. In reporting a June 3, 1966, visit to the Eastern Pequot reservation, the agent reported that Mr. and Mrs. LeGault "have moved their trailer onto the site they are to occupy" and that "Mrs. LeGault expressed her displeasure with the type of individuals residing on the Reservation, indicating that many were not truly Indians and were 'so-called Indians'" (File Idabelle Sebastian Jordan 6/7/1966, CT FOIA #68). The report continued:

¹¹⁵See also the next couple of pages of the PEP 1994 narrative, with reiterations of this position that the Sebastian family was non-Indian. The narrative contains many anachronisms as far as the various names used by the organization, etc. in the early 1970's is concerned.

She also indicated that she knew that people who are not Indians, had paid money for the right to reside on the Reservation. She reported that the Sebastians were renting their leases and were not actually occupying the property which they had leased. She reported that Mr. Wilson who is to take over the Harris property, has been boasting that he had enough money to grease palms in Hartford to gain admission to the Reservation. She doubted that he qualified as an Indian, although she was assured the genealogy we had did qualify him for residence on the reservation. She was also advised that the only funds he would have to have to live on the Reservation, were to establish his own financial ability to rebuild or build a place with sufficient sanitary facility and one that would be an asset and not a detriment to the Reservation. I will follow up with reference to the Sebastians alleged rental of their leased property, since persons who rent are not qualified for residence or use of the Reservation (Connecticut, State of. Welfare Department. Anonymous interdepartmental mail, to file 6/7/1966).

Another memorandum the same month, regarding spot checks of the Eastern Pequot reservation, mentioned the LeGault/Sebastian conflict (Connecticut, State of. Welfare Department. Raphael J. Shafner 6/17/1966). The next month, "Mr. & Mrs. LeGault specifically mentioned that they did not want to create any hard feelings with their neighbors, the Sebastians. They did mention that the boating incident would be brought up at the next meeting of an association of local residents" (Connecticut, State of. Welfare Department. Memorandum concerning Lillian Sebastian and Idabelle (Sebastian) Jordan re: residence on Pequot reservation 7/28/1966).

Three years later, Mrs. LeGault wrote the State Welfare Department regarding permission for her brother to reside on the Eastern Pequot reservation and a rumor that another family of Sebastians are "about to embark on the reservation" (LeGault to Connecticut State Welfare Department 3/1/1969). In January 1973, shortly before the eruption of the CIAC representation controversy, a representative of the Welfare Department wrote in regard to a property inspection prior to a "request of Miss Ruth Geer for a grant of land to be used as a residence at the Eastern Pequot Reservation" that on December 6, 1972, she met with Miss Geer and Mrs. Legault to look at several possible sites:

The second choice would be land fronting on Bush Pond and Lantern Hill Road, across Lantern Hill Road from the LeGault property. This location fronts on a cove in bush Pond and adjoins a Lessee on one side and the property of Paul Spellman on the other. Since there seems to be considerable ill feeling among the self styled "white" Indians as to the eligibility of the "colored" Indians, and since all property on Bush Pond that has been granted, has been to the "colored" faction, I feel that the first choice would be best from a "political" as well as from a social standpoint, particularly since Miss Geer is related to the Roswell Browns and the LeGaults (Connecticut, State of. Welfare Department. Memorandum from Dorothy M. Shaw to Frank Meheran 1/2/1973).

The record contained no documentation, other than the above correspondence, concerning leadership exercised by Mrs. LeGault among the Eastern Pequot reservation residents, the Eastern Pequot membership as a whole, or any specified portion of the Eastern Pequot membership, namely the Gardner/Edwards and Gardner/Williams families. In light of the subsequent 1973 protest against her CIAC appointment by many of the Jackson and Spellman family (see below), it would not appear that the Hoxie/Jackson subgroup regarded her as a leader in the 1960's. There is no data pertaining to any interaction at this time between Helen LeGault and the other identified leader, Atwood I. Williams Jr. (see below).

Evaluation of the Evidence under Criterion 83.7(c). The petitioners have submitted sufficient evidence to show that the historical Eastern Pequot tribe meets the requirements of criterion 83.7(c) from the colonial period through 1883. From 1883 through the mid-1920's, there was no information in the record which named or identified formal or informal leaders with the single exception of a 1913 obituary of Calvin Williams, a petition signer from the 1870's and early 1880's, who continued to serve as reservation preacher until his death in 1913. There is evidence from oral history and some records that he may have continued as tribal preacher, holding religious and social meetings on the reservation in the first decade of the 20th century. There was no evidence of group political actions such as the petitions to the state concerning overseers and land use found in the previous decades. This may reflect a failure to locate or submit relevant records rather than an actual absence of evidence to show political influence or authority under the regulations.

It is possible that the documentation concerning political authority and influence for this period could be substantially improved. Both petitioners reported that overseer's records were missing for the period from 1891-1909. Neither petitioner nor the third parties included any description of what efforts have been made to locate the papers of Calvin Snyder, the man who was overseer for that time period. As of 1924, he was residing in Westerly, Rhode Island, and was still interested in Indian matters, being associated with Thomas Bicknell's Algonquian Indian Federation initiative.

In light of the continuous existence of the Eastern Pequot tribe as a state-recognized group with a continuous land base since colonial times, the thin documentation submitted for this time period does not prevent the petitioner from meeting criterion 83.7(c). Since the Eastern Pequot tribe does meet criterion 83.7(b), community, for the period in question, in addition to searching for specific documentation pertaining to political leadership, it may be possible for the petitioner to strengthen this portion of the petition by presenting analysis showing that the tribe met the community provisions at more than a minimal level, thus permitting carryover under 83.7(c)(1)(iv). Given the extensive intermarriage within the tribe and with neighboring tribes, the petitioner has strong evidence demonstrating community during this time period.

The evidence for this time period has been evaluated under the principle that, because the Eastern Pequot tribe has existed continuously as a state-recognized tribe whose relationship with

Connecticut goes back to the early 1600's, and because it has had a continuous land base since colonial times, the historical evidence of continuity is entitled to greater weight than would be the case under circumstances where there was not evidence of a longstanding continuous relationship with the state based on the tribe's being a distinct political community. The evidence is sufficient to demonstrate that the historical Eastern Pequot tribe meets criterion 83.7(c) from 1883 through 1920.

1920 to 1940. The Eastern Pequot tribe meets the requirements of criterion 83.7(c) between 1920 and 1940. Atwood Williams Sr. was a leader designated by the state for a period in the 1930's, and able to deal with outside authorities in matters of consequence to the Eastern Pequot tribe as a whole which was specifically defined by the Superior Court Order of June 9, 1933, as including direct and collateral ancestors of both petitioner #35 and petitioner #113. Dealing with outside authorities is a factor referenced in the definition of political influence in 83.1 of the regulations. In addition, the "Fourth Sunday Meetings" held throughout this period were partly political. They are accounted as evidence here, even though the PEP did not claim them, because the "religious meetings" the petitioner claims appear to be the same meetings. The evidence is that issues of significance to the membership were discussed at these meetings and actions taken as a result. A substantial portion of the membership was involved in these meetings. There is some evidence that the organizer of these meetings, a resident of the reservation, dealt with the overseers as an informal leader. Under the regulations, evidence about community may be used as supporting evidence to demonstrate political processes, especially where a community is closely knit and distinct (see 83.7(c)(1)(iv)). The evidence for community in this time period is reasonably strong.

1940 to 1973. The petitioner's position is that Atwood Williams Sr. remained leader until 1955. There was no sufficient evidence submitted to show his leadership outside the span of years that he was recognized by the State of Connecticut as leader. The petitioner's position that bringing food to the reservation and his activities as leader of the American Indian Federation showed political influence was not supported by the facts.

The petitioner's position is that Atwood Sr. was succeeded by his son, Atwood Williams Jr. and that the latter was leader until his death in 1979. A limited review of BIA interview data concerning Atwood Williams Jr.'s activities did not provide information which would support the petitioner's description of his leadership activities beyond the fact that he brought food to the reservation (Grabowski 1996, 157, 195-196). There was no detail concerning who he brought it to, especially whether this involved other than close relatives.

The petitioner identifies Helen LeGault as a leader. The petitioner's stated position is that Helen Legault became leader of their group after Atwood Williams Jr.--i.e. after 1979. However, as can be seen above, the 1994 narrative cited to her activities in the 1960's. The written record, as noted above, does not provide evidence that she was selected by the members of the group at the time. The evidence of the membership lists and the 1973-1976 CIAC controversy indicates that

her group did not include the Jacksons, who are currently listed as members of petitioner #113. In light of the subsequent 1973 protest against her CIAC appointment by many of the Jackson and Spellman family (see the appendix), it would not appear that the Hoxie/Jackson subgroup regarded her as a leader in the 1960's. There is no data pertaining to any interaction at this time between Helen LeGault and the other identified leader, Atwood I. Williams Jr. (see the appendix). A limited review of BIA interview data with members of the petitioner supported the petitioner's position that LeGault was a leader of the Gardner/Edwards and Gardner/Williams family lines. The interviews describe meetings held at her house on the reservation as both social and political in nature. However, there was insufficient time under the procedures to analyze this data to determine how large the attendance was and the issues discussed or, most importantly, define the time span during which meetings occurred.

The amount of data concerning political authority and influence in the record overall, including conflicts between the two groups, is considerably more extensive than that relating to internal political processes within petitioner #113 alone. As evaluated under the standard articulated for a historical state recognized tribe, the petitioner meets criterion 83.7(c) from 1883 to 1973, based on the conclusion that there was a single tribe, the entirety of whose actions reflected political influence, including the Gardners as one subgroup, rather than as the entire entity evaluated.

1973 to the Present. There is insufficient evidence in the record to enable the Department to determine that the petitioners formed a single tribe after 1973. The Department consequently makes no specific finding for the period 1973 to the present because there is not sufficient information to determine that there is only one tribe with political factions (see for example, *Paucatuck Eastern Pequot Indians of Connecticut et al. v. Connecticut Indian Affairs Council et al.* No. 6292, Appellate Court of Connecticut, decided March 28, 1989, which describes each current petitioner as a "faction of the tribe"). This reflects in part the apparent recentness of the political alignments reflected in the petitioners after their formal organization in the early 1970's. A finding concerning community in this time period will be presented in the final determination. This question of whether there are one or two tribes since 1973, evaluated in the context of the preceding history, should be addressed by petitioners and interested parties during the comment period (see the appendix).

The historical Eastern Pequot tribe, which includes the petitioner as one of its component subgroups, meets criterion 83.7(c) through 1973.

A decision on the period subsequent to 1973 is deferred to the final determination.

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

The petitioner has submitted its Articles of Government, dated July 18, 1993 (Articles of Government of the Paucatuck Eastern Pequot Indian Tribe of the Paucatuck Eastern Pequot Indian Reservation 1993; #113 Pet. 1994, Narr. Ex.). Article II of this document contains a statement on membership eligibility.

The 1993 constitution was not separately certified as the current governing document of the petitioner by the governing body. However, the governing body of #113 did certify the petition as a whole (Paucatuck Eastern Pequot Indian Tribal Nation, Resolution 2/24/1996). In the absence of any more recent governing document in the submission, and in light of the background material submitted for the 1993 Articles of Government in the 1996 Response, the BIA has made the assumption that they are the current governing document of the petitioner.

The petitioner also submitted copies of prior governing documents in the form of undated by-laws from approximately 1977, an undated "Constitution of the Paucatuck Eastern Pequot Tribe" on the letterhead of the Paucatuck Eastern Pequot Indians of Connecticut (Constitution of the Paucatuck Eastern Pequot tribe n.d.; #113 Pet. 1994, Narr. Ex.) which may have been only a proposed draft, a "Constitution of the Paucatuck Eastern Pequot Indians" developed at some time between 1981 and 1988, and another version of this document dated September 14, 1989 (Constitution of the Paucatuck Eastern Pequot Indians 9/14/1989; #113 Pet. 1994, Narr. Ex.), which also contained no information concerning adoption. However, stapled to it in the exhibits submitted by #113, was a handwritten page headed: The Elders and governing body of the Paucatuck Eastern Pequots of Connecticut" (#113 Pet. 1994, Narr. Ex.).¹¹⁶

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.

In this petition, the historic tribe from which descent is to be shown is the Eastern Pequot tribe as established on the Lantern Hill reservation in North Stonington, Connecticut, from the colonial period to the present. All members of petitioner #35 descend from three persons identified as Eastern Pequot in 19th century and early 20th century official records created and maintained by the State of Connecticut and/or by the Federal Government. Such official records comprise

¹¹⁶James Lloyd Williams Sr., Chief; Pat Brown, elder; Helen LeGault, elder; Ruth Bassetti, C.I.A.C. Rep.; Agnes E. Cunha, Chairman; Beverly Kilpatrick (Elder). [punctuation inserted]

See minutes of October 28, 1990: "Nomenation [sic] made to remove Ruth Bassetti from CIAC/Tribal Roll untill we have Substantial proof of Paucatuck Eastern Pequot" (Paucatuck Eastern Pequot Minutes 10/28/1990).

evidence acceptable to the Secretary under the 25 CFR Part 83 regulations. Ordinarily, the Federal Government, in evaluating a petition, would not go behind such official records (see listing of precedents on the accompanying charts), but focus on ensuring that the current members of a petitioning group descend from individuals listed as members of the historic tribe on such official records.

In the case of the two Eastern Pequot petitions, however, Eastern Pequot Indians of Connecticut #35 and Paucatuck Eastern Pequot Indians #113, much controversy has arisen in regard to the genealogical claims of certain key ancestors. Since petitioner #113 has specifically challenged the accuracy and reliability of the above official records in regard to petitioner #35, the BIA was required to go behind the lists of the late 19th and early 20th century to examine the underlying documentation in detail. Additionally, the third parties have challenged the existence of descent from the historic tribe for both petitioners (Lynch 1998a, Lynch 1998b, Lynch 1999).

The third parties argue based on the 83.1 definition of “historical or history” as “dating from first sustained contact with non-Indians” that under 83.7(e), the petitioners “must demonstrate a continuous line of descent from the earliest sustained contact of the historic tribe to the present day as defined by 25 CFR 83.1” and that “in order to meet the requirements of Section (e), members of the petitioning group are required to prove that such individuals in the petitioners [sic] descent line have maintained membership in the group” (Lynch 1998a, 3). The AS-IA has never imposed a requirement as stringent as that asserted by the third parties, as indicated by the precedents listed on the accompanying charts. One portion of the definitions quoted by the third parties, that pertaining to *Member of an Indian tribe*, is the definition of a current member of an Indian tribe, for purposes of determining dual enrollment issues in such cases as San Juan Southern Paiute. It has not been, and could not be, imposed from the colonial period to the present, for records permitting such a strenuous determination have not existed throughout most of the period since sustained contact.

Overseers’ lists, Federal census records, and similar documents created in the 19th century provide documentation of tribal membership as of the date the document was created, but rarely provide any detailed genealogical data concerning the ancestry of the individuals named, or the tribal affiliation of more distant ancestors in the colonial period. The BIA’s evaluation of the requirement of descent from the historic tribe takes these limitations into consideration. In some cases, the BIA has evaluated material which either petitioner #113 or the third parties have asserted disproved criterion (e), descent from the historic tribe, for petitioner #35. The records used by the BIA to examine the assertion of descent from the historic tribe for the key ancestors of petitioner have been the same types of records which have been used to verify descent from a historic tribe in prior cases.

The BIA has not undertaken to correct every error of fact and assumption in all submissions (for a more detailed analysis, consult the background genealogical material compiled in FamilyTreeMaker (FTW*) by the BIA researcher). The accompanying charts analyze the

ancestry of the three key individuals, as defined by the petitioner, insofar as could be done from the relevant material in the record. They present the BIA's analysis of the documentation in the record not on the basis of what the petitioner or third parties find acceptable, but on the basis of evidence which is acceptable to the Secretary as showing descent from the historical tribe (83.7(e)(1)(i-v)).

In regard to the use of ethnic identifications in individual census enumerations and on individual vital records (births, marriages, and deaths), submitted by all parties, there was no consistency in the ethnic identifications throughout the entire period for which such official records have been maintained. While some documents identified the persons carried on the records of the overseers of the Eastern Pequot reservation as Pequot, or as Indian, others identified ethnicity as non-Indian. The BIA does not evaluate descent from the historic tribe by means of a scorecard (x identifications as Indian vs. x identifications as non-Indian). Rather, since the record contains extensive official documentation concerning the ties of the families and individuals to the Eastern Pequot reservation, the inconsistency in specific individual ethnic identifications has no significant impact on the evaluation of petition #35.

Much of the documentation in the record shows that the 1976 and 1977 decisions by the CIAC which declared Marlboro Gardner to have been a full-blood Eastern Pequot Indian were mistaken. He was, without question, Narragansett through his father's family. Similarly, Charlotte Potter, the mother of Eunice (Wheeler) Gardner, was unquestionably part Narragansett by ancestry and owned land on the Narragansett reservation in Charlestown, Rhode Island (*Report on Narragansett Indians* 1881, 27, 31, 36, 67, 71, 81). However, this issue is essentially irrelevant for evaluation under 83.7(e), in that the Federal acknowledgment regulations (unlike the Connecticut regulations adopted in 1936 and still in force in the 1970's) do not impose a blood quantum requirement for tribal membership. The issue evaluated for Federal acknowledgment is descent. The following summary therefore focuses on those documents which indicate that the petitioner's key ancestors were members of the Eastern Pequot tribe in the 19th century, and that therefore their descendants meet criterion 83.7(e) for descent from the historical tribe. The appearances of the names of Marlboro Gardner on petitions, which have been cited above under criterion 83.7(c), are not repeated here, but apply here (see the accompanying charts).

Marlboro and Eunice (Wheeler) Gardner. Ezra Hewitt's report which covered the period from June 16, 1835, through January 6, 1836 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41) mentioned, for the first time in an Eastern Pequot overseer's report, "articles furnished Charlott Wheeler" on December 14, 1835 (#35 Pet. Overseers Reports). Charlotte (Potter) Wheeler was the mother of Marlboro Gardner's future wife. A continuation of the same document which began January 6, 1836, and continued through June 14, 1836, also mentioned a payment for two loads of wood for Charlotte Wheeler on February 6, 1836 (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS I, Doc. 41). The next account, by Ezra Hewitt, beginning June 21, 1838, and continuing through December 25, 1838, mentioned neither the Brushell

family nor any connection of the Gardner family (#35 Pet. Overseers Reports; #113 Pet. 1996, HIST DOCS, Doc. 41).

On October 9, 1843, the overseer's report mentioned the fathers of both Marlboro Gardner and Agnes Wheeler: the overseer paid Harry Gardner for keeping Moses Brushel, paid David Holmes for making a coffin for M.B. and paid Primus Wheeler for digging his grave; grave clothes ditto; on November 15, 1843, he paid Harry Gardner for keeping M Brushel (#35 Pet. Overseers Reports). From 1844 through 1849, an otherwise unidentified woman named Molly Gardner, who had not been mentioned on any earlier documents pertaining to the Lantern Hill reservation, appeared on the overseer's reports. She died in July 1849. In the 1849 report, Harry Gardner was mentioned as receiving payment for caring for her during her illness (#35 Pet. Overseers Reports, typed sheet). Neither Harry Gardner nor Primus Wheeler was identified as a member of the Eastern Pequot tribe or as a beneficiary of tribal funds, but merely received payment for services rendered, as did, during the same period, various other Indians (e.g. Betsy Wheeler, a Western Pequot) and non-Indians.

The Eastern Pequot account covering the period from July 2, 1889, through 1890, listed not only Marlboro Gardner himself, but several of his collateral relatives (#113 Pet. 1996, HIST DOCS I, Doc. 41; #35 Pet. Overseers Reports). The 1890-1891 report, "Eastern Tribe Pequot Indians North Stonington in account with Gilbert Billings overseer," showed goods furnished to "Molbro Gardner" (#35 Pet. Overseers Reports). The list of "Members of Tribe" was essentially the same as the prior year.¹¹⁷ Marlboro Gardner died in 1893.

The spelling on the 1900 special Indian Population census records is ambiguous, but apparently showed his widow as residing on the Lantern Hill reservation, in a household headed by Leonard Ned, a descendant of an old reservation core family:

Brown, Leonard, head, black, male, DOB 1820 *80), single, POB CT, no read/write/speak English; Indian Reservation. Pequot, father Pequot, mother Narragansett, no white blood.

Lucy Hill, Boarder, Black, DOB 1830 (70), single, POB CT, no read/write/speak English; Indian Reservation. Pequot/Pequot/Pequot/no.

Gardner, Armia ?, black, female, DOB 1835 (65), single, POB CT, no read/write/speak English; Indian Reservation (Lynch 1998a 5:96-97). Narragansett, father Pequot, mother Pequot, no.

¹¹⁷ Abby Randall, John J. Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Manirve [Munroe?] Watson, Molbro Gardiner, Phebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson, Maria Simons, Mary Simons, Herman Simons, Lucy A. Savant, Russel Simons, Dwight Gardiner, Calvin Williams, Jesse Williams, Tamar Sebastian, Leonard Nedson, Mary Ann Potter (#35 Pet. Overseers Reports).

NARA T-623, Roll 149, ED 469, Sheet 14. 1900 June 30, Twelfth Census of the United States, Connecticut, New London County, North Stonington, Indian Population/Special Enquiries Relating to Indians

In the 1910 census, she was no longer residing on the reservation (Lynch 1998a 5:101; #113 Pet. 1996, GEN DOCS II). The children of Marlboro and Eunice (Wheeler) Garner were never listed as reservation residents. On June 29, 1938, Allen B. Cook, of the State Park and Forest Commission, wrote Arthur L. Peale in regard to the family's status:

During the past two years I have spent considerable time compiling geneological [sic] records of persons who claim or may claim to belong to the various Indian Tribes of which the Conn. State Park and Forest Commission is Overseer. While I believe that, as far as they go, these records are correct, I have not absolute proof.

These records show that Bertha Edwards' Father was a white man. Her mother, Emma (Gardner) Edwards was a daughter of Marlboro Gardner and Eunice (Wheeler) (George) Gardner who were both Indians, probably full Bloods. Marlboro Gardner was at least part Pequot and possibly part Narragansett. Eunice Wheeler was Narragansett. As we were interested only in the Pequot I did not follow it farther.

From the above I believe that Bertha Edwards is probably one half Indian, Pequot and Narragansett (Cook to Peale 6/29/1938; CT FOIA #68; #35 Pet., LIT 80).

Rachel (Hoxie) Jackson. The overseer's report which began June 21, 1849 (#35 Pet. Overseers Reports) mentioned for the first time a woman who would appear regularly in the records for the next quarter century:¹¹⁸ "Rachel Hoxey one of the tribes a girl about 16 yrs old . . ." (#35 Pet. Overseers Reports). The arguments concerning her ancestry advanced by the third parties (Lynch 1998a) have been extensively refuted by the petitioner (Grabowski 3/15/1999).

Rachel (Hoxie) Jackson and her children were consistently mentioned in the overseer's reports throughout the second half of the 19th century. It is not completely clear from the census records whether she and her non-Indian husband resided on the reservation continually, but they were there in 1870, were residing in North Stonington in 1880, and it was in North Stonington that she died in 1884. The records submitted do not permit a determination of whether her children, listed as "members" in 1889-1891 and again when the reports resumed in 1910-1911, had remained residents, but the census indicates that they had held off-reservation jobs and that at least Phoebe Esther (Jackson) Spellman had married and resided for several years in Providence, Rhode Island, with her husband, before returning to the reservation in 1912 as a widow (#35 Pet., Overseer's Reports). At least one of Phoebe's brothers, William Henry Jackson, resided on the

¹¹⁸She was mentioned under various names; Rachel (Hoxie) Ned Anderson Jackson/Orchard.

reservation regularly (J.R. Williams Notebook c.1941; newspaper notice of wedding anniversary; obituary).

Allegations of Forgeries of Vital Records and Other Documents. PEP #113 has also raised the issue of modern alterations of vital records, alleging “forgeries” by petitioner #35 (Cunha to Blumenthal 6/11/1991; Cunha to Jacobs 2/26/1992; Cunha to Lujan 6/12/1992; Cunha to Lujan 7/1/1992; see also Cunha to Reckord 8/10/1993; Cunha to Mullane 8/10/1993; Cunha to Spencer n.d. [identical letter]). For discussion of this issue, see the proposed finding for petition #35.

There is also extensive correspondence in the record concerning efforts made by members of petitioner #113 during the 1970's to have the ethnicity on their birth records legally altered.¹¹⁹ This may have been undertaken in response to the statements made by Arlene (Jackson) Brown in challenging Helen LeGault's 1973 appointment as CIAC representative to the effect that the Edwards family was non-Indian (see discussion above). The attorney representing the Edwards family wrote on May 12, 1977:

I have talked to both Mr. Burdo and the North Stonington town Attorney regarding the correction of your birth certificates. They have both informed that under their regulations the only change which can be made in a birth certificate is that which has already been made. Under their procedure they will not erase information as requested, but will only draw a line through the incorrect information and insert the correct information. This has been done. Therefore, your birth certificates that I have previously sent to you have now been corrected in accordance with the law.

The only way open to you now to seek any further change would be to institute a lawsuit against the town clerk and against the state commissioner of health. Frankly, under all of the circumstances I do not advise that you do this. I think it would be expensive, time-consuming, and I cannot give you any guarantee that it would be successful (Wilson to LeGault 5/12/1977; #113 Pet. 1994 NARR A-3).

¹¹⁹Gray, C. Ernest, Affidavit concerning the parentage of Helen Edwards LeGault 8/5/1976(#113 Pet. 1994 NARR A-1, NARR A-7, A-3)

Lee, Roy S., Affidavit concerning the parentage of Helen Edwards LeGault 8/6/1976(#113 Pet. 1994 NARR A-1, NARR A-7, A-3).

McGowan, Bessie E.B., Affidavit concerning the parentage of Helen Edward LeGault and Bertha Edwards Brown 8/5/1976(#113 Pet. 1994 NARR A-1, NARR A-7, A-3).

Stone, Mrs. George H., Affidavit concerning parentage of Helen Edwards LeGault and Bertha Edwards Brown 8/5/1976 (#113 Pet. 1994 NARR A-1, NARR A-7, A-3).

North Stonington, Connecticut, Town of. Office of Town Clerk, Correspondence with Thomas B. Wilson, Esq. concerning changing the birth certificate of Helen Dorothy Edwards, Bertha Arlene Edwards, Byron Albutus Edwards 1977 (#113 Pet. 1994, NARR A-3).

The third parties indicated that certain documents (submitted by both petitioners) had the ethnicity altered without validating initials by a town clerk or other responsible official (Lynch 1998a). Since all of the changes were apparent on the surface of the documents, and none impacted the evidence acceptable to the Secretary for meeting criterion 83.7(e) (see the accompanying charts), the issues raised were not directly pertinent to an evaluation of either petition under 25 CFR Part 83.

Current and Prior Membership Lists. The following section is long. The BIA has previously promised Ms. Agnes Cunha, Chairman of PEP, that the proposed finding would contain a detailed evaluation of these membership issues and controversies (Maddox to Cunha 2/23/1996). There is no indication in the evidence submitted that the predecessor group of petitioner #113 had maintained membership lists prior to the mid-1970's. On January 24, 1976, Raymond A. Geer, a future chairman of #113, wrote to Brendan S. Keleher (CIAC) requesting recognition as an Eastern Pequot Indian and a copy of the official membership roll (Geer to Keleher 1/24/1976, CT FOIA #53). Keleher replied that:

The Eastern Pequot tribe have not submitted to the Council either a tribal roll or a statement on criteria for determining tribal membership. It is my understanding that certain tribal members are now researching family histories as background to the establishment of a tribal roll. The Indian Affairs Council is assisting in this work (Keleher to Geer 2/25/1976; #35 LIT 80).

a. 1977 List. There was an undated membership list produced by Helen LeGault, CIAC representative and leader of the group antecedent to petitioner #113 stamped "Received Aug 2 1977 Connecticut Indian Affairs Council" (PEP Membership List 1977).¹²⁰ It was not on letterhead. One version printed vertically was one page; the other, printed landscape, was two pages. Both contained the same hand annotations, often stating "deceased" or "don't qualify." The list ascribed blood quantum, but there were no membership numbers or addresses. Children were listed under their parents. There appeared to be five household heads who were living and three marked deceased; of these, there were 25 children. Of the children, four were marked "deceased" and six were marked "don't qualify." Only one of the children was annotated as having a child of his own. The families annotated as "don't qualify" were descended from John and Mildred Jenny (Williams) George, presumably because they were enrolled as Western Pequot in right of their father.

Because of time constraints imposed by the new procedures, the BIA researcher did not prepare a comprehensive comparative membership data base in this case. However, in light of the 1973-

¹²⁰"Helen LeGault submitted a copy of the Eastern Pequot Indians of Connecticut tribal roll. In so doing she completed the requirements for participation in the Council established by the regulations of this body. Helen LeGault will be representing the Eastern Pequot tribe on the Council with Richard Williams serving as alternate. No further action taken" (CIAC Minutes, 8/2/1977, [1]).

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1976 protest against Helen LeGault led by Arlene (Jackson) Brown, the BIA entered this list into the FTW data base for comparison with petitioner #113's current list and genealogical submissions. All persons on this list descended either from Atwood and Agnes Eunice (Gardner) Williams or from Emma Estelle (Gardner) Edwards. It excluded the Hoxie/Jackson/Spellman descendants as well as the Brushell/Sebastian descendants.

b. 1981 List. There is in the evidence a "Tribal Roll As of August 20, 1981" in letterhead of the Paucatuck Eastern Pequot Indians of Connecticut, stamped "Received May 11 1983 Dept. of Environmental Protection Office of Indian Affairs" (Paucatuck Eastern Pequot Indians Tribal Roll 1981). In addition to the cover sheet, the first two pages contained 52 names (Edwards/LeGault/Geer), the third page contained 29 names (Williams/Cunha); the fourth page contained eight names (George family, Christensen/Walker). A second copy also included a photocopy of the obituary of Mrs. Agnes E. (Gardner) Williams and a page with addresses, ages, and children (Paucatuck Eastern Pequot Indians Tribal Roll 1981; CT FOIA #29). The page of names, addresses and ages appeared to be a variant of the first three pages mentioned above, containing 30 names.

In light of the opposition to Helen LeGault led by the Jackson family, the BIA researcher also analyzed this list. It included only Gardner/Edwards and Gardner/Williams descendants, excluding the Hoxie/Jackson descendants. It should also be noted that in a 1989 interview, Mrs. LeGault and two of her associates, one of them her sister and both on the PEP council, continued to publicly express racially-based statements in regard to Eastern Pequot membership eligibility, in a document submitted by petitioner #113 as part of its own petition (Lea Tomaszewski, Portland Powwow Airs Indians' Woes, History. Newspaper article hand-dated and hand-identified the Middleton Press 8/26/1989; #113 Pet. 1984, A-6).

c. 1984 "Proposed List" Submitted by Stilson Sands to CIAC (#113, NARR, Supporting Documents Folder A-7). On January 3, 1984, Stilson Sands, Chairman, CIAC, addressed to CIAC members and Ed Sarabia, Indian Affairs Coordinator of the Connecticut Department of Environmental Protection, a letter stating:

Attached please find a proposed list of tribal members of the Paucatuck Pequot Tribe of Connecticut. This list is being issued by the Connecticut Indian Affairs Council (CIAC) as a result of its decision regarding membership in said tribe rendered on December 3, 1983. This lists [*sic*] represents the CIAC's initial application of the principles and standards regarding membership contained in its decision of December 3, 1983 to the information and records in its possession as of December 3, 1983. Opportunity will also be provided to those persons who feel that they should be considered members of the Tribe, but who are not on the attached list to come forward and present their case to the CIAC. All questions regarding tribal membership will be resolved strictly in accordance with the principles and standards contained in the December 3rd decision of the CIAC.

The CIAC is interested in seeing that as many affected persons as possible are aware of the contents of the proposed tribal membership list. Therefore, please circulate the list to as many affected persons as possible. So that the CIAC might know who is aware of the proposed list the CIAC has prepared the attached form to be completed by affected individuals and returned to the CIAC at its Hartford address (Sards to Dear Sir or Madame 1/3/1984).

The attached form described the document as "the proposed Eastern Paucatuck Pequot [*sic*] Tribal membership list issued by the Connecticut Indian Affairs Council on December 30th, 1983" (#113 NARR, Supporting Documents Folder A-7). The list was headed "PROPOSED EASTERN PAUCATUCK PEQUOT [*sic*] MEMBERSHIP LIST." It was handwritten, 14 unnumbered pages long, and contained a blood quantum ascribed to many, but not all, of the persons listed. It contained names, but no addresses or other clearly identifying characteristics. The individuals were numbered, but the numbers were not consistently sequential, whether on an individual page, or from page to page. This list contained no identifying data such as addresses or dates of birth. Twenty-five of those listed could not be matched to any individual who appeared on prior or subsequent membership lists of either petitioner. In accordance with the 1976 and 1977 CIAC decisions, it contained only descendants of Marlboro Gardner and Tamar Brushell--no Jacksons, no Fagins/Watson, no Fagins/Randall, and no descendants of the other marriages of Eunice (Wheeler) Gardner.

There was no indication to which group (#35 or #113) an individual belonged, although the named individuals appeared to be grouped at least loosely. In the absence of a detailed analysis, it appears that the #35 grouping had, in essence, #1 through #244, while the #113 grouping had, in essence, #245-335. The #113 challenge to this list proposed by CIAC has been discussed above.

d. March 2, 1992, "Paucatuck Eastern Pequot Tribal Roll." This document, on letterhead, contained 108 numbered individuals (#113 Pet. 1994, NARR 1-7). Four persons (#17-20) lacked surnames, but were presumably the children of #16.

For the first time in the membership lists submitted by #113, this list contained the names of three older-generation Hoxie/Jackson family line descendants (Paucatuck Eastern Pequot Tribal Roll 3/2/1992).¹²¹ In the absence of time to construct a complete comparative membership data base under the new procedures, the BIA researcher prepared no full analysis of the membership changes represented by this list.

¹²¹"Went over Kevins [*sic*] contract made necessary changes Kevin made a point of keeping Racial Slurs to keep us out of Racial difficulties w/ Sabastiance" (5/2/1990, Paucatuck Eastern Pequot tribal minutes 5/2/1990).

"Group's researcher is Kevin Meisner, 10E Flintlock Road, Ledyard, CT 06339 (203) 572-2944, just graduated from law school, Ellen Brown Nicholas is no longer working for group" (post-it note 10/10/90, initialed BDT; #113 Admin. File, BAR).

e. 1992 Joint List, #35 and #113. Another listing of the members of both current petitioners, EP (#35) and PEP (#113) contained a section of unnumbered individuals belonging to petitioner #113 (this portion of the list was headed "EASTERN PEQUOT INDIANS OF CT TRIBAL ROLLS - ADULTS" and was undated, but stamped "Received Mar 13 1992 Dept. of Environmental Protection Office of Indian Affairs") (#113, NARR, Supporting Documents Folder A-7). This list was unsigned, uncertified, and was not on letterhead. The full document submitted to CIAC in 1992 was a joint listing of both factions, containing 345 persons. It listed Roy Sebastian as "chief," but included the names of Agnes Cunha and other leaders of PEP (#113 NARR, Supporting Documents Folder A-7; CT FOIA #60).¹²² After subsequent complaints by #113 (see below), BAR determined that 78 of the names listed on this document sent to the State of Connecticut belonged to #113 (BAR #113 Admin. File). At that date, therefore, the number of listees who were members of #35 was 267.

1993 Membership Controversy with #113: EP Position. In regard to preparation of membership lists for submission with the #35 OD response for the Federal acknowledgment petition, EP wrote to PEP on July 6, 1993. After reviewing the controversy of use of the term "Paucatuck Eastern Pequot" in the current Connecticut statutes, it stated:

Whatever we call ourselves or are called by others, we are still Pequots, the inheritors of the ancestral right to our tribal lands. Our families have remained closely bound to our ancestral lands, and, even though we have tribal disputes of a political nature, we deserve the right to be formally recognized by the federal government [*sic*]. Internal disputes over leadership and governance matters are common and natural to all nations and are an inherent part of the political process of government.

Despite disputes between tribal members and individuals on and off the reservation, it is extremely important that ALL qualified tribal members submit their genealogical documentation for this petition to the B.I.A. Our genealogical and historical records indicate that many members of your family should qualify for federal status, but we do not at the present time have sufficient information on all of them to include with the petition.

We are asking your assistance in assuring that all members of the tribe who qualify for federal status are included, with appropriate documentation of their tribal lineage, in the petition for federal recognition . . . (R. Sebastian to Cunha 7/6/1993, 1-2; #35 Pet. SECOND, Sources Cited).

¹²²For determination of the date of this list, see also the letter from the Eastern Pequot Indians of Connecticut to Governor Lowell Weicker transmitting current tribal rolls and government by-laws (EP to Weicker 3/10/1992, #35 SECOND, Sources cited).

The letter included a listing of specific information on the types of documentation requested (R. Sebastian to Cunha 7/6/1993, 2; #35 Pet. SECOND, Sources Cited).

1992-1993 Membership Controversy with #113: PEP Allegations. On August 10, 1993, Agnes Cunha, chairperson of #113, wrote to AS-IA Ada Deer protesting that the membership lists submitted by #35 to the BIA in its OD Response included the members of PEP, saying that EP was "using" their names for acknowledgment (Cunha to Deer 8/10/1993a; BAR #35 Admin File).¹²³

The BIA does not know how (or if) Ms. Cunha had obtained copies of any membership list supposedly submitted by #35 to the BIA. The BIA does not, because of protections assured by the Privacy Act, release membership lists submitted by petitioners. It is possible that Ms. Cunha had obtained copies of other lists submitted by #35 to the State of Connecticut, as these were, in fact, released to the First Selectman of North Stonington by the State in 1993 (Mullane to Spencer 4/27/1993; Spencer to Mullane 6/10/1993; CT FOIA #69).

Also on August 10, 1993, Ms. Cunha wrote to the Chief of the Branch of Acknowledgment and Research, BIA, enclosing requests from members of PEP to be removed from the membership list submitted by EP, stating that they had been "illegally and fraudulently" placed on the "Sebastian family so-called Tribal Rolls" (Cunha to Reckord 8/10/1993, 1). Ms. Cunha argued that: "The Sebastian Family received a deficiency letter stating they had to show relationship to the Paucatuck Eastern Pequot Indians or The Mashantucket Pequot Indians, so they stole our names, our identities and our heritage" Cunha to Reckord 8/10/1993, 1). It noted that one family had "left our Tribe many years ago and are now on the Mashantucket Pequot Tribal Rolls and Live on the Mashantucket Reservation" (Cunha to Reckord 8/10/1993). The balance of the letter did not specifically address membership issues, but consisted of arguments on status of the Sebastians, alleged falsification of documents, and actions by the State of Connecticut. The letter was accompanied by a set of signed forms with which individuals requested that their names not be carried on the EP membership list (Cunha to Reckord 8/10/1993, Attachment; #113 Admin. File, BAR). The majority of these forms were signed at various dates in July 1993.

¹²³Ms. Cunha sent duplicates of the above letter to a number of public officials. Additionally, at or near the same date of August 10, 1993, the correspondence files contain multiple letters from Ms. Cunha to AS-IA Ada Deer (Cunha to Deer 8/10/1993b), to Governor Lowell P. Weicker of Connecticut; to John Spencer, Department of Environmental Protection State of Connecticut; and to Selectman Nicholas Mullane II containing allegations of falsification of documents, etc. (Cunha to Weicker 8/10/1993; Cunha to Spencer 8/10/1993; Cunha to Mullane 8/10/1993; #113 Admin. File, BAR).

These letters containing allegations of document falsification were part of a series of letters addressed by Ms. Cunha to a wide variety of public officials in 1991 and 1992 (cf. Cunha to Lujan 7/1/1992; Brown to Cunha 8/4/1992; #113 Admin. File, BAR).

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BIA Response. In response to Ms. Cunha's letter, BIA researchers compared the membership list that had been submitted by EP in 1989 with the request forms (BAR Analysis, #35 Pet. 1989, Folder 54.7(e)). As of 1993, this was the only membership that the BIA had received as part of the #35 petition. On September 10, 1993, the BIA responded that:

An analysis comparing the memberships of your group and the Sebastian petitioner has been completed. You will be pleased to know that none of the members who submitted requests to be removed from their membership rolls are listed as members on the rolls of the Eastern Pequot Indians of Connecticut.

Enclosed is the result of individual searches from the data provided by you. Please be assured this was a thorough search. The Branch of Acknowledgment and Research will keep your concerns in mind when analyzing future submissions (Reckord to Cunha 9/10/1993).

f. #113 Petition 1994. The 1994 PEP #113 petition did not contain a then-current membership list, designated as such. This was noted in the TA letter issued by the BIA to the petitioner (Morris to Cunha 9/12/1994, 6).

f. Controversy Concerning #35 (EP) Membership Lists, 1995 and 1997. While the following data does not consist, precisely, of a prior membership list for petitioner #113, the controversy is illuminating concerning the nature of the membership of both petitioning groups.

The next membership list that the BIA received from #35 was included in the EP OD Response, submitted May 2, 1995 (Tribal roll with certification by Eastern Pequot Indians of Connecticut tribal council, BAR date-stamped received 5/2/1995; in brown manila envelope: with genealogical database on diskette). The BIA also received another membership list on May 2, 1995, part of a package that had been sent to Connecticut Governor Rowland. This list lacks addresses, but includes minors and associate members, totalling 636 individuals (#35 Admin. File, BAR).

On October 17, 1995, Ms. Agnes Cunha (petitioner #113) again wrote to AS-LA Ada Deer stating:

The Paucatuck Eastern Pequot Indian Tribe is appalled that a group petitioning the B.I.A. has illegally and fraudulently used the names of the Paucatuck Eastern Pequot Tribal Members to help their group get on the waiting list for active consideration. This group calling themselves the Eastern Pequots has stolen our names, our identity, our rights, and our heritage . . . (Cunha to Deer 10/17/1995;

identical letters to Secretary of the Interior Bruce Babbitt, Associate Solicitor Robert Anderson).¹²⁴

In a longer letter of the same date to the Chief of the Branch of Acknowledgment and Research, Ms. Cunha referenced the complaints she had submitted on August 10, 1993 (Cunha to Reckord 10/17/1995).

On February 23, 1996, the BIA reminded Ms. Cunha that it had reviewed her allegations concerning the #35 membership at the time the allegations were originally submitted in 1993, and that: "At that time the BIA notified you that none of the names submitted were on the 1989 membership list" (Maddox to Cunha 2/23/1996). However:

... the Eastern Pequot/Sebastian group's recent submission contains your name on its roll. In 1993, the Eastern Pequot/Sebastian group included as part of their membership requirement persons who "can prove through a birth certificate or other legal record that he or she is directly related to an Indian who is genealogically recorded as an Eastern Pequot Indian" (Eastern Pequot petition, Internal Eastern Pequot Documents, Volume A).

During the active consideration of acknowledgment petitions, the BIA staff reviews the governing documents of each group, as well as its membership. It is at that time, not now, that the BIA staff will review the membership of the Eastern Pequot petitioner. For now, we can only suggest that you and other interested persons submit a request to the Eastern Pequot to be removed from their roll, and send the BIA a copy of your letter (Maddox to Cunha 2/23/1996).

The controversy resumed after EP placed newspaper announcements on October 5, 1997, inviting "members of the Paucatuck EP Tribe to reaffirm their membership in the EPO Tribe." Responses were to be received by October 17, 1997; a responder must sign an affidavit removing himself or herself from petitioner #113. In these advertisements, EP emphasized that it was #1 on the list of "ready" petitions awaiting active consideration for Federal acknowledgment (#35 Admin. File, BAR).

Two days later, on October 7, 1997, Raymond A. Geer, former chairman of PEP, wrote a letter requesting removal of all Paucatuck Eastern Pequot members' names from the Eastern Pequot membership list (Geer to Eastern Pequot Tribal Office 10/7/1998; BAR #35 Admin. File). Geer stated: "I know of no . . . member that has ever requested to have their name added to the EP Tribal Roll" and repeated the assertion made by Ms. Cunha in the 1993 and 1995 correspondence that it was done because the OD letter for EP had identified a deficiency in the EP petition in

¹²⁴The content of this letter was a repetition of the letter of August 10, 1993, advancing the same arguments.

regard to continuous tribal leadership. Geer also asserted that Silver Star, Leaping Deer and Helen LeGault “never recognized your ancestors as being members of the tribe” (Geer to Eastern Pequot Tribal Office 10/7/1998; BAR #35 Admin. File). Mr. Geer copied this letter to the BIA.

On October 10, 1997, Mary E. Sebastian, Chairperson of the Eastern Pequot Indians of Connecticut, wrote to the BIA concerning the issue:

Up to this point in time, our tribe has included the members of the faction known as the Paucatuck Eastern Pequot Tribe as part of our membership. We have never received any direction -- written or verbal -- from the vast majority of these individuals to remove their names from our rolls. By way of Mr. Geer’s letter, it has come to our attention that in 1993, these individuals may have informed your office directly that they wished to be deleted from our Tribal Roll. Since we have not received any confirmation that this request was filed with your office, we ask that you provide such confirmation so that we may make the appropriate adjustments to our rolls (M. Sebastian to Reckord 10/10/1997).

Ms. Sebastian reiterated that as early as 1975, the leaders of the #35 petitioning group had indicated that “reconciliation was not only possible, but desirable. Newspaper articles and minutes of tribal meetings from this period provide an unambiguous record of our offers to unite the Tribe, without prejudice to those who oppose us. Our offers were, unfortunately, rejected” (M. Sebastian to Reckord 10/10/1997). She added: “Our tribe’s sincere wish to set aside the differences among its members was repeated in 1987, following the favorable Superior Court decision which essentially reaffirmed the Connecticut Indian Affairs Council’s decision that we are all Eastern Pequot Indians. Unfortunately, this offer also was rejected by the opposing group” (M. Sebastian to Reckord 10/10/1997).

In preparation of the two proposed findings, the BIA has made every effort, within the limit of the time constraints imposed by the new procedures, to distinguish between the members of petitioner #113 and petitioner #35. To the best of the BIA’s knowledge, absent the preparation of a full comparative membership data base, the current membership lists contain only minimal overlapping enrollment. Of the 128 names on the February 15, 1996, membership list submitted by #113, three are also found on the February 1998 membership list submitted by #35 (of a total 647 names). Two of these three persons had submitted requests to the BIA to be removed from the #35 membership list in 1993 (see discussion above). After the proposed finding has been issued, the petitioners will be notified directly by the BIA concerning these three names so that the anomalies can be corrected before preparation of the final determination.

g. Current Membership List, #113. The #113 membership list used for preparation of the proposed finding was submitted by the petitioner on February 15, 1996 (Supplemental Documentation for Criterion 83.7(3)). The Paucatuck Eastern Pequot Tribal Nation: Data on present Membership Minutes of Tribal Council Meetings, 1989-1996. Prepared by The

Paucatuck Eastern Pequot Tribal Nation. Submitted by Historical Research Associates, Inc. February 15, 1996. PEP 1996 Response--3 ring binder).

This list was not separately certified by the petitioner's governing body. However, the governing body did certify the petition as a whole (Paucatuck Eastern Pequot Indian Tribal Nation, Resolution 2/24/1996).

This printed list was undated. On the basis of the date of submission it will be cited as "Paucatuck Eastern Pequot Membership List 2/15/1996." It contained 128 numbered names, organized in order of birth date, from oldest (born 1906) to youngest (born 1996). The only items on the list were the numbers from 1 through 128, the birth dates, and the names. The maiden names of at least some of the women were included in parentheses. It was not clear whether the numbers 1-128 on this list were actual enrollment numbers or used only for purposes of counting the names on the list. The BIA researcher did not have time to compare the list numbers with the numbers on the accompanying information cards (see below).

The list was accompanied by 43 pages headed TRIBROLL.CRD (cited as Paucatuck Eastern Pequot Membership Cards 2/15/1996). These were in alphabetical order, and not keyed in any way to the numbers on the list. Each card contained a considerable amount of information: name (including maiden name in parentheses), a number in the format of "#1018" which is apparently the assigned membership number, address, telephone number, birthdate, birthplace, indication of whether or not the individual is a voting member, the names of both parents--including the maiden name of the mother--, and the birth date and birth place of each parent. The petitioner did not submit an electronic version of this data. The BIA researcher compared it to the electronic FTM submission and concluded that the parentage listed on each was the same.

Because of the new procedures and time constraints, the BIA researcher was not able to construct a comparative membership data base which would have combined the very basic data on the membership list (name, maiden name, and birth date only) with the much more extensive data on the cards. The BIA did enter the 1996 data into the FamilyTreeMaker (FTW) data base containing the combined genealogical submissions of both petitioners.¹²⁵ PEP minutes include at least one instance in which a person who had held office within the group and was a signer of the 1989 letter of intent to petition for Federal acknowledgement (Ruth Bassette or Bassetti or Bazzetti) was later suspended from membership until she produced evidence of Eastern Pequot descent. The BIA has no data on this person's ancestry.

¹²⁵The BIA combined the genealogical submissions because there was so much overlap: *i.e.*, the #113 genealogical submissions also contained data on many persons who are not included on the #113 membership list — many descendants of the Sebastian family line, for example.

The analysis prepared by the petitioner (Chart of Key Pequot Ancestors of the Paucatuck Eastern Pequot Tribal Indian Nation, #113 Pet. 1996 Joslyn Genealogical Charts) showed the following distribution:

Gardner/Edwards	69 current tribal members;
Gardner/Williams	50 current tribal members;
Hoxie/Jackson	1 current tribal member;
Hoxie/Jackson/Spellman	8 current tribal members.

Thus, 54 per cent of the membership descend only from Marlboro and Eunice (Gardner) Williams; seven per cent of the membership descend only from Rachel (Hoxie) Jackson. Almost 40 percent of the membership, the Gardner/Williams family, descend from both lines (the figures, as rounded off, total 101 per cent).

Of the total 128 members on the 1996 list, 51 were under age 18. Of the adults (born between 1906 and 1977) eligible to participate on the petitioner's political processes, only four were over age 60 -- born respectively in 1906, 1911, 1913, and 1915. The next oldest member was born in 1937. Twenty-one were born between 1937 and 1955; fifty-two between 1957 and 1977.

Of the seven per cent of the PEP membership who descend only from Rachel (Hoxie) Jackson, two individuals are elderly (over 80), were not on the PEP membership lists compiled prior to 1991, and have no descendants in the PEP membership. The remaining members from this lineage consist of a woman who was removed from the custody of her parents by the state about 1940, grew up in foster care, and did not discover her genealogical ties to the historical Eastern Pequot tribe until she became an adult (Grabowski 1996, 155-156; citing Zwingelstein 1995), along with her children and grandchildren. This family also was not on any PEP membership lists compiled prior to 1991. The petitioner provided no genealogical data to indicate whether the other members of the Jackson family who were reservation residents at some time from 1889 through the 1950's left no children, or whether their descendants have voluntarily chosen not to affiliate with the group.

g. Declaration of Policy of Racial Non-Discrimination. In light of the history of the attitudes expressed by the leadership of the antecedent groups of PEP from the 1930's through the end of the 1980's, it is noted that on March 30, 1996, James Cunha, Treasurer of the Paucatuck Eastern Pequot Tribal Council, "as designated spokesman," wrote to Secretary of the Interior Bruce Babbitt stating:

Recent allegations of racism by the selfnamed "Eastern Pequots" are offensive to us in that many of our Tribal members share some black ancestry. We do not reject the "Eastern Pequots", or any group, on the basis of skin color but determine legitimate membership on the basis of Native American ancestry (Cunha to Babbitt 3/30/1996; identical statement, Cunha to Deer 3/30/1996).

Potential for Membership Expansion. The genealogical charts submitted by the petitioner indicated that all identified descendants of the Gardner/Edwards and Gardner/Williams lines are included on the membership lists. Further potential for membership expansion may exist in the different lines of Hoxie/Jackson and Hoxie/Jackson/Spellman, as the records did not account for all of the descendants of these families. In the absence of a definition of "Paucatuck Eastern Pequot Indian law" in the membership provisions of Article II in the Articles of Government, there is no way for the BIA to evaluate how PEP would treat applications from members of such 19th century Eastern Pequot families as Simons, Hill, or Ned if descendants applied. While PEP has consistently maintained that the Sebastian/Brushell family is not Indian and not eligible for membership in PEP, it has not addressed the issue of descent through the Fagins/Watson or Fagins/Randall families. The Articles of Government themselves contain no provisions requiring the maintenance of tribal relations as a membership qualification,¹²⁶ but thus far, the only persons accepted outside of the Gardner/Wheeler descent line, from Hoxie/Jackson family, have been blood relatives of the Gardner/Williams subline who were already on the 1981 membership list.

Conclusion. Extensive genealogical material submitted by the petitioner, by petitioner #35, and by the third parties indicates that the petitioner's current members are descendants of Marlboro and Eunice (Wheeler) Gardner and of Rachel (Hoxie) Jackson. As those individuals were, during their lives, members of the Eastern Pequot tribe as ascertained by evidence acceptable to the Secretary, the descendants of these individuals descend from the historical tribe.

The lines of descent for individual families from these three key ancestors have been verified through the same types of records used for prior petitions: Federal census records from 1850 through 1920; public vital records of births, marriages, and deaths; and to a lesser extent through church records of baptisms, marriages, and burials, as well as through use of state records concerning the Lantern Hill reservation.

Therefore, the petitioner meets criterion 83.7(e).

¹²⁶They read:

ARTICLE II - MEMBERSHIP

Section 1. Eligibility - the membership of the Paucatuck Eastern Pequot Indian Tribe shall consist of the following:

- (1) Voting Members- Those persons eligible for full rights of membership, including voting, office holding, and housing include:
 1. All persons whose name appear on the Paucatuck Eastern Pequot Indian Tribal Roll as of August 20, 1981, and their descendants.
 2. All persons who prove that they are of one eighth (1/8) or more Paucatuck Eastern Pequot Indian blood, according to Paucatuck Eastern Pequot Indian law. Such persons and their descendants will be added to the Tribal Rolls of August 20, 1981 (Articles of Government of the Paucatuck Eastern Pequot Indian ; #113 Pet. 1994).

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

No members of petitioner #113 appear to be enrolled with any other federally acknowledged tribe. A review of the petitioner's prior membership lists indicated that those persons carried on earlier PEP membership lists (1977 and August 20, 1981) who were also, by ancestry, eligible to enroll with the Mashantucket (Western) Pequot have done so and were no longer on the February 15, 1996, PEP list. This is the most current membership list, and the one used for preparation of the proposed finding.

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 is subject to congressional legislation that has terminated or forbidden the Federal relationship (Resolution of the Tribal Council of the Paucatuck Eastern Pequot Tribe, February 24, 1996; RS000031).

Therefore, the petitioner meets criterion 83.7 (g).

APPENDIX

This appendix contains descriptions and BIA analysis of the material currently in the record for petitioner #113 under criteria 83.7(b) and 83.7(c) for the period from 1973 to the present. It describes what evidence was in the record for the period since 1973, with some review of the petitioner's arguments, to provide the petitioners and third parties with guidance to prepare comments and evidence in response to this proposed finding. It gives some of the evidentiary context to the proposed finding that leaves open the question of whether there is one tribe or two. The petitioner's evidence, even in conjunction with that presented by petitioner #35, is insufficient for the Department to determine if there is one tribe or two. For these reasons, it does not present an evaluation under these criteria for this time period.

The State's recognition and protection of the Lantern Hill reservation of the historical Eastern Pequot tribe from colonial times to the present has been an important consideration in this proposed finding that the petitioner is entitled to be acknowledged as an Indian tribe. However, State legislation and litigation in the period after 1973 has contributed to confusion as to whether there is now one tribe on the reservation or two, and who is considered by the State to be a member in the tribe or tribes. *See* General Statutes of Connecticut, Revised 1997, Title 47, Section 47-59b; *see also, Paucatuck Eastern Pequot Indians v. Connecticut Indian Affairs Council*, 555 A.2d 1003 (App. Ct., 1989). The petitioner and third parties are encouraged to submit documents and analysis during the comment period which can help the Department clarify the basis for the State's actions and aid in resolving the question of whether there is one tribe or two on the reservation.

Sources Reviewed for the Petitioner's Position that it Meets Criteria 83.7(b) and 83.7(c) since 1973. The source for statements of the position of the PEP petitioner is primarily the ethnohistorical report submitted as a portion of the 1996 petition for #113 (Grabowski 1996). The petitioner submitted a second report on modern community (Austin 1999) which, being out of time, was not utilized for the proposed finding, but is being held until preparation of the final determination.

Consistent with the directive, BAR field interview data was utilized only for purposes of evaluation of the petitioner's data and position and not to develop alternative positions which might demonstrate the petitioner met the requirements of the regulations. Completion of the finding within the expected time frames meant that detailed transcripts were not made of the tapes of most of the field interviews. The interviews contain additional information which may, based on a detailed analysis of complete transcripts, and supplementation by additional interviews and documentation, help demonstrate past and present community and political process not found to have been shown by the petitioner. Alternatively, there may be data in the field interviews which conflicts with the petitioner's data.

Community since 1973.

Present-Day Community. The 1994 and 1996 petitions submitted by #113 did not provide a description of the present-day community or present data or analysis to show that is a social community. The ethnohistorical report (Grabowski 1996) provided only minimal data addressing the period since the 1970's. The petitioner submitted a supplementary report addressing modern community in January 2000. This has been held because the petition was already under active consideration and will be incorporated into the evaluation for the final determination.

The main part of the present PEP membership is closely related. Of the 128 members, 119 are descendants of Eunice Wheeler and Marlboro Gardner, who married in 1875. The balance are from the Jackson family line. The 119 Gardner/Wheeler descendants are more or less evenly divided between the Edwards branch (69 members), which includes the Geer family, and the descendants of Atwood Williams Sr. (Gardner/Wheeler/Hoxie) (50 members). The latter segment is a link between the Gardner line and the Jacksons, since it derives from the marriage in 1899 between Agnes Gardner (born 1875), daughter of Marlboro Gardner and Eunice Wheeler, and Atwood Williams Sr, grandson of Henry Jackson and Rachel Hoxie. Older adults are generally either three or four generations removed from their common ancestor, Eunice (Wheeler) Gardner.

A limited review of BIA interview data indicates that the group divides along these kinship lines and that social contact in the period between 1970's and the present tended, not surprisingly, to be strongest within each subline of the Gardners. BIA interview data indicated that members living away from the North Stonington region are in sufficient contact with those in the area of the reservation to meet the requirements of the regulations for showing that the portion of the membership that is geographically scattered is maintaining some contact with the most cohesive and active core.

The petitioner indicated that in recent years it held an annual powwow or annual meeting. There was not sufficient description or analyses of these events to make an evaluation of them as evidence to demonstrate community.

Political Authority and Influence since 1973.

The petitioners have failed to provide adequate evidence to permit the Department to determine that the petitioners since 1973 exist as factions of one tribe. For example, neither side presented an analysis of the conflict between them, which is focused around the relationship with the state, which would provide useful evidence whether there is a political conflict between two parts of one group or mobilization of political sentiment within two separate groups over a common issue. Even more significantly, neither petitioner addressed the role of the Hoxie/Jackson family in the conflicts from 1973 through 1976, although the documents

submitted as part of the record clearly indicated that at that time, the tribe had a third political group.

Under the AS-IA's directive of February 7, 2000, the BIA did not conduct an alternative analysis of the available data from interviews and documents that might show how the data submitted by EP, not relied on by PEP, indicates the existence of a single tribe. Nor did PEP analyze how their own data may demonstrate the existence of one entity, because their petition takes the position, incorrectly, that the EP petitioner does not derive from the historical Eastern Pequot tribe.

Much of the PEP petition's discussion of and documentation about events between the 1970's and the present describes events but does not show how the individuals acting in the name of the group got their position and whether they were responding to the membership. It is to a significant degree, a recording of events external to the group, rather than the internal events which would show political influence and processes. Because the leaders are dealing with outside authorities on matters which may be of consequence to the membership (see definition of political influence in 83.1) it would not take extensive evidence to show that the named leaders are acting with the knowledge and approval of members.

The PEP petition offers the general position that "the dispute with the Sebastians served to enhance social and political cohesion among the Wheeler/Williams, Edwards/Wheeler and Jackson/Spellman kin clusters" (Grabowski 1996, 202). It also states that this "demonstrates the depth of their commitment to preserving the tribal land base exclusively for bona fide Paucatuck eastern Pequot tribal members" (Grabowski 1996, 208). There was not sufficient data and description to demonstrate how the dispute had affected the internal structure of the group or how widespread the opposition to the Sebastians was among the membership.

Atwood I. Williams Jr., 1973-1979. There is no mention in the written record of any leadership activities exercised by Atwood I. Williams Jr., prior to his presentation of testimony at the 1976 CIAC hearing in regard to Eastern Pequot representation on the commission. At that time, identified as "Altor" I. Williams Jr., he stated that he never lived on the reservation and neither did his father, but he had visited his uncle, Albert Gardner, there, probably in the 1920's (CIAC Hearing 8/10/1976).

There was no further mention of him in the documents in the record until two obituaries at the time of his death three years later (Atwood I. Williams. *The Westerly Sun*. [Newspaper obituary, hand-dated 6/7/1979]; A.I. Williams Jr.; Chief of Eastern Pequot Indians. *Providence Journal*. [Hand-dated 6/8/1979]; #113 050 File, #113 Pet. 1994 A-6; #113 Pet. 1996 HIST DOCS I, Doc. 13; #113 Pet. 1996, GEN DOCS I). One obituary stated: "As Grand Chief Sachem, he was the leader of the Eastern Pequot Tribe, which has a reservation in North Stonington" and that he was a board member of the Rhode Island Indian Affairs Council (A.I. Williams Jr.; Chief of Eastern Pequot Indians. *Providence Journal*. [Hand-dated 6/8/1979]).

Two of his children were associated with Helen LeGault in the early CIAC controversies from 1973 through 1976 (see below). The week following his funeral, a local paper wrote a feature story on his children and grandchildren, indicating that they proposed to return to the Lantern Hill reservation (Bates, Debbie. Start Move Back to Pequot Lands. *The Sun*, Westerly, RI, 6/12/1979). In 1979, his son, Richard E. Williams, was serving as chairman of the Paucatuck Eastern Pequot organization (Grasso to Williams 11/8/1979, 2), but the earliest residency application filed by a member of the Gardner/Williams family line in the record was not made until 1981 (Cunha, James Albert Jr. Application for permission to reside on the Eastern Pequot reservation 10/4/1981).

Helen LeGault and the CIAC Controversies after 1973. The petitioner's stated position is that Helen Legault became leader of their group after Atwood Williams Jr.--i.e. after 1979. However, as can be seen above, the 1994 narrative cited to her activities in the 1960's. Most of the described actions concern her efforts to limit the residence of the Sebastians on the reservation and to have her group be the recognized tribe after the establishment of the CIAC. The written record, as noted above, does not provide evidence that she was selected by the members of the group at the time. The written record as cited by the petitioner largely concerns the CIAC and associated events.

A limited review of BIA interview data with members of the petitioner supported the petitioner's position that LeGault was a leader of the Gardner/Edwards and Gardner/Williams family lines. However, the evidence of the membership lists and the 1973-1976 CIAC controversy indicates that her group did not include the Jacksons, who are currently listed as members of petitioner #113. The interviews describe meetings held at her house on the reservation as both social and political in nature. However, there was insufficient time under the procedures to analyze this data to determine how large the attendance was and the issues discussed or define the time span involved.

The letter appointing/electing Helen LeGault to the CIAC, dated July 17, 1973, was signed by twelve persons, all her close relatives (Authentic Eastern Pequot Indians of North Stonington, Conn. to CIAC, #35 Pet. LIT 70). From 1973 through her death in 1990, there is extensive documentation pertaining to Helen LeGault as a leader of the group which evolved into PEP and is the current petitioner. The officers of this group from 1973 to the present are documented in the record.

The ensuing protest, dated September 26, 1973 (Brown to Wood 9/26/1973), was initiated by Arlene (Jackson) Brown, signed primarily by Hoxie/Jackson descendants, and presented to the CIAC by Alton E. Smith who, although a Sebastian descendant, was chosen for this function because he lived in the state capital, Hartford. Paul Spellman and Arlene Brown, both Hoxie/Jackson descendants, testified, but none of the Sebastians did. The CIAC, on December 4, 1973, came up with an interim measure by which Helen LeGault would serve as delegate and Alton Smith "as spokesman for the challenging group" as her alternate until "such time that a

census of the Eastern Pequot people is completed, [when] an election will be held with participation in such an election based upon census information" (CIAC Minutes Amended Minutes of regular meeting 12/4/1973, [2]; #35 Pet. LIT 70).

In late 1975, Arlene (Jackson) Brown and her supporters were seeking an appointment with the Governor on the matter, with the assistance of the Mohegan factional leader John Hamilton (Richard R. Brown et al. to Hamilton, Grand Sachem Rolling Cloud 12/8/1975). A few months later, she strongly protested the impact of the CIAC measure to Governor Ella Grasso:

The situation is very tense and getting worst everyday, and the D.E.P. [Department of Environmental Protection] and the dept of welfare has given non-Indians permission to reside and build homes here. Our Indian coordinator, namely Brenden Keleher, refuses to cooperate with us in this respect. I am a Pequot Indian, born on this Reservation 67 years ago. I understand that all of my family as well as myself and the Spellmans, also Pequot Indians, their names have all been removed from the tribal rolls in Hartford and the word Negro substituted in place of Pequot Indian. I do know that they were on the rolls, when Mr. George Payne was our overseer, under the Dept of Welfare. I did not know that it was legal to change any birth records in Hartford or any other place. The state has in the last year or more, admitted five or six Portuguese familys on the Reservation and have them on the book or rolls as Pequot Indians. When Mr George Payne was our overseer, he would not give them permission to reside here because he knew they were non-Indians . . . (Arlene Jackson Brown, Harold C. Jackson, Ernest M. Jackson, Barbara [illegible], [illegible], Paul L. Spellman, Rachel Spellman Silver, [illegible] Silver to Ella Grasso 4/14/1976).¹²⁷

At this point, Arlene (Jackson) Brown and her supporters were asserting that only the descendants of Rachel Hoxie were actually Eastern Pequot, denying both Tamar Brushell and Marlboro Gardner as qualifying ancestors (Confederation of the Mohegan-Pequot American Indian Nation and Affiliated Algonquin Tribes. A Petition to the Governor of the State of Connecticut 11/29/1976).

The #113 petition did not address either the issue of Arlene (Jackson) Brown's opposition to Helen LeGault or the process by which, after LeGault's death, members of the Hoxie/Jackson family became members of PEP. It also does not discuss the exclusion of the Jacksons from PEP membership after 1973, until 1991, although the petitioner has represented itself as consisting of both these family lines.

¹²⁷There is only one prior mention of George Payne in the documents, in 1962 submitted to the BIA. He seems to have been an employee of the Department of Welfare.

There is no indication that the first initiative of opposition led by descendants of Tamar (Brushell) Sebastian was in any significant way associated with the earlier protest led by Arlene (Jackson) Brown. On April 26, 1976, William O. Sebastian wrote the CIAC asking why the group had received no acknowledgment of its March 13, 1976, submission, and questioning the dual role of Helen LeGault in both representing the Eastern Pequots as a whole and organizing her own group. It also made the first reference to the CIAC's scheduling of a hearing on the Eastern Pequot membership issue: "We are questioning your reasons for a public hearing without a formal charge or challenge to this organization" (W.O. Sebastian to Harris and Keleher 4/26/1976; #35 Pet. LIT 70). At close to the same time, he must have addressed a similar letter to Helen LeGault, for her May 15, 1976, reply stated:

In answer to your letter of April 1, 1976, I shall start by stating that I am the Representative of the Eastern Pequots, elected legally by twelve Pequot Indian decendents [sic], not by the Indian Affairs Council. It really doesn't make a great deal of difference whether you reconize [sic] me as such or not, I'm still the Representative" . . . To keep you informed of all the correspondence pertaining to Tribal Business etc; one would spend one's time doing nothing else, sorry, but you will have to attend the Council meetings at Hartford each every month to be properly informed, this is what I do (LeGault to W.O. Sebastian 5/15/1976; #35 Pet. LIT 70).

One of the primary concerns expressed by the groups which opposed Helen LeGault's position on the CIAC was that on the one hand she was supposed to be representing the Eastern Pequot tribe as a whole, in an official capacity in which she received official communications from state authorities, including those pertaining to membership issues, while on the other hand she was leading the specific organizational efforts of the "Authentic Eastern Pequot" and its successor groups.

Both petitioners submitted extensive documentation prepared for a series of hearings held by the CIAC in the 1970's and 1980's concerning Eastern Pequot membership, and also extensive documentation associated with the litigation that resulted from these hearings. The purpose of the proposed finding is not to provide a history of the CIAC or its policies, or a history of the litigation. When the documentation appeared to be relevant to the mandatory Federal acknowledgment criteria under 25 CFR Part 83, the BIA has taken it into consideration in this section. Overall, the nature of the documentation resulting from the CIAC representation controversy does not show direct data on the internal political processes of either petitioner from 1973 to the present, but rather presents them as rival groups of Eastern Pequot seeking to influence the state-level representation of the tribe as a whole. To a limited extent, the documentation suggests that there may have been a long history of past conflict.

On September 14, 1976, between the holding of the first CIAC hearing on Eastern Pequot membership eligibility in August 1976 and the issuance of the November 1976 decision (see

discussion below), the Sebastians filed a lawsuit challenging the position of Helen LeGault as the CIAC representative for the Eastern Pequot reservation (*Eastern Pequot Indians of Connecticut v. Helen Legeault [sic] et als.* New London County (at Norwich) Superior Court 9/14/1976). Newspaper coverage stated:

The lawsuit resulted from an 150-year old struggle in which two factions of the tribe have been at odds over whether one side which has habitually married blacks and Portuguese is as equally Eastern Pequot as one side which habitually married whites," said Lawrence Sebastian of Lantern Hill Road, North Stonington, one of six related plaintiffs (Sierman, Patricia. Pequot Indians Suing State for Representation, *Hartford Courant* 9/4/1976).

This contention represented a certain amount of hyperbole: aside from one oral interview referring to events in the interviewee's childhood or, possibly, predating her birth (Moore 1991), there is no evidence in the documentary record that the race-oriented "struggle" predated the activities of Atwood I. Williams in the early 1930's, so it was more like a 45 year old conflict. Mrs. LeGault, on the other hand, said for publication that, "she believes the six plaintiffs, all members of the Roy E. Sebastian family of New London, are trying to get her to move from the reservation . . ." (Sierman, Patricia. Woman Named in Lawsuit Defends Appointment to Panel, *Hartford Courant* 9/5/1976). "Of the Sebastians, she said, "They're only exposing their own questionable backgrounds for scrutiny, and I'm confident that their claim to Indian citizenship will be determined false before this is all over"" and alleged that the Sebastians were attempting to win control over the tribe's funds held by the state (Sierman, Patricia. Woman Named in Lawsuit Defends Appointment to Panel, *Hartford Courant* 9/5/1976). The attorney representing the plaintiffs stated: "We don't want to make Mrs. LeGeault leave either the reservation or the Indian Affairs Council, we just want to get her to recognize that the Sebastians are actually Eastern Pequot Indians" (Sierman, Patricia. Woman Named in Lawsuit Defends Appointment to Panel, *Hartford Courant* 9/5/1976).

On April 14, 1977, the CIAC issued a second decision, which continued the prior finding that Marlboro Gardner was a full-blood Eastern Pequot, but found that Tamar (Brushell) Sebastian was only one/half Eastern Pequot.¹²⁸ According to a later statement by PEP chairman Raymond Geer, only three members of the Sebastian family were eligible to vote in tribal elections under this ruling (Salvage of Pequot Elections Dubious, *The Sun*, Westerly, Rhode Island, 2/14/1984]; PEP #113 Pet. 1994 A-6). The Sebastian family objected strenuously to this modification of the November 1976 decision. On May 10, 1977, the Sebastian group filed a lawsuit against the CIAC (Roy Sebastian, William Sebastian, et al.) and on June 10, 1977, Roy Sebastian, on behalf

¹²⁸For the degree of factual accuracy, or lack thereof, in these CIAC assessments, see the charts accompanying the proposed findings for petitions #35 and #113.

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of the Eastern Pequot Indians of Connecticut, wrote the Governor of Connecticut requesting an investigation of the CIAC, attaching a supporting narrative statement.

The next stage of the developments at the CIAC cannot be understood without a discussion of an initiative undertaken by PEP. In the summer of 1982, the PEP tribal council undertook to eject the EP members who resided on the Lantern Hill reservation. As PEP Chairman, on July 23, 1982, Raymond Geer signed letters to this effect, which were sent to all members of the other group. EP strongly protested this attempt to remove them from the reservation to the CIAC. The CIAC considered the matter in August and September. In November 1982, EP requested that CIAC cease disbursing all funds to the reservation until the matter of the CIAC seat had been resolved (R. Sebastian and W. Sebastian to CIAC 11/3/1982). On November 11, 1982, CIAC issued notice of a public hearing to be held on November 21 (CIAC 11/11/1982).

After six years of conflict, CIAC issued another decision on Eastern Pequot tribal membership eligibility on March 12, 1983. It cited the statutes and administrative regulations that “empower the CIAC to decide challenges to individuals who profess to represent the tribe to CIAC” (CIAC, Eastern Paucatuck Pequot Decision, 3/12/1983, 1).

One of the first questions the CIAC has attempted to answer is whether or not there is evidence of a clearly defined, equitable and justly administered practice and usage for determining membership in the Eastern Paucatuck Pequot tribe. Further, there must also exist evidence that such practice and usage attempted to include all eligible members of the tribe and that such practice and usage was duly submitted and received by the CIAC (CIAC, Eastern Paucatuck Pequot Decision 3/12/1983, 1).

CIAC, concluding that the above conditions had not been met, while conceding that it had received numerous submissions, concluded that as of the time of the challenge, December 7, 1982, there was no qualifying practice and usage and stated: “Further, given the absence of a tribal practice and usage for determining membership the CIAC will determine the eligibility and eligibility criteria of members of the Eastern Paucatuck Pequot tribe” (CIAC, Eastern Paucatuck Pequot Decision 3/12/1983, 1).¹²⁹ It was in accordance with the standards set by this CIAC

¹²⁹A supposed decision dated 1985 was referenced in a March 6, 1987, memorandum from Paulette Crone to CIAC. Neither #35 nor #113 apparently included a copy of this “decision” or of the CIAC minutes for December 3, 1985. The record does not contain the letter of Ray Geer of 1/13/1986, and the CIAC decision about that letter of January 13, 1986, referenced in Crone’s memorandum. The Geer request was referenced in the EP minutes for February 8, 1986 (#35 Pet. INTERNAL).

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document that the 1984 "Proposed List" was formulated¹³⁰ and the two groups attempted to work out a compromise in late 1986¹³¹ and early 1987.

Ray Geer and the Proposal to Merge with the Eastern Pequot Indians of Connecticut (#35). The petition does not describe this event, but alludes to it. It states that "Eastern Pequots" who have wavered on [excluding the Sebastians] and approached the Sebastians with an eye to working out a compromise have been denied the support of fellow tribal members and forfeited their leadership positions" (Grabowski 1996, 208). The event is evaluated because it sheds light on the continuing conflict between the two groups. The first version of the proposition provided:

- "1. There shall be a mutual recognition and merger of both tribal bands into one autonomous and sovereign tribal body;
2. There shall be a mutual recognition of both tribal councils with regard to their respective tribal entities and during the transition to a full merger with both tribal councils shall be mutually recognized as representing with authority their respective tribal bands for purposes of carrying out the provisions of this agreement.
3. With respect to pending litigation regarding the representative of the tribe to the CIAC, . . ." the lawsuit to be resolved pursuant to this agreement; this agreement to be substituted for the 1983 CIAC decision, and each council to appoint a CIAC representative, the two to work in concurrence;
4. Committee comprised of at least two representatives of each group to draft a new constitution (Eastern Pequot Indians of Connecticut. Proposed Agreement and Resolution between the Paucatuck Eastern Pequots and the Eastern Pequot Indians of Connecticut (#35 Pet. INTERNAL, n.d. [c. December 1986 or January 1987])).

On January 30, 1987, a revised version of proposed merger agreement addressed council terms, officers; bylaws, to pursue Federal recognition, housing, economic development; roll and genealogy will be submitted by both tribal bands and reviewed for accuracy by the tribal council: "Descendancy will be the determining factor," provision for amendment (#35 Pet. INTERNAL). While a number of EIP members had questions (K. Sebastian-Sidberry to Eastern Pequot Tribal

¹³⁰This list, in accordance with prior CIAC decisions, contained only descendants of Marlboro Gardner and Tamar Brushell--no Jacksons, no Fagins, and no descendants of the other marriages of Eunice (Wheeler) Gardner. See also: 12/1/1985, Campisi, Jack. Memorandum to Richard Dauphinais re: Report on the Tribal Status of Tamar Brushell; letter from Richard Dauphinais to Raymond Geer 2/5/1986 stating that NARF [Native American Rights Fund] cannot represent PEP because of the unresolved Sebastian issue.

¹³¹"Royal Sebastian explained to John Perry, the proposed merger of the two (2) tribes into one (1)" . . . "Met with Ray Greer [sic] on August 13, 1986 - We are talking and cooperatin [missing on margin] we will give up power by merging" (#35 Pet. INTERNAL, EP Minutes 8/31/1986). Further discussion in EP Minutes 10/6/1986, 11/30/1986, 12/8/1986.

Council 2/10/1987) it was the opposition of petitioner #113 which scuttled the proposal.¹³² Geer indicated that, preceding the meeting, he had developed some support among the membership for this proposal (BAR 1998). However, at a meeting to discuss the proposal, he encountered very strong opposition. There was no information concerning who or how many members participated in this meeting. However, the proposal generated sufficient opposition within the membership that Geer felt compelled to resign (BAR 1998). Since the failure of this initiative, conflict between the two groups has continued, with continuing litigation and interim court decisions.¹³³ In a 1989 interview, Helen LeGault indicated that the views she had held since the 1930's remained unchanged:

LeGault said, "My family is the only legal Indian family that can live on the reservation. We have documented proof that we are native American Indians. But now we have squatters on our reservation who claim that they are Pequots." . . . "These people have taken over and the government does nothing about it. I just hope that we can return to the way it should be: that only native American Indians may live on the reservation." . . . "What I want to know is why the state let non-Indians challenge a state-recognized indigenous tribe's seat, especially since these people were proven non-Indians since 1977!" says LeGault, emphatically (Tomaszewski, Lea, Portland Powwow Airs Indians' Woes, History . Newspaper

¹³² "The state Appellate Court has ruled that a long-running dispute between the Paucatuck Eastern Pequot Indians and the Eastern Pequots must go back to Superior Court for consideration." . . . "The appeals court said that because the Indian affairs council decision overturned the Paucatuck Pequots' government, they were entitled to appeal." "The Paucatuck Pequots have satisfied the court that they were aggrieved by the Indian . . . council's decision because they have shown that there is a possibility that a legally protected interest, tribal member status, has been hurt, according to the appellate court.

"My interest is not to keep the Sebastians from being members," said Ray Geer, the former tribal chairman of the 100-member Paucatuck Pequots. He said the state has overstepped its ground by interfering in tribal government." "He said he resigned as tribal chairman because he refused to keep fighting the Sebastians." "I had to resign to let the tribe do" "Agnes Cunha, the Paucatuck Pequot's present tribal chairman, said the group will meet to night. 'We want to settle the case once and for all,' she said. 'This is ridiculous.' 'They are not Indians,' she said, referring to the Sebastian group" (3/28/1989. Rosenbush, Steve, "Court to hear tribal dispute," [unidentified, undated newspaper article, probably *New London Day*, B1, B6; data missing on top margin of second page] (#113 Pet. 1994, A-6).

¹³³ In regard to the March 1989 decision, the Appellate Court "found that the Superior court had erred when it ruled the Paucatuck Pequots had no grounds to appeal." "However, former Paucatuck Pequot Tribal Chairman Ray Geer said Tuesday that his intention in bringing the suit was not to deny membership to the Sebastian faction, but to reserve the tribe's right to decide who its members are." "My interest is to uphold the sovereign rights of the tribe," said Geer. "The state has no business telling the tribe who its members are." "Geer resigned as tribal chairman two years ago in frustration over the membership dispute. He broke with a majority of tribal members when he argued that opposition to the Sebastians should be abandoned." "Tribal chairman Agnes Cunha said this morning she doubted the Sebastians would ever be allowed into the tribe" (Fitts, Deborah. 1987 Decision Reversed. Tribe Wins Court Ruling. *The Sun, Westerly, Rhode Island* c. March 1989; #113 Pet. 1994 A-6).

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article, hand-identified, hand-dated, The Middletown Press 8/26/1989; #113 Pet. 1994, A-6).

Two other persons who as of 1989 were members of the PEP council contributed to the same interview. One of them, Ruth Bassetti, was later removed from membership until such time as she demonstrated Eastern Pequot ancestry. According to the interview:

Adds Bazzetti [sic], the Pawkatuck Pequot's tribal representative, . . . "As far as Eastern Pequots go, there is no such thing," says Bazzetti, angry at the thought of the injustices the tribe has suffered. "If the state wants them to have a reservation, fine. The state should give them one. The state has plenty of land. We do not want them on ours." "What it boils down to is free money and free land. That's all that they want and the state is to blame for allowing it" (Tomaszewski, Lea, Portland Powwow Airs Indians' Woes, History . Newspaper article, hand-identified, hand-dated, The Middletown Press 8/26/1989; #113 Pet. 1994, A-6).

Helen LeGault's sister, Bertha (Edwards) Brown, contributed the following:

Pat Brown, who with her long black hair and high cheekbones looks unmistakably Indian, says, "You know, we call these people wanna-be's. I do not have to dress like an Indian for anyone to know that I am one. These people are blacks. The Pawkatuck Pequots belong to the red race, not the black race" (Tomaszewski, Lea, Portland Powwow Airs Indians' Woes, History . Newspaper article, hand-identified, hand-dated, The Middletown Press 8/26/1989; #113 Pet. 1994, A-6).

Helen LeGault died in 1990 (Helen LeGault, 82. Served on Indian council [unidentified newspaper obituary]; #113 Pet. 1994, A-6). The first PEP membership lists which included Hoxie/Jackson descendants were compiled after her death (see under criterion 83.7(e)). The first public acknowledgment of African-American ancestry by members of PEP in the record was that by Agnes Cunha in 1991, when she showed photographs of Henry Jackson and Phoebe (Jackson) Spellman, her ancestors, to a reporter in 1991.¹³⁴ In that article, she stated: "'We don't deny our ancestry. I'm proud of all my ancestors, Indian and black,' she said. 'The problem isn't the Sebastians' black ancestry. The problem is that they are not Indians'" (Libby, Sam, Pequot Feud May Doom Federal Housing Grant. *The Hartford Courant* 10/28/1991; #35 Pet. B-03; #35 Pet. SECOND, Misc.; #113 Pet. 1996, HIST DOCS III, Doc. 120; Libby, Sam, [unidentified newspaper article]. *The New York Times* 12/8/1991).

¹³⁴It should be noted that while the Gardner/Williams family line from which Mrs. Cunha descends is related to both the Gardner/Edwards and the Hoxie/Jackson families, the other two families were not related to one another within the data provided by post-1850 genealogical records.

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1987 to the Present. The petition does not provide a discussion of the political processes in the group as it exists today, beyond the recitation of the events in the conflicts with the Eastern Pequot and dealings with the CIAC. There is no presentation of how the council and leadership have functioned in relation to the membership, what functions they have carried out and how they may have responded to the opinions of the membership. The petitioner did submit a substantial number of minutes of meetings, but with no accompanying analysis or summary of these.

There is some current tendency for political alignments within PEP to follow the division between the two Gardner sublines. This, with further data and analysis, could provide evidence to show significant political processes within the petitioning group by demonstrating that issues dealt with are of importance to the membership and that there is substantial political communication among members in connection with these. A limited analysis of BIA interview materials indicates that the petitioner may be able to establish that there is substantial political communication between the membership and the leadership. The petitioner also has documentation which might make it possible for it to evaluate the extent of membership participation in the political processes of the group.

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION A - The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

Summary of the Evidence The regulations require only that a petitioner show evidence adequate to demonstrate that it meets the criterion. Consequently, this chart has not enumerated every single piece of evidence in the record, but rather only a sampling from each decade from 1900 to the present. From 1900 through the early 1970's, there were no separate identifications of petitioner #113 (or groups antecedent to petitioner #113), but only of the Eastern Pequot Tribe and the Eastern Pequot (Lantern Hill) Reservation in the Town of North Stonington, Connecticut, though some of these from the late 1920's and early 1930's onward indicated that there were internal dissensions within the tribe. From 1973 to the present, many of the forms of external identification indicated the existence of the two separate organizations (Paucatuck Eastern Pequot Indians, petitioner #113, Eastern Pequot Indians of Connecticut petitioner #35), as entities. However, the great majority of the external identifications continued to describe these as two as separate organizations within the context of a single historic tribe.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1909	(a)(1) Federal Census of 1900, New London County, Connecticut (NARA 1-623, Roll 149, Roll 150)	Special Indian Population Schedules, Town of North Stonington, selections from regular Population Schedules, North Stonington and surrounding towns	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. Huron Potawatomi PF 1995, 4, and MBPI PF 1997, 3, noted that (a) was met when census enumerators stated that the enumerated individuals constituted an "Indian village" or "Indian colony." Before the 1994 regulations clarified that the focus of (a) was on an "entity," previous findings cited census classifications as evidence of an identification of individuals as Indians.	The Indian Population schedules for North Stonington indicated the "Indian Reservation" with its resident Eastern Pequot families, other known Eastern Pequot families residing off the reservation were carried on the regular schedules. Two Indian families which were not Eastern Pequot were carried on the North Stonington Indian Population schedules, but were not indicated as residing on the reservation.	This specific listing of the reservation and its residents meets (a) for 1900.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1909	(a)(5) Richard Anson Wheeler, History of Stonington, Connecticut (1900)	Local history book	For identification in local and regional histories, see: Mohegan PF 1989, 2; Huron Potawatomi PF 1995, 8; Cowlitz PF 1997, 17; Chinook PF 1997, 6	It stated: "The Pequot reservations in Ledyard and North Stonington do not at the present time contain a single wigwam house, nor a residence of any Pequot descendants." "The North Stonington reservation remains intact and is leased as pasture land and the yearly income of both reservations is applied by the overseers thereof for the benefit of the sick and feeble old men and women of both of the clans of the Pequots, wherever they may reside" (Wheeler 1900, 195, cited in Lynch 1998, 5-96). This identifies the reservation, and the existence of some surviving Eastern Pequot Indians, but does not indicate the contemporary existence of an entity.	This description does not meet (a) for 1900.
1900-1909	(a)(4) Field visit to Lantern Hill reservation by anthropologist Frank Speck, 1903	Speck interviewed Leonard Ned, "a man over eighty years of age who still wears his hair long" (Simmons 1990, 152-153). This was cited only in a secondary source, Speck's field notes were not submitted in evidence.	Houma PF 1994, 5, provided an example which was accepted as meeting (a) of the identification of a group by a sociologist.	In common with the state overseer's reports of 1889-1891 and 1911 ff., all of which indicated the presence of a residential community on the Lantern Hill reservation, this, Speck's report indicates strongly that Wheeler's 1900 statement that there were no residences on the reservation was mistaken.	The citation of this visit only in a much later secondary source does not meet (a) for 1903.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1910-1919	(a)(1) 1910 Federal Census, New London County, Connecticut (NARA T-624 Roll 142)	Special Indian Population schedules for the Town of North Stonington, selected regular populations schedules for North Stonington and surrounding towns	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. Huron Potawatomi PF 1995, 4, and MBPI PF 1997, 3, noted that (a) was met when census enumerators stated that the enumerated individuals constituted an "Indian village" or "Indian colony." Before the 1994 regulations clarified that the focus of (a) was on an "entity," previous findings cited census classifications as evidence of an identification of individuals as Indians.	The Indian Population schedules for North Stonington identified the "North Stonington Reservation" and its residents; other identified Eastern Pequot families residing off-reservation were located on the regular census schedules, but were not usually identified as Indian.	This specific listing of the reservation and its residents meets (a) for 1910.
1910-1919	(a)(2) Reports by Charles L. Stewart, state-appointed overseer of the Eastern Pequot reservation, Lantern Hill, North Stonington, Connecticut, January 1910-June 11, 1920 (the last covering the period from June 13, 1919)	In 1866, Connecticut transferred appointment of and jurisdiction over Indian overseers from the county court to the superior court in the county in which the tribe resided. The Eastern Pequot overseers. An 1881 Act provided that the overseer's reports should be filed both in the office of the Secretary of State and in the Town Clerk's office. Legislation in 1888 again provided that the Superior Court should annually appoint the overseer. The 1902 version of the statute was essentially a repeat of the 1888 legislation (Rev Stat Conn, Ch 242, 1063-1064). The reports from 1892-1909 are missing.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	The 1910 report listed the members of the tribe and indicated that there were three houses on the reservation; subsequent reports followed the same format, some with additional descriptive information in addition to the basic financial accounts.	These reports meet (a) for the period 1910-1919.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920-1929	(a)(1) Federal census of 1920 (NARA T-625, Roll 196, Roll 197, Roll 1681)	These consisted of selections from the population schedules of New London County, Connecticut, and the Town of Westerly, Rhode Island. The 1920 census did not compile special Indian Population schedules. The selections submitted were not comprehensive, in that they did not locate all known Eastern Pequot families in this year.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that (a) requires the identification of an entity or group, not just individuals. Huron Potawatomi PF 1995, 4, and MBPI PF 1997, 3, noted that (a) was met when census enumerators stated that the enumerated individuals constituted an "Indian village" or "Indian colony." Before the 1994 regulations clarified that the focus of (a) was on an "entity," previous findings cited census classifications as evidence of an identification of individuals as Indians.	The data submitted did not include all the ancestral families of the petitioner. Identifications as "Indian" were of individual families, rather than of a group or entity.	This census material does not meet (a) for 1920.
1920-1929	(a)(2) Reports by Charles E. Stewart, state-appointed overseers of the Eastern Pequot reservation, Lantern Hill North Stonington, Connecticut, June 11, 1920-June 14, 1929.	These reports continued to be filed under provisions of the 1902 legislation (Rev. Stat. Conn., Ch. 242, 1063-1064).	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	These reports continued to describe the entity, including those who received benefits from tribal funds, etc.	These reports meet (a) for 1920-1929.
1920-1929	(a)(5) Newspaper article, The Evening Day, New London, Connecticut, August 5, 1924. "Last of Pequot Tribe of Indians Live on Lantern Hill Reservation."	This was not just a historical retrospective, but described current conditions.	San Juan Pawnee FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders.	The article identified not just individuals descended from the historical Eastern Pequot Indians, but a contemporary entity.	This article meets (a) for 1924.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1939	(a)(1) Report on New England Indians, prepared by Gladys Tantaquidgeon for John Collier, COIA, 1934	Description of current conditions of New England Indians as a whole, partially reprinted as a section of "New England Council Fires Still Burn," Indians at Work: A news Sheet for Indians and the Indian Service, February 1, 1935, Washington, DC: Office of Indian Affairs 395390	Narragansett PF 1982, 8, San Juan Parute PF 1987, v, and FD 1989, 4, and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a BIA official. See also specific use of this report (Mohegan PF 1989, 2)	The "List of New England Indian Groups 1934" included the Eastern Pequot and Western Pequot "bands" and indicated limited data about the current tribal organization, funding, and number of reservation residents	This report identified an entity and thus meets (a) for 1934-1935
1930-1939	(a)(2) Reports by Gilbert W. Raymond, state-appointed overseer of the Eastern Pequot reservation, Lantern Hill, North Stonington, Connecticut	From 1930-1935, these continued to be filed under existing legislative provisions	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	In addition to financial accounts, these provided descriptive material and listings of the members, including those who were not reservation residents. The descriptive material on the residents was fuller.	These reports meet (a) for 1930-1939
1930-1939	a)(2) Britton, State Geological and Natural History Survey, Bulletin No. 49: State of Connecticut Public document No. 47 (1930)	Described potential for future land use of the Lantern Hill reservation property	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	This does not describe the reservation as an entity, but only as state-owned real estate	This report does not meet (a) for 1930
1930-1939	(a)(2) June 9, 1933, Superior court order, New London County, Connecticut (In re Ledyard Tribe 1933)	Order issued by Judge Allyn L. Brown, Superior Court, New London County, Connecticut, regulating membership and residency on both the Eastern Pequot and Western Pequot reservations	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	"Ordered and decreed that the persons whose names are listed as members of the respective tribes as they appear in the Annual Reports of the Overseer on file herein, and this day allowed, are hereby recognized by the Court as members of said Tribes at this date. Applicants apply to . . . This ruling listed forty members of the Eastern Pequot tribe. This order clearly identified an entity."	This order meets (a) for 1933

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1939	(a)(2) 1936-1939, published reports of State of Connecticut, State Park and Forest Commission, statutorily charged with administration of the Eastern Pequot reservation	After 1935, these were produced under Connecticut legislation transferring responsibility for the reservations to the State Park and Forest Commission (Supp. Conn. Gen. Stat., title 51, Ch. 272). In practice, the Commission retained Gilbert Raymond, the former overseer, as its local agent	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	The State Park and Forest Commission established membership standards and procedures for application to reside on the state's reservations (1936). In doubtful cases, the Commission will hold a public hearing with due notice to interested parties before granting or refusing the application. The procedures clearly identified an entity, and the annual published reports listed the Lantern Hill reservation residents	These reports meet (a) for 1935-1939
1930-1939	(a)(5) Newspaper articles: "70 Members Now in Two Pequot Indian Tribes" The Day, New London, Connecticut 6/30/1931; "Poor But Proud" 7/9/1933; "Founders of Norwich," The Norwich bulletin 6/10/1937; "On Connecticut's Pequot Indian Reservation at North Stonington," 3/26/1938	The 1931 article was a contemporary description of both the Eastern Pequot and Western (Mashantucket) reservations and tribes as they then existed. The 1933 article focused on the Lantern Hill reservation. The 1937 article described a talk by Gilbert Raymond, the former overseer and current liaison between the State Park and Forest Commission and the Pequot reservations	San Juan Parute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner. Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders	The description in the 1933 article included such statements as "Inhabitants of the North Stonington reservation gain a livelihood by working at odd jobs. The reservation borders Long Pond, and a few of the Indians eke out an existence by taking care of the summer cottages that dot the shore." These all described not only individuals, but an Indian entity. The article describing the address by Gilbert Raymond provided the first identified public discussion of controversy in which the leadership of an Eastern Pequot subgroup antecedent to petitioner #113 challenged the membership and residency rights of the Eastern Pequot subgroup antecedent to petitioner #35. It did not, however, identify them as separate entities.	These newspaper articles meet (a) for 1931, 1933, 1937, and 1938

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1949	(a)(1) Two reports compiled by a Library of Congress researcher, one published by the Government Printing Office (Gilbert 1947, Gilbert 1948)	These were general reports on surviving Indian groups	Narragansett PF 1982, 8, San Juan Paute PF 1987, v, and FD 1989, 4, and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a Federal official	In the latter work, Gilbert stated that, "There are about 75 members of the Pequot Tribe located on two State reservations at Ledyard Town and Stonington [sic] town in New London County. These groups own their own lands" (Gilbert 1948, 410). While somewhat vague, this did provide identification of an entity	These reports meet (a) for 1947 and 1948
1940-1949	(a)(2) Records of the State of Connecticut, Office of the Commissioner of Welfare, statutorily charged with administration of the Eastern Pequot reservation, Lantern Hill, North Stonington, Connecticut	In November 1940, administration of Connecticut's Indian reservations was statutorily transferred from the State Parks and Forest Commission to the Commissioner of Welfare (Supp Conn. Gen. Stat., Title 51, Land and Land titles, Ch. 272, Aliens and Indians, Sec. 692f Overseer of Indians 1941). These provisions remained unchanged until July 1, 1961. There were no longer published reports from 1940 onward	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	The majority of the documentation produced at this time dealt with individual residents of the reservation; however, there were also much more extensive reports such as the notebook kept by one of the Commissioner's researchers, J. R. Williams, about 1941, who conducted oral interviews with tribal members on and off the reservation. The state continued, consistently, to identify the residents of the Lantern Hill reservation as Eastern Pequots	These records meet (a) for the period 1940-1949
1940-1949	(a)(4) Description of New England Indian basket-makers (Butler 1947: 41 in Speck 1947)	In this mostly retrospective report, Eva L. Butler described the Lantern Hill reservation as "Pequot-Nehantic"	Narragansett PF 1982, 9, Death Valley PF 1982, 4, San Juan Paute PF 1987, v, and other cases have provided examples which were accepted as meeting (a) of a group having been described in a published article by a scholar	The last of the Eastern Pequot basket-makers described by Butler, Famer Emeline "Lina" (Sebastian) Swan Williams, had died in 1942. The descriptions were primarily of individuals, not of an existing Indian entity	This report does not meet (a) for 1938, but could be used retrospectively for the 1930's and early 1940's

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1949	(a)(5) Newspaper article "Two of 3 Connecticut Indian Reservations Near Lantern Hill" 2/8/1945	This article described the location, population, and funding of the Lantern Hill reservation	Jena Choctaw PF 1994, 2, and Chinook PF 1997, 7, provided examples which were accepted as meeting (a) of local newspaper identification of a local Indian group or its leaders	This article identified an Indian entity and other evidence indicates that the petitioner has continuity from that entity	This newspaper article meets (a) for 1945
1950-1959	(a)(2) Records of the State of Connecticut, Office of the Commissioner of Welfare, statutorily charged with administration of the Eastern Pequot reservation, Lantern Hill, North Stonington, Connecticut	These records (correspondence, reports, etc.) continued to be produced under provisions of the Act of November 1940, and were essentially unchanged in type and scope from those produced from 1941-1949 (see above)	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	The majority of the documentation produced in this decade dealt with individual residents of the reservation. The state continued, consistently, to identify the residents of the Lantern Hill reservation as Eastern Pequots	This documentation meets (a) for 1950-1959
1950-1959	(a)(5) Newspaper articles: Lawrence C. Nizza, Connecticut Indians, The Hartford Courant 1/22/1956, George H. Stone, Pequot Tribe of Indians and their Reservation Part Four, Lantern Hill or Lanterne Hill, North Stonington, 3/26/1946, State's Four Indian reservations, The Day, New London, Connecticut, 8/29/1947	These all described the Lantern Hill reservation and its resident population. The 1956 article included photographs of several of the Eastern Pequots who were residents on the Lantern Hill reservation	Chinook PF 1997, 7, and Cowhitz PF 1997, 17, provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities	Although all of these articles described Connecticut's Indian population as dwindling, they nevertheless provided identifications of the existing entities	These articles meet (a) for 1956 and 1957

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(a)(2) Connecticut legislation regarding the administration of Indian reservations	"An Act Concerning the Management of Indian Reservations," Public Acts 338-339, #304 Oversight remained with the Commissioner of Welfare. The reservations were listed specifically, future leases were prohibited, and the powers of the welfare commissioner to manage buildings, make repairs, and establish health and safety regulations were codified into legislation.	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	It provided standards for eligibility to reside on the reservations, defining that "Indian" means a person of at least one-eighth Indian blood of the tribe for use any reservation was set out. While directed toward the administration of the state's reservations as a whole, this legislation named the Eastern Pequot as one of those occupied reservations, and thus identified an entity.	This meets (a) for 1961.
1960-1969	(a)(2) Records of the State of Connecticut Office of the Commissioner of Welfare statutorily charged with administration of the Eastern Pequot reservation, Lantern Hill, North Stonington, Connecticut	Although these records (correspondence, reports, etc.) were now produced under the 1961 Act, they were essentially unchanged in type and scope from those produced from 1941-1959 (see above).	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official.	The majority of the documentation produced in this decade dealt with individual residents of the reservation. The state continued, consistently, to identify the residents of the Lantern Hill reservation as Eastern Pequots. The material for 1966 indicated the state's awareness of conflict between the groups antecedent to petitioners #113 and #35, but did not identify them as separate entities.	These records meet (a) for 1960-1969.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1960-1969	(a)(5) Newspaper articles: New Haven Register 1/28/196, the Day, New London, Connecticut, 1/29/1960 and 8/4/1960, "Pequot: Still Dislike 'White eyes'" Profile of a Vanishing American," unidentified newspaper 9/30/1964, The Courant Magazine 9/5/1965	The level of detailed description in these articles varied widely; the unidentified one dated 9/30/1964 was the most thorough description of the Eastern Pequot reservation and its residents. The 9/5/1965 article, by Michael Bernstein, remarked specifically that "The greatest number of Indians, 14, is at the Eastern Pequot Reservation in North Stonington."	Chinook PF 1997, 7, and Cowhitz PF 1997, 17, provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities	Although all of these articles described Connecticut's Indian population as dwindling, they nevertheless provided identifications of the existing entities	These articles meet (a) for 1960-1964, and 1965
1970-1979	(a)(2) Records of the State of Connecticut, Office of the Commissioner of Welfare, statutorily charged with administration of the Eastern Pequot reservation, Lantern Hill, North Stonington, Connecticut, 1970-1973	These records (correspondence, reports, etc.) for the first three years of the 1970's were essentially unchanged in type and scope from those produced from 1941-1969 (see above)	Snohomish PF 1983, 9, and Wampanoag PF 1985 provided examples which were accepted as meeting (a) of identification of a group by a State official	The majority of the documentation produced in this decade dealt with individual residents of the reservation. The state continued, consistently, to identify the residents of the Lantern Hill reservation as Eastern Pequots, and in 1972 created some materials descriptive of the conflict between the population subgroups antecedent to petitioners #113 and #35, but did not describe them as separate entities	These records meet (a) for 1970-1973

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970-1979	(a)(2) Records of the Connecticut Indian Affairs Council (CIAC), 1973-1979	This documentation consists of extensive correspondence, reports, hearing transcripts, and two decisions concerning the membership of the Eastern Pequot Tribe. The CIAC was established effective October 1, 1973, by state legislation, with Eastern Pequot named as one of the tribes to be represented on it. Under the legislation, the CIAC was responsible for drawing up new programs for the reservations, for recommending changes in regulations pertaining to Indians, and for determining "the qualifications of individuals entitled to be designated as Indians for the purpose of administration of the statute and deciding who was eligible to live on reservation lands, subject to Connecticut's statutory provisions."	Snohomish PF 1983, 9, and Wampanoag PF 1985, provided examples which were accepted as meeting (a) of the recognition of the petitioning group by the executive branch of a State government.	Membership in this state established organization explicitly identified the petitioner as an Indian entity. While marked by major internal controversy between PEP (petitioner #113) and EP (petitioner #35) as to selection of the CIAC representative, which resulted in the formal organization of two separate groups in 1975, there was no question in any of the documents but that the Eastern Pequot tribe should have a representative on the CIAC.	This meets (a) for 1973-1979.
1970-	(a)(2) Mary Guilleto	Report prepared by a researcher for a	Snohomish PF 1983, 9, and Wampanoag PF 1985,	This report	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1970-1979	(a)(5) Newspaper articles: Hartford Courant 9/4/1976, Norwich Bulletin 9/13/1976, The News 9/13/1976, Norwich Bulletin 1/19/1977, Norwich Bulletin 4/26/1977.	From 1976 through 1979, there was extensive newspaper coverage of the CIAC representation and Eastern Pequot membership eligibility controversies.	Chinook PF 1997, 7, and Cowlitz PF 1997, 17, provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities.	These articles, in essence, identified the Eastern Pequot tribe as an entity, and described the PEP and EP groups as organizations within it, or vying for control of it.	These articles meet (a) for 1976-1979.
1970-1979	(a)(5) Newspaper article: Bates, Debbie. Start Move Back to Pequot Lands. <i>The Sun</i> , Westerly, RI, 6/12/1979.	This article, following the death of Atwood I. Williams, Jr., focused on the intention of his children and grandchildren, the core membership of PEP, to return to the Lantern Hill reservation.	Chinook PF 1997, 7, and Cowlitz PF 1997, 17, provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities.	The article did not focus on the membership or representation controversy, but rather described primarily one extended family within the PEP. It did, however, describe the reservation and the context.	This article meets (a) for petitioner #113 for 1979.
1980-1989	(a)(2) Records of the CIAC, 1980-1989.	These consist of correspondence, minutes, transcripts of hearings, reports, and decisions. The most significant sequence of data concerned the 12/3/1983 CIAC decision concerning Eastern Pequot membership and representation on CIAC, with subsequent litigation.	Snohomish PF 1983, 9, and Wampanoag PF 1985, provided examples which were accepted as meeting (a) of the recognition of the petitioning group by the executive branch of a State government.	The primary focus of CIAC coming to the 1983 decision was an attempt to initiate a compromise by which the two dissident groups within the Eastern Pequot tribe would hold common elections and select a common representative. While clearly identifying the two groups involved in the controversy, the CIAC primarily treated the Eastern Pequot as a single tribal entity.	This meets (a) for 1980-1989.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980-1989	(a)(2) Records of Connecticut's Legislative Task Force on Indian Affairs, 1989-1990	This task force was established by the Connecticut General Assembly	Tunica-Biloxi PF 1980, 3, Gay Head PF 1985, Miami PF 1990, 2, and Jena Choctaw PF 1994 contain precedents for identification of an Indian entity by a state legislature as meeting (a)	While there was dispute concerning Eastern Pequot representation (how the representative should be chosen, and from which of the two contending Eastern Pequot groups, the Eastern Pequot tribe as a whole was assigned a seat on the Task Force	This meets (a) for 1989-1990

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1980-1989	(a)(5) Newspaper articles: Hartford Cour in. 2/18/1980, Hartford Courant Magazine 11/9/1980, Norwich Bulletin 12/16/1983, The Sun, Westerly, Rhode Island, 12/21/1983, Norwich Bulletin 1/5/1984, The Day, New London, Connecticut, 1/25/1984, The Sun, Westerly, Rhode Island, 2/14/1984, unidentified article 5/7/1984, The Day, New London, Connecticut, 2/27/1987, The Day, New London, Connecticut, 4/30/1987, The Day, New London, Connecticut, 7/29/1987, The Day, New London, Connecticut, 8/2/1987, The Connecticut Law Tribune 10/17/1988, The Day, New London, Connecticut, 3/28/1989, The Sun, Westerly, Rhode Island, March 1989, The Middletown Press 8/26/1989	Throughout this decade, these articles provided extensive coverage of the CIAC disputes and decisions and the resulting litigation. These articles also covered proposed and actual elections by both contending organizations.	Chinook PF 1997, 7, and Cowhitz PF 1997, 17, provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities.	All of these articles identified the Eastern Pequot tribe as an entity and also identified the controversy between PEP, #113, and EP, #35.	These articles meet (a) for the period 1983-1989.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990-1999	(a)(1) Correspondence, 1990-1994, concerning a proposal for a HUD housing authority on the Eastern Pequot reservation	The documentation consists of a proposal by PEP, correspondence, opposition from EP, and the HUD decision letter	Narragansett PF 1982, 8, San Juan Parute PF 1987, v, and FD 1989, 4, and MBPI PF 1997, 4, provided examples which were accepted as meeting (a) of identification of a group by a Federal official	The final statement by the HUD official was that "HUD will not issue a grant until the tribe identifies one tribal government and a housing authority is legally created." This statement identified the existence of an Indian entity and referenced the dispute between the PEP and EP organizations	This identification meets (a) for 1993
1990-1999	(a)(2) Connecticut General Assembly, Task Force on Indian Affairs	The documentation submitted consists primarily of newspaper coverage of the continuing dispute concerning representation of the Eastern Pequot reservation in 1993	Tunica-Biloxi PF 1980, 3, Gay Head PF 1985, Miami PF 1990, 2, and Jena Choctaw PF 1994 contain precedents for identification of an Indian entity by a state legislature as meeting (a)	The material submitted consists of newspaper coverage of the Task Force rather than records of the Task Force	This does not meet (a) under (a)(2) because the material does not consist of actual state records

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990-1999	(a)(5) Newspaper articles: Bicentennial Bulletin 4/28/1991, Hartford Courant 10/28/1991, The New York Times 12/8/1991, The Day, New London Connecticut, 2/22/1992, The Day, New London Connecticut, 4/5/1993, The Day, New London Connecticut 9/28/1993, The Sun, Westerly Rhode Island, 9/28/1993, The Day, New London Connecticut, 10/22/1993, The Sun, Westerly Rhode Island, 11/9/1993, The Day, New London Connecticut, 11/13/1993, The Day, New London Connecticut, 11/18/1993, The Day, New London Connecticut, 12/13/1993, The Day, New London Connecticut, 12/18/1993, The Day, New London Connecticut, 3/10/1994, The Day, New London Connecticut, 7/26/1994, Hartford Courant 8/15/1994, The New York Times 9/18/1994, The Day, New London Connecticut 12/15/1997	Throughout this decade, these articles provided extensive coverage of the controversy between PEP and EP, particularly in regard to continuing litigation, Connecticut's Legislative Task Force on Indian Affairs, and in regard to controversy over a proposed HUD housing grant, with some attention to the Federal acknowledgment process	Chinook PF 1997, 7, and Cowhitz PF 1997, 17, provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities	The great majority of these articles provided extensive coverage of the genealogical controversies between PEP, #113, and EP, #35, concerning eligibility for membership in the Eastern Pequot tribe and for residency on the Lantern Hill reservation, thus simultaneously identifying the existence of a historic tribe and of two organizations within that tribe	These articles meet (a) for the period 1991-1999

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990-1999	(a)(5) Newspaper articles specifically focused on PEP activities The Day, New London Connecticut, 10/10/1991, The Day, New London, Connecticut, 10/14/1991, The Day, New London Connecticut, 2/1/1993, The Sun, Westerly, Rhode Island, 2/10/1994, the Day, New London, Connecticut, 2/10/1994, 2/11/1994		Chinook PF 1997, 7, and Cowhitz PF 1997, 17. provided examples which were accepted as meeting (a) of local newspaper discussion of a local Indian group and description of its activities	These articles identify petitioner #113 as an entity	These articles meet (a) for 1994

Recommendation: The petitioner, or the predecessor Eastern Pequot Tribe, Lantern Hill Reservation, from which it has evolved as a portion, has been identified on a substantially continuous basis as an Indian entity from 1900 to the present. The petitioner therefore meets the requirements of criterion 83.7(a)

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION B - A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

Summary of the Evidence. This petitioner, or the historic Eastern Pequot tribe, the predecessor group from which it evolved, has been in sustained contact with non-Indian settlers since the 1630's – a period of 370 years. The historic Eastern Pequot tribe was located in southeastern Connecticut, 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. The materials submitted in evidence for this petition are extensive.

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 prior decisions pertaining to New England tribes, the precedents indicated that for the time span from the colonial period to the 19th century, evaluation of community has not been tied to the specific forms of evidence listed in 83.7(b), but rather was evaluated much more briefly, and generally, under the provisions of the definition of community in 83.1. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. This approach should be seen in the light of the preamble to the regulations, which states that some commenters to the 1994 regulations:

saw this revision and the revised definition of community as requiring a demonstration of specific details of interactions in the historical past, and thus as creating an impossible burden. . . . A detailed description of individual social relationships has not been required in past acknowledgment decisions where historical community has been demonstrated successfully and is not required here. . . . further, the language added to § 83.6 clarifies that the nature and limitations of the historical record will be taken into account (59 FR 38, 2/25/1994, 9287).

The relevant language in 83.6 follows:

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time. . . .” (83.6(e))

The isolated documents must also be interpreted in light of the general continuity of the tribe in the context of continuous state recognition from colonial times and the existence of a continuous reservation since colonial times.

The charts for criterion 83.7(c) are not complete for the period subsequent to 1973.

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1620-1637	(83.1) Williams, Complete Writings; Winthrop Papers 3; Gookin 1792; Prince and Speck 1903; Salwen 1969; Salwen 1978; Goddard 1978; Williams 1988; McBride 1990; Starna 1990; O'Connell 1992; Grumet 1995; Bragdon 1996; Cave 1996; McBride 1996	Historical narratives, mainly by modern anthropologists, pertaining to Colonial contact with the Pequot prior to the Pequot War of 1637-1638, and giving limited information, only from an external viewpoint, concerning the aboriginal political structure.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Although the tribe remained strong culturally and politically, it gradually declined in size and political strength through epidemics and conflicts with other tribal groups" (Narragansett PF 1982, 1); "The Mohegan suffered a drastic population decline during the early period of European contact, perhaps as much as 93 percent by 1650" (Mohegan PF 1989, 2).	Precedent does not require detailed information concerning the internal community of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods	This meets (b) for the undifferentiated historic Pequot tribe as a whole predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1637-1677	(83.1) Potter 1835; Hoadly 1850; Denison 1878; Chapin 1931; Haynes 1949; Winthrop Papers 1949; Williams 1963; Pulsifer 1968; Sch 1977; R. Williams 1988; Ottery and Ottery 1989; McBride 1990; Winthrop Papers 1992; Vaughn 1995. Papers of John Winthrop 4. Acts of the Commissioners of the United Colonies. Almost the entire body of 17 th -century historical data submitted in connection with this petition is in some way relevant to this topic. See in particular the Connecticut Indian Papers	Historical records and narratives indicating that by decision of the colonial authorities, the Pequot as a whole were subjected to the Mohegan and Narragansett after the Pequot War (1637-1638), and specifically that the future Eastern Pequot band was made tributary to the Eastern Niantic (to 1655). Historical records and narratives indicating that for an extended period of time, the Eastern Pequot band (under the governorship of Harmon Garret from 1655 to 1677 and of Momoho from 1678 to 1695) was under supervision of the colonial authorities; and that the Eastern Pequot reservation was under the direct administration of Connecticut (1683-1989), first as a British colony and then, after the American Revolution, as a state	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2). "In the early contact period, i.e., the 1600's, the Miamis consisted of a series of independent tribes of related peoples. The largest of these, the Crane tribe, which numbered several thousand people, evolved into the historic Miami tribe during the early 1700's. Bands within the tribe were more or less composed of families related to the village chief, plus additional attached followers. Villages of from 50 to 200 people were the primary settlements" (Miami PF 1990, 3).	Prior findings which have received positive Federal acknowledgment decisions did not address in detail the evidence available from the early 18 th century or classify it into the categories detailed in 83.7(b)(1)(i-ix). The nature of the historical record does not make such an enterprise possible. This very succinct summary is less succinct than those in prior findings (see precedent column) and is the result of detailed analysis of the material from the early period to 1685 by the BIA research staff (see draft technical report, pages 9-127. The material after the 1685 establishment of the Lantern Hill reservation will be discussed in more detail in later portions of this chart	This meets (b) for the historic Pequot tribe and for the historic Eastern Pequot tribe as one of its successor entities

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1678-1685	(83.1) Stiles 1759; Trumbull 1852, Trumbull 1859, Hurd 1882; Wheeler 1887.	Historical records and narratives concerned with the purchase and survey of "a tract of land that may be suitable for the accommodation of Momohoe and the Pequots with him in those parts, as comodious as may be" (Trumbull 1859, 81-82). Purchase of the Lantern Hill tract from Isaac Wheeler of Stonington, Connecticut (Trumbull 1859, 117n).	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1); "In the Tunica-Biloxi case there was a separate territory exclusively occupied or utilized by part of the tribe" (Miami FD TR 1992, 6). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	Several prior tribes evaluated by the BIA (Narragansett, Mohegan, and Gay Head) all retained remnants of aboriginal land, as exemplified by "An area approximately corresponding to the Charlestown township was specifically defined in a 1709 deed by King Ninegret, which ceded all other areas claimed by the tribe" (Narragansett PF 1982, 9). However, the data concerning the purchase of land for "Momohoe's band," land which fell within the aboriginal territory, shows the existence of a continuing group at this date at a level which falls within the general precedents expected for the colonial period.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.
1678	(83.1) Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 809	May 13, 1678, petition by Momoho and the Pequots to the Court of Election at Hartford "That they may have land assigned to them as their own to plant on, and not that they be allways forced to hire" Minutes of Committee for hearing Indian complaints; Indians 1.36 (Trumbull 1859, 8n).			
1685-1735	(b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name			Generally, all of the evidence of the petitions, etc. for the colonial period through the end of the 19 th century applies in some measure to showing the existence of this form of evidence.	

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1694-1701	(b) McBride 1996, 88, Connecticut Records, IP 1 st Series [1]:44, IP 1:48, Hoadly 1868, 202, 280; Winthrop Papers 147.	Series of petitions and other documents from the Western Pequot requesting that "Mamoho's son" succeed Cassacinamon and Daniel as governor of the Western Pequot.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	The May 9, 1723, petition by the Eastern Pequots addressed the number of members of the reservation descended from Momoho and his men (more than 130), the rate at which children were bound out to English families for education and the age at which their indentures ended, and the need for fertile land for planting. All of these issues reflected a functioning community.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.
1695-1700	(b) Hoadly 1868, 140-141, 326, Col. Rec. 4 326.	Documents concerning the succession to Momoho among the Eastern Pequot.		Prior findings re: tribes which have received positive Federal acknowledgment decisions did not address in detail the evidence available from the early 18 th century or classify it into the categories detailed in 83.7(b)(1)(i-ix). The nature of the historical record does not make such an enterprise possible. For a detailed survey of the material available in this instance, see the draft technical report, pages 128-145.	
1722-1723	(83.1); (b) IP, series 1, Vol. 1, Doc. 73, Basset 1938, IP, series 1, Vol. 1 Doc. 74, CSL Towns & Lands, Series 1, Vol. 3, doc. 227 a b, CSL IP, Loose Index, Doc. 22 a b, IP 2 nd series Vol. II, Doc. 23.	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the provisions of Isaac Wheeler's will regarding the land he had sold for the Lantern Hill reservation, signed by Momoho's widow and other councilors "in behalf of ye rest of Mo-mo-hoe's men & their Posterity."			

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1713-1714	(83.1) Description by visiting missionary (#35 NARR 1998, 37, citing Mayhew 1896, 97-127)	Experience Mayhew, minister and missionary from Martha's Vineyard, visited the Stonington Pequots, spoke to them through an interpreter, but made no converts.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 th and early 18 th centuries, a large body of the tribe was converted in the 1740's, . . ." (Narragansett PF 1982, 2).	The description is external rather than internal, but indicates that the Lantern Hill Pequots were an identifiable community, had an "old powow (the Pequot name for shaman or priest) [who] argued with Mayhew in an attempt to discourage other Indians from hearing his message," and were an interested but unresponsive audience.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.
1720's-1770	(83.1); (b) Potter 1835, 171-174, Wheeler 1886 1887, Chapin 193 (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name	All data concerning Indian genealogy of southern New England prior to first sustained contact with non-Indian settlers and during the early contact period indicated that at least the ruling families of the Pequot, Mohegan, Narragansett, Eastern Niantic, Western Niantic, and Montauk sustained a regular practice of patterned out-marriage, while there were early occurrences of marriage into other tribes on the geographical margins of the southern New England region (Wampanoag, Massachusetts, Nipmuc, and Connecticut River Indians)	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	There are indications in the 18 th century records, although the documentation is not sufficient to analyze specific rates, that the population of the Lantern Hill Reservation did not constitute an endogamous group in the early and mid-18 th century, but intermarried with neighboring Indian tribes including, in spite of later anecdotal evidence to the contrary, the Mohegan. However, this did not constitute an innovation. In the cultural context of the region, therefore, the persistence of intertribal marriage did not constitute a change which would bring the persistence of the identity of the individual tribal groupings into question.	Does not negate the existence of (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1740-1750	(83.1); (b) Church records of various types.	On August 13, 1742, Rev. Joseph Park of Westerly, Rhode Island, who was serving as missionary to the Narragansett Indians, was ordained as minister of "the Presbyterian or rather Congregational Church of Christ in Westerly" by Rev. Nathaniel Eells of Stonington and Rev. Joseph Fish, of North Stonington, "who in a limited measure favored the revival, but were displeased with itinerant ministers, and particularly with Mr. Davenport." In less than two years, more than 60 Indians became members. A separate Indian church (Narragansett church) was founded in 1750 (Denison 1878, 68-69). DeForest stated that in 1743, during the great revival, a number of converts were made among the Stonington Pequots and several of them paid a visit to the Narragansetts of Westerly and Charleston (DeForest 1964, 430; no citation). The petitioner stated that, "Manuscript records of baptisms and marriages show that the First and Second Congregational Churches of Stonington attracted numbers of local Indians in the years following the Great Awakening, but the Strict Congregational or Separate Church attracted the largest Indian following" (#35 NARR 1998, 37).	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 th and early 18 th centuries, a large body of the tribe was converted in the 1740's, ..." (Narragansett PF 1982, 2).	See Table III. The number of individual Indians who accepted baptism and were admitted as church members (these two actions were not equivalent to one another) accelerated greatly during the early 1740's, although some continued to pertain to families that had been mentioned in the preceding decade. As in the earlier period, some names cannot be identified by tribe.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1740-1785	(83.1); (b) Civil records of various types (the binding out of children, military enlistments, employment contracts, etc.)	Documents showing a significant off-reservation Indian population in the Stonington area. See the draft technical report for details.	"In addition, since at least the mid-1750's, significant numbers of tribal members have been resident in neighboring towns to the east and west, ..." (Narragansett PF 1982, 9). "Since at least 1807, a substantial portion of the Gay Head Indian descendants have not resided in Gay Head ..." (Gay Head PF 1985, 2)	See draft technical report, Table 2. Tabulation of Identified Eastern Pequot Population, 1722-1788. John Quiumps, who had resided in Preston during the 1740's, returned to the Lantern Hill reservation and signed petitions concerning replacement of the overseers in the mid-1760's. This phenomenon must be interpreted in the light of other available data concerning the reservation community, including the binding out of children to English families for education, and the reference in the 1749 petition to the dispute between the arguments of English settlers for tight limitations on reservation rights as compared to the Indians' own argument that other Indians had rights there also.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1749-1751	(83.1); (b) CSL IP Vol 2, Doc 40, Hoadly 1876, 9 446 Bassett 1938, IP 1 st series, Vol. II (A), 53-54, 65, IP, II, Doc 42 a, 50, Hoadly 1876, 574, Hoadly 1877, 18 (#113 Pet 1994, STATES A-2), IP series 1, II 50-52	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the efforts of non-Indians to claim the Lantern Hill land, from "Mary Mo mo har, Samson Bokient &c all Indian Natives of ye Tribe of Momohor." In 1749, the petitioners protested, on behalf of themselves and the remainder of the Indians on the reservation that within the past 18 months various persons had "frequently in a great variety of Ways & Manners grievously molested & interrupted them in their sd Occupation the numerous Instances whereof are too tedious here to be enumerated, ..."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2)	The complaint reflected the existence of an ongoing residential community of Eastern Pequot Indians on the Lantern Hill reservation. The record reflects an apparent difference of opinion between non-Indian local authorities and the Indians over who had rights on the reservation. Some local settlers argued that only direct descendants of Momoho and the Pequots over whom he had served as governor were entitled, which may have led to the number of 38 individuals, mostly women and children, mentioned in the 1749 report. The Indians, however, did not believe that this strict limitation should be applied "and there are many More who Claim a right, yet The English dispute it" (IP, Series 1, II 50-52). Although not distinctly stated, the Indians' argument seems to have been that the much larger group of Pequot descendants resident in the general area of New London County had some rights to the reservation. These probably included those who had been under Harmon Garret, and who had remained with Garret's son Catapesset after his death rather than following Momoho.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period.

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1763-1766	(83.1); (b) IP, II, 250, IP, I, 120; Hoadly 1881, 276; IP, II, 250; typescript IP II, first Series (B), 347; Hoadly 1881, 526	1763, appointment by Connecticut of Israel Hewitt, Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill Reservation; May 1764, change in appointment of overseers "upon the memorial of" 11 named "Pequot Indians living at Stonington, in behalf of themselves and the rest of said Pequots, ..."; October 6, 1766, petition of the "Indian inhabitants of the Town of Stonington" (nine signers) requesting replacement of Ebenezer Backus as overseer by Dr. Charles Phelps of Stonington; appointment of Phelps by the General Assembly in response to the petition	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	The presentation of the petition reflects the continuing existence of an identifiable tribal community. The reservation was at this time in the jurisdiction of the Town of Stonington, that of North Stonington not yet having been separated from it. There is no requirement that all members of the community sign such a petition	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1757	(83.1); (b) Missionary efforts of Rev. Joseph Fish among the Eastern Pequot (#35 Pet. Narr. 1998b, 37, #113 Pet. 1996, HIST DOCS III, Doc. 88)	... to the Hon & Revd Commissioners for Indian Affairs in Boston. In this society about four miles from my Dwelling house and Three from our meeting House there is a small Indian town consisting of Sixteen Houses & Wigwams, in which there are seventy One persons great & Small, which are One Branch of the Pequot Tribe, Brethren of those in Groton. I formerly preached to them, at times, and have lately revived my Labours among them, Lecturing once a Fortnight, which I purpose to continue as long as it appears to be the Will of Providence. They have hitherto given a very Genl and serious Attendance - Profess Satisfaction and a desire of further Instruction. They have Twenty One Children of a Suitable Age to be put to School and the parents are very desirous of having them taught to read and wright in order to ... it is necessary that they should have a School Master residing among them but they are poor and altogether unequal to ... charge of a school ... (#113 Pet. 1996, HIST DOCS III, Doc. 88)	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 th and early 18 th centuries, a large body of the tribe was converted in the 1740's, ..." (Narragansett PF 1982, 2).	The Fish material is useful throughout as describing the Eastern Pequot of the 1770's. His diary and correspondence indicate the continuing existence of a historical Eastern Pequot community on the Lantern Hill reservation in the period 1757-1773 (see also Table III)	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1758-1760	(83.1); (b) Missionary efforts of Rev. Joseph Fish among the Eastern Pequot (#35 Pet. Narr. 1998b, 38; citing Fish 1960).	Fish requested support for a school. "As the Indians above have increased from 7 or 8 houses to 16 within five of Six Years past So they are still growing. Two or Three Families more with eight or Ten Children are Coming to Join yr Brethren this Spring wch I forgot to Observe in its place ---" (#113 Pet. 1996, HIST DOCS III, Doc. 88). On February 22, 1758, Edward Nedson, an Indian, began to teach school in his own house at Stonington (Love 1899, 198-199). In 1760, Joseph Fish wrote to Andrew Oliver that: "some of the children read very handsomely, and if I can keep the school up, among them (which I find pretty difficult by reason of their strange disposition) I doubt not but numbers of them will in due time get well acquainted with the word of God. I am going on with my lectures, and have considerable encouragement, as the women and children (near about 30, commonly) attend and behave very decently the men are, numbers of them, dead in the [Seven Years] wars, several of them in the army this summer, so I have but few male hearers at present" (#35 Pet. Narr. 1998b, 38, citing Fish 1960)	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 th and early 18 th centuries, a large body of the tribe was converted in the 1740's, ..." (Narragansett PF 1982, 2).	The Fish material is useful throughout as describing the Eastern Pequot of the 1770's. His diary and correspondence indicate the continuing existence of a historical Eastern Pequot community on the Lantern Hill reservation in the period 1757-1773 (see also Table III)	On the basis of precedent, this material is adequate to meet (b) for a tribe during the colonial period

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1762-1773	(83.1); (b) Missionary efforts of Rev. Joseph Fish among the Eastern Pequot (#35 Pet. Narr. 1998b, 37; #113 Pet. 1996, HIST DOCS III, Doc. 88).	In 1762, Fish wrote: "... the Number of Indians attending, at different Lectures, is various. Sometimes a number of them was either hunting, or at a distance upon then needfull Occasions, or at home Sick, Lame, etc. While some, indeed, were absent, through sloth and Carelessness. But the principal Cause, I apprehend, has been their great Fondness for the Indian teachers and their Brethren, (Separates) From the Narragansetts, who were frequently, if not constantly, with Our Indians, or in the neighborhood, the same day of My Lectures, unless I purposely shifted the Time. For these Narragansetts would but Seldom think it proper to hear me. Which tended to Scatter my Indians ... (Fish 1962) (Simmons and Simmons 1982, xxviii) [footnote added]	"Major cultural changes were evident during the 1700's. After resisting Christianization in the 17 th and early 18 th centuries, a large body of the tribe was converted in the 1740's, ..." (Narragansett PF 1982, 2).	Fish paid Edward Nedson to teach until Nedson's death in 1769, at that time there were about 25 children of school age (#35 Pet. Narr. 1998b, 38-39). On December 16, 1771, Fish spent the whole day at the Indian town. His diary contained a description of the events, focusing on the need to locate space for the school, and the amount of contributions promised by various of the Indian families and arrangements for providing school space in the home of a tribal member, as well as arranging for contributions to the needy.	Meets (b) for the later 1760's and early 1770's

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1775-1800	83.1 Lynch 1998a, Grabowski 3/15/1999	The third parties implied that the adherence of several Eastern Pequot families to the Brothertown movement, resulting in their migration to New York and, ultimately, to Wisconsin, dissolved tribal relations. The first migration to the Oneida country took place on June 19, 1775, and consisted of "10 Mohegans, 20 Narragansett, 17 Pequots, 13 Montauks, and 5 Nchantics . . ." (Lynch 1998, 5 25, citing CPR XIV 314; see also citation to Papers: Sir William Johnson XIII 683-684). The petitioner responded (Grabowski 3/15/1999, 10).	"Between 1775 and 1800, a significant body of Narragansetts broke with the tribe and joined the intertribal Brotherton movement . . . Additional Narragansetts emigrated to the community at intervals as late as the 1840's" (Narragansett PF 1982, 2).	In May 1784, a number of Christian Indian families sailed from New London, Connecticut, for Albany, New York, on their way to Brothertown (Ottery and Ottery 1989, 45; Stone 1993, 59). In May 1789, Rev. Samson Occom and his family removed to Brothertown (Ottery and Ottery 1989, 46). There is no indication that any significant number of Eastern Pequot families removed to Brothertown during this five-year period. Some did remove to Brothertown during the overall time period between its establishment and the Civil War. These relatively few identified families have been noted on Table 3 in the draft technical report.	The participation of some members of the Eastern Pequot in an intertribal movement does not negate (b).

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1788	(83.1) Burley 1965, 2, IP II 252, 252b, 253; typescript IP, II, First Series (b), 349, 351. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name	Petition from "us the Subscribers Indians of the pequod Tribe in Stonington" pointing out that for several years they had been "destitute of an overseer by reason wherof they have suffered very great inconvenience. . . . The inconveniences including the absence of assignments of proportionate shares for such necessary community functions as maintaining the poor and keeping up the "outside fences " Signed Jacob Sowrs, John Quiumps, James Neel [sic in transcript, should be Ned], John Kindness, James Abner, Jere Shuntups, Willard Miller, Cyrus Shelly, Elizah Waggs, Lem Shelly, Mary Sower, Mary Quiumps, Eliz Shelly, Betty Tikins, Mary Abner, Judy Moses, Tump Moses, Mary Honnabell, Eliz Tikins, Mary Sowers, Josiah Sowers Margt. Quiump, Hanb Paukeese, Lucy Tikens, Peter Peters, Grace Poll, Shell Sinament, Pigg Georgj, Ame Tellken(?), Hannah Shelly (#113 Pet., Pocket Folder A-2, File Folder Indian Papers; IP, II 252, 252b; typescript, Indian Papers, Volume II, First Series (B), 349)	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6); "Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers" (Mohegan PF 1989, 2).	The Indians added that in choosing an overseer, "We must be supposed to know who are friendly or, at lest who we are willing to place confidence in. . . . By implication this indicates that the Indian population constituted a group who consulted with one another and reached a consensus on items of interest to them	On the basis of precedent, this material is adequate to meet (b) for a tribe during the early Federal period

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1800	(83.1) IP, 2 nd , II-105-105b, 106-106b, Van Dusen and Van Dusen 1965, 38, 387, 389, Lynch 1998a, 5 24, 5 26	May 6, 1800, petition from the Indians of the Lantern Hill reservation pointing out that non-Indians were infringing on the reservation, their overseers were elderly men, one of whom lived some distance away, and requesting relief. In response, the May 1800 session of the General Assembly appointed Latham Hull to replace Stephen Billings. Assertion by the third parties that if a surname appeared in Mohegan, Mashantucket, Narragansett, or other tribal data as well as in Lantern Hill records, this signified that the family in question should not be identified as Eastern Pequot.	"Narragansett marriage to Non-Indians, black and white, became an issue in the 19 th century . . . the issue or race was raised in the context of state recommendations to dissolve the tribe because of intermarriage with blacks. As a consequence, the group had to strongly defend its identity as Indian, . . ." (Narragansett PF 1982, 3)	The third parties argued that such a petition indicated a loss of tribal relations (Martin and Baur to Fleming 12/15/1998, 5), but cited in support a similar petition filed by the Mohegan Indians in 1778 (Lynch 1998a, 5 27). The Mohegan tribe has been recognized through the 25 CFR Part 83 process. Contrary to the third parties' argument, a protest from the tribe itself against infringements on its lands by the local non-Indian population clearly reflects the existence of an ongoing tribal community, rather than its absence. The 25 CFR Part 83 regulations specifically allow for the movement of individuals and families between tribes, while patterned outmarriage with other tribes is interpreted as evidence in favor of community.	On the basis of precedent, this material is adequate to meet (b) for a tribe during the early Federal period.
1804-1820	(83.1) IP 2 nd , II-107, 107b, Lipson 1986, 48n29, IP 2 nd I 109, 109b, IP 2 nd , I 110, 110b	Appointments of overseers, May 1804, October 1808, May 1814, May 1819, May 1820	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	The appointments provide no data concerning internal conditions in the Eastern Pequot community, although they provide some data concerning the background of tribal continuity.	The appointments do not meet (b) for 1804-1820.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1815	(b) IP, 2 nd , I: 18, 19, 20 (#113 Pet. Narr., Exhibit N, #113 Pet. A-2).	Petition of Eastern Pequot, Western Pequot, and Mohegan overseers, May 6, 1815, co-signed by numerous non-Indian neighbors, to the General Assembly concerning schools for the Indian Children of Groton and Stonington. The petition stated that there were about 29 or 30 Stonington Indians in all, with 10 or 11 children. It stated that there were 14 "heads of families" at Stonington, but actually listed only seven, with two adults per household. These heads of families were Samuel Shelly, Barrett [?], Shelly, Cyrus Shelly, James Nead, Isaac Faginys, Polly Johnson, Nabby Hugh.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the early 19th century.	The petition provided some descriptive data concerning the nature of the community at the time (number of adults, number of households, number of children, number of poor), but was signed by the overseers only and did not give any indication that it was submitted at the wish of the Indians of the Lantern Hill reservation themselves. It thus does not meet 83.7(b)(2)(iii), but does contribute to meeting (b) in the early 19 th century when taken in conjunction with other items in the record for the same period.	This meets (b) for 1815 in conjunction with other items in the record.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1820	(83.1); (83.7(2) Timothy Dwight, <i>Travels in New England</i> , 1822	Letter IV. Stonington. Description of his own visit to the Lantern Hill reservation in 1820 by the president of the Connecticut General Assembly. Dwight visited the reservation, described the housing (some wigwams and some framed houses), and indicated that about two-thirds of the tribe were living on the reservation, the others being distributed as servants among the English families of the neighborhood. His generally unflattering description emphasized poverty and degradation, but also mentioned industriousness and church attendance, particularly by the women	No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the early 19 th century	A description of a community is not required to be a flattering description of a community in order to indicate that a group exists. Dwight was able to identify the group, gain an idea of its size and membership, describe its living conditions, and indicate that the custom of binding out the children for vocational training, referenced in the mid-18 th century, still continued. He also mentioned that most of the bound children returned to the reservation after their term of service had expired	This meets (b) for 1820 in conjunction with other evidence in the record
1820	(83.1) Jedediah Morse, <i>Report on the Indian Tribes</i> , 1822, <i>De/first</i> 1964, 442-443, citing Morse's <i>Report on the Indian Tribes</i> , see also Burley 1965, 2	Report on the Lantern Hill reservation, possibly derived from Dwight, but containing more names and details. He indicated that the Eastern Pequot made brooms, baskets and similar articles, and generally exchanged them for ardent spirits. They enjoyed the same opportunities of attending religious worship and sending their children to school, as the white people of the town, but seldom availed themselves of these privileges. A few, however, were apparently pious, and held a meeting once a month at which they all spoke in turn	No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83.7(b) for the early 19 th century	While derivative to a considerable extent from Dwight, this report contained additional information, including that pertaining to the school circumstances. It again indicated that a continuing community, identifiable by outside observers, was in existence	This meets (b) for 1820 in conjunction with other items in the record

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1820-1900	(1)(vii)	Issue of cultural distinctiveness raised by third parties (FIND CITE if going to leave this in!!)	"The tribe has not retained cultural traits from the traditional culture which distinguish it from the surrounding populations. Significant adoption of non-Indian culture was evident as early as 1730 and 1740. During this period formal schooling was introduced, English surnames became common, and Christianization became acceptable" (Narragansett PF 1982, 10); "It should be clear that the retention of aboriginal culture or language is irrelevant to the Acknowledgment criteria, except as it might reflect positively on . . . maintenance of a distinct community" (Gay Head FD 1987, 3)	The third parties have asserted that because the Eastern Pequot were losing their cultural distinctiveness to some extent in the 18 th century, this meant that they ceased to exist as a tribe. The regulations under 83.7(b)(1)(vii) permit the use of distinctive cultural traits as a form of evidence, but do not require the existence of such traits.	Does not negate the existence of (b)
1839	(83.1); (b) Stonington Historical Society, Folder, Indian, Misc. (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name	February 8, 1839, petition from the "Pequot Tribe of Indians in the town of North Stonington" to the County Court at Norwich, New London County, Connecticut, requesting the replacement of an overseer "who lives at some distance from us & it is very difficult to get him to attend his duties as overseer, especially for the year last past, he has been absent from home some three months at a time" . . . and requesting the appointment of Charles Wheeler "who lives near to us & is well qualified to assist us & whose location renders him well acquainted with our necessities & our situation"	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves expected to the state-appointed overseers as agents to carry out their wishes in some matters. Although the court did not respond to the petition favorably, but rather continued the prior overseer in office, the presentation of the petition, signed by six women and four men, indicated that the group had internal organization. Of the four men who signed, two (Cyrus Shelly and Samuel Shuntaup) had been identified as "principal men" of the Eastern Pequot by Jedediah Morse nearly 20 years earlier.	On the basis of precedent, this material is adequate to meet (b) for 1839.

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1841	(83.1) Superior Court Records, new London County 1841, Indians, Court Records, New London County, CSL; LaGrave 1993; Grabowski 1996.	July 27, 1841, petition from the "undersigned Indians being remnants of the Pequot Tribe of Indians resident in North Stonington" again objecting to the existing overseer and requesting the appointment of Charles Wheeler or Gordon S. Crandall.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	The Indians in this petition protested that the overseer lived about three miles from the reservation, rarely came to see them, and did not obtain fair rents for their land. It was signed by five men and five women. A counter-petition was submitted by the selectmen of the Town of North Stonington (#35 Pet B-02B) commending the current overseer for his frugality, and the County Court did not accede to the Indians' petition. The contents indicate that the community still existed.	Meets (b)
1851	(83.1) Petition from the Selectmen of the Town of North Stonington to the County Court (#35 Pet. Petitions; source not cited)	March 13, 1851, petition from the Selectmen of the Town of North Stonington to the New London County Court, stating that, "complaints are frequently made of late that said Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the rents [sic] & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	On the basis of the document submitted, there is no evidence that the selectmen of the Town of North Stonington submitted this document at the request of the Eastern Pequot Indians, nor is there any parallel document in the record signed by representatives of the Eastern Pequot Indians.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1857	(b) Tribal Census Compiled by State- Appointed Overseer (#35 Pet. Overseers Reports)	On September 9, 1857, Isaac W Miner, as overseer, compiled the first census of the tribe that had been attempted. He headed it: "The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge -" The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins & two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marinda Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson & one child, Thomas Ned, Leonard Brown, Ezra Ned [dead], Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill New London.	No rule or precedent located, information included to provide context	The record does not show the basis of this compilation. It appears to have included only those Eastern Pequot who were either currently residing on the reservation, or currently receiving benefits from the tribal funds. These benefits were at this time paid only to families in need of assistance. It omits the ancestors of the largest family lines in both petitioners (Gardner/ Wheeler descendants and Brushell/ Sebastian descendants), both of whom were living off-reservation and were self-supporting.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1865-1875	(b) Compiled listings of names mentioned in reports of state-appointed overseers (#35 Pet. Overseers Reports).	Essentially, the following persons were named in the records from this period, here grouped by surname: Eunice (Fagins) Cottrell Lucy Ann Fagins Abby (Fagins) Randall/Jack, with five children Laura (Fagins) Watson, deceased, leaving five children Charity Fagins Joseph Fagins Marinda (Ned/Nedson) Douglas Williams Leonard Ned aka Brown Calvin Ned Caroline Nedson James Kindness Rachel Hoxie aka Ned aka Anderson aka Orchard/Jackson with five children George W Hill Andrew Hill Lucy Hill aka Lucy Reynolds. After 1875, overseer Charles Chipman failed to file reports for a number of years. The sequence does not resume until 1889.	No rule or precedent located, information included to provide context.	From the end of the Civil War through the early 1880's, the overseers' reports were highly consistent in their listing of Eastern Pequot individuals associated with the Lantern Hill reservation, allowing for variants in spelling. The overseer's reports for this period appear to have included only those Eastern Pequot who were either currently residing on the reservation, or currently receiving benefits from the tribal funds. These benefits were at this time paid only to families in need of assistance. It omits the ancestors of the largest family lines in both petitioners (Gardner/Wheeler descendants and Brushell/Sebastian descendants), both of whom were living off-reservation and were self-supporting.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1870	(b)(2)(i) 1870 Federal Census, North Stonington, New London County, Connecticut (NARA M-593, Roll 113 p. 436)	Grouped together as "Indians in North Stonington," all shown as born in Connecticut: 1/1 Colvin [Cottrell], George, 61, m, Ind, farm hand, b. CT; Eunice, 65, f, I, keeping house, b. CT; 2/2 Williams, Calvin, 40, m, I, farm hand, b. CT; Amanda, 41, f, I, keeping house, b. CT; Hill, George, 50, m, I, farm hand, b. CT; #3 omitted. 4/4 Jackson, Henry, 45, m, I, farm hand, b. CT; Rachel, 39, f, I, keeping house, b. CT [i.e. b.c. 1831]; Isaac, 20, m, I, farm hand, Fannie, 8, f, I, Jennie, 6, f, I; Phebe E., 4, f, I, Lydia, 2, f, I, Anny, 8/12, m, I. 5/5 Andrew, Isaac, 20, m, I, farm hand, 6/6 Congdon, Lee, 49, m, I, blacksmith, \$500 personal property; Catherine, 48, f, I, keeping house; George, 19, m, I; Lorin [?], 18, m, I; Frank, 17, m, I, Anna, 14, f, I, Osma, 5, m, I; Irvin, 4, m, I; Susan E., 1, f, I; 7/7 Gray, Issac, 20, m, I, farm hand, Boswick, Charles, 11, m, I, farm hand, Baker, George, 35, m, I, laborer, Baker, Phebe, 28, f, I, domestic servant, Brown, Leonard, [age illegible], m, I, farm hand	"More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community" (83 7(b)(2)(i)).	The census does not directly identify the "Indians in North Stonington" as the residents on the Eastern Pequot reservation, but this is a reasonable conclusion from the context of other documents. Some of them, specifically the Congdon and Baker families, plus Charles Bostwick, never appear on Eastern Pequot overseer's records, and appear to have had other tribal ancestry. The proportion of the Eastern Pequot residing on the reservation does not reach 50%. This therefore does not meet the "sufficient in itself" standard under 83 7(b)(2)(i), but is useful in corroborating connections. The residents include the Hoxie/Jackson family, the future husband of Tamar Brushell's daughter Tamar Emeline Sebastian and the future significant other of Calvin Williams' and Eunice Wheeler's daughter Elizabeth (Williams) Simmons, both in a residential community including representatives of such Eastern Pequot families as Hill	Does not meet (b) by the "sufficient" standard, but contributes to the petitioner's meeting (b) at this date in combination with other evidence

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(83.1) Bassett 1938, Conn. Special Acts 1873-1877, 8:53-54, Grabowski 1996, 114, Lynch 1998, 5:81-82.	In 1873, the Connecticut General Assembly, on petition of the Eastern Pequot overseer, passed a bill authorizing him to sell a portion of the Lantern Hill reservation and invest the money for the benefit of the Indians. The Indians submitted a counter-petition dated June 26, 1873, objecting to the sale of any portion of the reservation land.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The copies of this petition submitted by both petitioners were largely illegible. They contained 19 signatures, but four were completely unreadable and on one only the surname could be deciphered. The names included several minor children signed for by their mother. The total of 19 did represent a significant portion, but not a majority, of the total Eastern Pequot population. A list dated June 27, 1873, on file with the Superior Court, New London County, Connecticut, named 29 more of "those belonging to the Pequot tribe of Indians of North Stonington" (#35 Pet. Overseers Reports).	Meets (b)
1874	(83.1) #35 Pet. Petitions, Lynch 1998	March 31, 1874, "Remonstrance to Superior Court, New London, against sale of land," which stated, "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington." The petition again requested the removal of the overseer who had instigated the land sale.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	This document included the names of persons who had appeared on both the 1873 petition and the 1873 list, for a total of 30 individuals. Again, some were minor children signed for by a parent.	Meets (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880	(b) 1880 Federal Census, Town of North Stonington, New London County, Connecticut (NARA T-9, Roll 109)	The 1880 census contained only one small group which might indicate a settlement on the Lantern Hill reservation. Again, all birthplaces were given as Connecticut: #370/410, Cottrell, George, I, m, 66; Eunice B, I, f, 72, wife; #371/415, Brown, Leonard, I, M, 62, works on fr; Sunfun [?], Eliza A., F, 57, #372/416, Reynold, Lucy, I, f, 64 #373/417, Williams, Calvin, I, M, 48, farming. Amanda, I, f, 53, wife, keeping house (NARA T-9, Roll 109, 1880 census, North Stonington, New London County, Connecticut [page omitted])	Neither rule nor precedent, data provided for informational purposes.	The remainder of the Eastern Pequot families identifiable on the basis of overseer's reports and petitions were enumerated separately in 1880, among the general population of New London County. The data provided by this census is not sufficient to meet community under the standard of 83 7(b)(2)(i), that more than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880	(b) Hurd 1882, 35.	A local historian wrote: "It is wellnigh impossible to ascertain at the present time how many Pequots belong to or have an interest in these reservations. The Indian towns of the olden time have run down to two small houses on each reservation, which are now occupied by four families. How many are living elsewhere cannot be determined."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	Hurd's statement was not valid. Other sources, such as the petitions and overseer's reports from the post-Civil War period indicate clearly how many persons were receiving assistance, how many were classified by the overseers as tribal members, and how many asserted an interest in or right to the land when sales were proposed. Data such as the Federal census enable a researcher to determine which towns these people were living in, whether North Stonington, other towns in New London County, elsewhere in Connecticut, in Rhode Island, etc. Statements in secondary sources cannot be accepted without verification from contemporary, original, primary documentation.	Does not disprove (b)
1883	(83.1) #35 Pet. Petitions, Lynch 1998, 5.91-92). (b)(1)(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.	December 3, 1883, petition from "the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington" to the Chief Justice of the Supreme and Superior Courts of Connecticut, notifying him of the death of their former overseer and requesting the appointment of Charles H. Brown of North Stonington to replace him.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	It was signed by 20 Eastern Pequot, but not by all known members of the tribe. In one instance, a woman's children signed with her, in another, they did not. Some prominent members, such as Leonard Ned/Brown, did not sign. There is no requirement that all members of a tribe subscribe to a single document for it to serve as evidence showing the existence of a historical community.	Meets (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1889-1891	(b) Reports by state-appointed overseer (#1: Pet. 1996, HIST DOCS 1, Doc. 41, #35 Pet Overseers Reports)	The report for 1889-1890 listed the following names as "Members of Tribe": Abby Randall, John J. Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Munroe Watson, Molbro [?] Gardiner, Phebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson, [Three pages later in the photocopied document in the #113 petition, but apparently a continuation of the list follows immediately in #35 Pet., Overseers Reports] Maria Simons, Mary Simons, Herman Simons, Lucy A. Sawant [Lawant?], Russel Simons, Dwight Gardiner, Calvin Williams, Tamar Sebastian, Leonard Nedson, Mary Ann Potter. Account of provisions furnished each family: Molbro Gardiner, Calvin Williams, Tamar Sebastian.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	It should be noted that this report included direct and collateral ancestors claimed by both petitioners. In 1890-1891, the list of "Members of Tribe" was essentially the same as the prior year. No overseer's reports were submitted by petitioners #35 or #113 or by the third parties for the period from 1891 through 1910, and none were in the records provided by the State of Connecticut (CT FOIA). A 1924 newspaper article stated that the immediate predecessor of attorney Charles L. Stewart of Norwich as overseer had been Calvin Snyder, "who now resides in Westerly" (Last of Pequot Tribe, The Evening Day, New London, Connecticut, 8/5/1924). It is not known if Snyder's records survive.	

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1885-1896	(b) Journal, Town of North Stonington, New London County, Connecticut (#113 Pet. 1996, ETH DOCS II, Doc 37).	Petitioner #113 submitted copies of the 1885-1896 Journal, Town of North Stonington, Connecticut. This contained no identification of individuals as Indian or otherwise except as specifically noted, but was simply a list of expenses and payments. Many, but not all, were for the "town poor."	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	Its primary value was in documenting the presence of identified Eastern Pequot individuals in North Stonington during a period for which the overseers' reports were missing. The third parties argued that payments to Indians for care of non-Indians, and vice versa (e.g. to Abby (Fagins) Randall for nursing services, or to Marlboro Gardner for grave-digging), established that there had been a dissolution of tribal relations. This is not the case, since the maintenance of tribal relations does not prohibit off-reservation occupations or earnings.	Neither meets nor disproves (b).

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900-1910	(b) Wheeler 1900, 195, cited in Lynch 1998a, 596; NARA T-623, Roll 149 and Roll 50 (#113 Pet 1996, GEN DOCS III); Speck 1917; Grabowski 1996, 148.	Wheeler, writing a history of the Town of Stonington, stated that there were no residents on the North Pequot reservation in North Stonington, stating that it was leased as pasture land and the yearly income applied by the overseers "for the benefit of the sick and feeble old men and women . . . wherever they may reside." The 1900 special Indian population schedules for the Town of North Stonington showed that the reservation residents included direct and collateral ancestors of both petitioners: Calvin and Tamer Emeline (Sebastian) Williams; several members of the Hoxie/Jackson family line, and Eunice (Wheeler) Gardner. The petitioner provided analysis of the reservation residents for this census, pointing out that PEP ancestress Eunice (Wheeler) Gardner was sharing a household with Lucy Hill and Leonard Ned, two members of old Eastern Pequot families.	No precedent yet located for application of external descriptions of an Indian reservation to evaluation of 83 7(b) for the late 19 th or early 20 th century	This secondary source cannot be accepted as negative evidence for (b), since the writer's statements are contradicted by the more valid contemporary evidence of the 1900 Federal census, as well as by anthropologist Frank Speck's 1903 visit to the reservation. Neither the 1900 census nor Speck provided sufficient evidence for community under 83 7(b)(2)(i), but the data they showed was sufficient to provide evidence that Wheeler's statements were in error, and may be used as corroborative evidence for community as of 1900 in combination with other material. Petitioner's assertions concerning family relationships with the Wilcox and Henry Wheeler families (Grabowski 1996, 149n163) could not be verified from evidence in the record.	Does not disprove (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1910	(b) 1910 U.S. Census, New London County, Connecticut, Indian Population, North Stonington Reservation (NARA T-624, Roll 142, ED 525, Sheet 13A), Grabowski 1996, 149-150	This showed direct and collateral ancestors of both petitioners: William Henry Jackson and his family; William Albert Gardner and his wife Grace, nee Jackson; Calvin and Tamar Emeline (Sebastian) Williams and Tamar (Brushell) Sebastian. Petitioner provided analysis of both the on-reservation residents and other off-reservation PEP ancestral families in the 1910 census, particularly Eunice (Wheeler) Gardner and the families of two of her daughters, Elizabeth (Williams) Simmons and Emma Estelle (Gardner) Edwards in North Stonington.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The data indicated that not all of the petitioner's ancestors who were residing in the town were included on the special schedules. A significant proportion were residing in neighboring towns as well. The special Indian Population schedules did not provide sufficient evidence for community under 83.7(b)(2)(i), but may be used as corroborative evidence for community as of 1910 in combination with other material. Further analysis of residential patterns would be necessary in order to use the data from this census as direct evidence for 83.7(b).	Neither meets nor disproves (b)
1910-1919	(b) Reports of state-appointed overseer, Charles L. Stewart (#35 Pet Overseers Reports)	These reports named as members of the tribe Tamar (Brushell) Sebastian, members of the Fagins/Randall lineage, members of the Hoxie/Jackson lineage, Calvin Williams, several other members of the Sebastian lineage, and numerous collateral relatives of Marlboro Gardner.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	It should be noted that these reports included direct and collateral ancestors claimed by both petitioners. However, they provided no direct evidence concerning internal community within the tribe as a whole, or within its individual subgroups. They may be used to provide context for other evidence.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1913	(83.1) (b)(1)(ii) Aged Pequot Indian Minister is Dead, #113 Pet GEN DOCS I, #35 Pet	Obituary of Calvin Williams, who died July 8, 1913. He was a Pequot Indian and was living with his wife and stepdaughter on what is known as the eastern reservation. Rev. Mr. Williams was well known in southern New London county where he had preached for a long time. The obituary indicated that he had been "ill and bedridden" for "several years."	"Significant social relationships connecting individual members"	Williams had been the first signer of the petitions of June 26, 1873, and March 31, 1874, the second signer of the petition of December 3, 1883. During his adulthood, he had been successively married to women from three Eastern Pequot families (Wheeler, Nedson, Sebastian). The overseer's reports and the 1900/1910 Federal census verify Williams as a resident of the reservation throughout this period. This evidence is not sufficient in itself to show that the petitioner meets 83.7(b) as of 1913. In connection with other documentation, this can be used as corroborative evidence.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920	(b) Petitioner's analysis of Federal census (Grabowski 1996, 162-163, 166-168).	The analysis states that the 1920 Federal census showed five households on the reservation: John and Mary (McKinney) Randall, Simeon R. Dickson, a Narragansett preacher with his wife, cousin, and adopted daughter; Tamer Emeline (Sebastian) Williams with her daughter and son in law; Rachel (Spellman) Silver with children and her brother, Paul Spellman, and William Henry Jackson, his wife, and six of their children. Close kin of these families resided in North Stonington: Emma Estelle (Gardner) Edwards with her husband and children, her brother William Albert and Grace (Jackson) Gardner, her daughter Hazel (Edwards) Geer and family; and her half-sister Elizabeth (Williams) Simmons, sharing a household with Irving Congdon. Atwood I. Williams Sr., his wife Agnes Eunice (Gardner) Williams, and their children, resided in Westerly, Rhode Island. His wife was a sister of Emma Estelle (Gardner) Williams. Other Westerly residents included his aunt Lucy Jackson, Elizabeth George (daughter of his wife's half-brother), and the Narragansett Wilcox family.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	These on-reservation families represented Fagins/Randall, Brushell/Sebastian, and Hoxie/Jackson. The PEP ancestral kin listed as living in North Stonington were from the Gardner/Edwards, Wheeler/Williams, and Hoxie/Jackson lineages. William Albert and Grace (Jackson) Gardner had been on the reservation in 1910, and would move back prior to 1927. Phebe (Jackson) Spellman, who had been on the reservation much of the time in the period 1910-1920, according to the overseer's reports, was working away in this census, but a son and daughter were there. Her oldest son, Atwood I. Williams, was among the Westerly, Rhode Island, residents. The analysis presented by the petitioner did not indicate the geographical relationships of the households there, but mentioned that Williams and Wilcox were both working in a grist mill. While the geographical proximity is not sufficient in itself to show community combined with the close family relationships, the data meets 83.7(b) for 1920.	Meets (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920-Present	(b) Petitioner's description of community after 1920 (Grabowski 1996, 150).	The petitioner states that "even though most tribal members were no longer living on the North Stonington reservation in the early 1900's, it is clear that they were still sustaining strong social ties with other tribal members on and off the reservation."	<i>"Community must be understood in the context of the history, geography, culture and social organization of the group"</i> (25 CFR 83.1)	The petitioner's description of community after 1920 is very general. The most substantial discussion of historical community in the 20 th century is to identify what it refers to as "kinship clusters," and describing the kinship ties between reservation residents and off-reservation residents, emphasizing movement back and forth and holiday visits. The petition also states that there were similar kin-based clusters of Eastern Pequots in North Stonington, Providence, Rhode Island, and Westerly, Rhode Island. The "kinship clusters" are not clearly defined and appear to be no more than close family groups. The petition does not indicate how these clusters were connected to one another; the existence of a kinship group may provide evidence for community but does not do so by itself, without evidence that the groups may be linked together in a community. As time went on, the close kinship ties that had existed in 1920 became more diffuse.	Does not meet (b)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1923	(b) Observed Silver Wedding Day on the Pequot Indian Reservation [unidentified newspaper article]	This article covered the 25 th wedding anniversary of William Henry Jackson and his wife.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The article mentioned only family members who attended the event reflecting a family rather than a tribal gathering. It did mention that a daughter attending lived in Providence, Rhode Island, which provides some substantiation for oral histories which stated that off-reservation residents maintained social ties to their on-reservation kin.	Does not meet (b)
1927	(b) Obituary, William Gardner, Pequot Indian Descendant [unidentified newspaper article]	This described William Albert Gardner as a "Pequot Indian Descendant" born in North Stonington 40 years before, a resident of the locality throughout his life, and stated that he had spent his "latter life" on the reservation.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1)	The obituary named his wife, his two sisters, and his half-sister, indicating that all lived in North Stonington. It did not list pallbearers, which might have indicated some social relationships beyond that of a narrow kin group. It indicated that burial was in a "family plot" in the Plains Cemetery, which was not a tribal cemetery.	Does not meet (b)

Paucatuck Eastern Pequo Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1927-1933	(b) LeGault to Barrett 11/15/1956, 1933 overseer's report (#113 Pet. 1996, HIST DOCS I, Doc. 41)	Based on her 1956 statement, Helen LeGault moved to the Lantern Hill reservation in 1927--the year of William Albert Gardner's death (LeGault to Barrett 11/15/1956). The 1933 overseer's report indicated that there were seven houses on the reservation, with their occupants listed. One of the occupants was given as "Mrs. Grace [sic] LeGault" with the handwritten annotation, not typed "(not a tribal member)" (#113 Pet. 1996, HIST DOCS I, Doc. 41).	No rule or precedent, information provided for purposes of context and background	Helen Dorothy (Edwards) LeGault was a daughter of Emma Estelle (Gardner) Edwards. She was "not a tribal member" under the definition of the June 9, 1933, Superior Court Order. This does not mean that she did not descend from the historical Eastern Pequot tribe. As can be seen from the census records for 1910 and 1920, she had spent her childhood off-reservation, in the household of her non-Indian father. Therefore, the statement in the #35 narrative (#35 Pet. Narr. 1998b) attempting to parallel her experience with that of Tamar (Brushell) Sebastian as having spent a childhood on the reservation, left for some time, and then returned, was not valid. In 1956, she wrote that she had been on the southern portion of the reservation property for almost 29 years, which would place the beginning of her residency as 1927, approximately the same date as her 1926 marriage and about the same date as the death of her uncle, William Albert Gardner (LeGault to Barrett 11/15/1956). This was the earliest documentation concerning her residency on the Lantern Hill	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1929-1933	(83.1) Reports of overseer Gilbert Raymond in regard to activities of Atwood I. Williams.	In 1929, Atwood I. Williams (Silver Star), "chief of both tribes," challenged a proposal to allow a Western Pequot to build a home on the Lantern Hill reservation (Overseer's Report); 1931, objection by Atwood I. Williams to residence of several members of the Sebastian family on the Lantern Hill reservation (Overseer's report); 1932, "Chief Silver Star objected to Raymond's account, his reappointment and to leases for more than a year. 1933, Atwood I. Williams (Chief Silver Star) again objected to accounts and reappointment (Raymond Ledger 1932-1937).	Neither rule nor precedent, information provided to show background and context	The appearance of Helen (Edwards) LeGault and Atwood I. Williams in reservation overseer's records for the first time in the late 1920's can only be understood in the context of the broader group. Williams' mother, Phebe (Jackson) Spellman, who had died in 1922, had been an intermittent resident of the reservation throughout her lifetime. His Spellman half-siblings also resided there at least intermittently. Thus, as in the case of Helen (Edwards) LeGault and her uncle William Albert Gardner, he did have close familial ties to the reservation community.	Neither meets nor disproves (b)
1933	(83.1) Superior Court decision, New London County, Connecticut, June 9, 1933.	"Ordered and decreed that any person who may hereafter claim to be listed as a member of either tribe shall present his or her application in writing to the Overseer who shall mail copies thereof to the recognized leaders of the tribes, or their successors, the present leader of the Eastern Tribe being Mr. Atwood I. Williams of Westerly, R.I." (In re Ledyard Tribe 1933).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	This appointment is primarily applicable to criterion 83.7(c). It did, however, impact the tribal community, in that Williams used his influence as a state-appointed leader in the immediately subsequent years (1937 and 1938) to oppose residence on the reservation by members of the Sebastian family, which reflects to a minimal extent the nature of how the PEP ancestors self-defined their group at the time.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933-1938	(83.1) Cook to Gray 12/12/1938, Founders of Norwich, Norwich Bulletin 6/10/1937.	Throughout the later 1930's, Atwood I. Williams continued to object to residency by members of the Sebastian family on the Lantern Hill reservation. Public address by Gilbert Raymond, former overseer and current agent of the Connecticut State Parks and Forest Commission: "The right of this strain to the tribal privileges is denied by Chief Silver Star who claims that the Indian girl, Tamer Brussels, was not a Pequot Indian, but as members of this family have been entered on the records of both tribes for over 40 years I have never taken steps to have these names removed" (Founders of Norwich 6/10/1937). "Other families on the Reservation claim that she was not a Pequot and therefore her descendants have no rights there. However, before the State Park and Forest Commission was appointed as Overseer the Superior Court had recognized some of her descendants as members of the tribe and so there seems to be nothing for the Commission to do but to assume that members of this family have rights in the tribe" (Cook to Gray 12/12/1938)	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	For discussion of the actual genealogical roots of the dispute, see criterion 83 7(e) chart for petition #35 The documentation associated with it indicates, however, that for the late 1930's, there were pronounced internal conflicts in regard to residency rights on the Lantern Hill reservation This provides some background information concerning the way in which the PEP ancestors defined the nature of their group in the later 1930's, but is not adequate to show that there was community within that group	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1936	(b) Connecticut, State of State Park and Forest Commission. Minutes 3/11/1936; #35 Pet No. 1998b, 45. Connecticut, State of Thirteenth Biennial Report of the State Park and Forest Commission, December 9, 1936, 30.	The Commission adopted provisions for tribal membership and admission to membership for all the Connecticut Indian reservations, which would control admission to residency into the 1970's, as follows: (a) Children of resident members will be members by birth (b) children of non-resident members will be eligible for membership upon proof of such parentage (c) All other admissions to a tribe will require written application, accompanied by reasonable proof of descent and presence of Indian blood. Such applications should be endorsed by the recognized Leader of the tribe, if any, or in lieu thereof the endorsement of two resident members. In doubtful cases the Commission will hold a public hearing with due notice to the interested parties before granting or refusing the application."	No rule or precedent; provided for informational purposes.	This material does not provide direct data concerning the nature of community within the Eastern Pequot tribe as of 1936, or concerning the nature of community within the subgroups focused around the ancestors of either current petitioner. However, in many ways it set the parameters within which the documentation for the next 40 years was produced. The 1936 listing of Lantern Hill residents by the State Parks and Forest Commission showed eight of the total 13 as descendants of the Hoxie/Jackson family, three as Brushell/Sebastian descendants, one as a Gardner/Edwards descendant, and one a Western Pequot who was also a Brushell/Sebastian descendant.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1941-1961	(b) Connecticut, State of Welfare Department Squires to Barrett 11/14/1941 (Lynch 1998, 5:129-130). Mention of Ellsworth C. Gray as the agent for the reservation. Gray to Squires 7/1/1953 (Lynch 1998, 5:133). Barrell to Hanas 5/17/1956. Summary of Indian Activities 12/19/1956, Residents of Indian Reservation, Eastern Pequot 8/5/1957, Spear to Barrell 9/5/1961. Correspondence with individuals is extensive, but has not been listed here.	Complete investigation of each person on Pequot reservations. "On the North Stonington Reservation you will find the following: Mrs. Grace Boss, ...; Mrs. Catherine Harris, ...; Franklin Williams, Paul Spellman and his wife Harriet, ... North Stonington, William H. Jackson, ... who has two daughters living with him part of the time, Edna H. Jackson and Mrs. Olive Spellman. Near the house of William Jackson another daughter, Arlene, lives ... On the top of the hill back of the Jackson homes you will find Mrs. Calvin Williams and her daughter, Mrs. Sarah Holland. Mrs. Williams ... will probably require supplemental aid from the Indian appropriation ..." (Lynch 1998, 5:129-130). This lists a sampling only of the subsequent documentation of the period, as the nature was consistent throughout.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	This material did not provide data concerning the Paucatuck Eastern Pequot antecedent group per se, but on the residents of the Lantern Hill reservation. Throughout this period, residents included representatives of the Gardner/Edwards, Hoxie/Jackson, and Brushell Sebastian lineages, but no representatives of the Gardner/Williams line. The policies of Connecticut's Office of the Commissioner of Welfare were, as such, irrelevant to the issue of Federal acknowledgment. Some, however, such as the strict limitations imposed on residency from November 1941 onward, and control of on-reservation construction and other forms of land use had potential implications for the ability of the group as a whole, or any portion thereof, to maintain tribal relations. The nature of these documents indicate that state records for the period will contain minimal, if any, documentation concerning Eastern Pequot community.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
c. 1941	(b) Connecticut, State of Office of Commissioner of Welfare. J.R. Williams Notebook c. 1941.	This document was a report by a state-employed researcher concerning the state's reservations, largely based on personal investigations and oral interviews. It included not only reports on reservation residents, but also on non-residents identified as Indian by town clerks and other local authorities. From the PEP family complexes, it included Mrs. Calvin Geer, Mrs. Edwards, and Elizabeth (Williams) Simmons, who was sharing a household with Irvine Congdon (who, as a small child, had been enumerated with the "Indians in North Stonington" on the 1870 census). It described the conflicts and tensions between the Edwards and Sebastian families on and, to some extent, off the reservation, but provided no indication of the role played by the Jacksons.	"To meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Interaction must be shown to have been occurring on a regular basis, over a long period of time. Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	This described relationships among a group of people who were identified as Eastern Pequots by the researcher, but did not provide a specific description of community for the PEP ancestral group as a whole -- specifically, it did not indicate the state of relationships between the Gardner/Edwards descendants and the Hoxie/Jackson descendants. Generally speaking, the report indicated that all Pequots (Eastern and Western) were quite prepared to gossip about one another. During this period, the Gardner/Williams line, which is related to both of the above families, had no members resident on the reservation, so the state reports did not include any information concerning its relations with the other groups.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1950	(b) Stenhouse to Bowles 5/17/1950, Lynch 1998, 5.135-136.	Flora (George) Stenhouse, a Western Pequot, writing to the Governor of Connecticut in regard to the Lantern Hill reservation, stated that she wanted it used for the Ledyard (Western Pequot) Indians: "On this 'Lantern Hill Reservation' there is not one living there of Pequot blood but who claim to be Pequots. All of them are of negro blood and are 'squatters'. The old Pequots who lived there are now dead, but these people are getting the benefits from the reservation that should be for the Pequots."	No rule or precedent, included to provide context.	While the views of the Western Pequots might be considered irrelevant, these statements provide relevant background material for the testimony that the Western Pequots presented before the CIAC in the 1970's in support of Helen LeGault as leader of PEP and in defining the Eastern Pequot tribe as consisting of the Gardner/Edwards and Gardner Williams families (see below). During this period, Mrs. Stenhouse, with the assistance of Helen LeGault, was seeking permission to build a house on the Lantern Hill reservation. Mrs. Stenhouse's father was a half-brother of Mrs. LeGault's mother.	Neither meets nor disproves (b)
1956-1959	(b) Connecticut, State of Reports concerning Lantern Hill reservation residents 12/19/1956, 8/5/1959.	12/19/1956, Summary of Indian Activities, Connecticut Department of Welfare, Division of Resources and Reimbursement, Christy Hanas, Commissioner, Herbert Barrell, chief "... Following is a detailed account of the physical make up of the reservation, the amount of tribal fund, if any, and the present inhabitants ..."	No rule or precedent; included for informational purposes.	The reports from the 1950's indicated that the great majority of Lantern Hill residents belonged to the Hoxie/Jackson and Hoxie/Jackson/Spellman family lines (five households), with one Sebastian household and one Gardner/Edwards household. The 1959 report described Helen LeGault and her husband as "summer residents."	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961-1973	(b) Connecticut, State of Welfare Department Records pertaining to the Lantern Hill reservation Lists of Indians on the Eastern Pequot reservation 6/20/1960 through 6/6/1973 in Annual Indian Reports (Lynch 1998, 5 140-145)	These were listings of and reports on the living conditions of the residents of the Lantern Hill reservation. The single most comprehensive list was that which accompanied an administrative transfer of the record custody, since it included data on several deceased residents and, in the case of Atwood I. Williams, a deceased non-resident (Connecticut, State of Welfare Department Speer to Driscoll 10/3/1967).	No rule or precedent, included to provide context	The state listings for these years did not distinguish between the ancestors/collateral relatives of petitioner #113 and petitioner #35 as distinct groups. During these years, occupants of the reservation included members of the Gardner/Edwards, Hoxie/Jackson, and Brushell/Sebastian family lines, but no members of the Gardner/Williams line. The Hoxie/Jackson and Hoxie/Jackson/Spellman households continued to constitute a majority of the residents. As such, the lists provide no data concerning PEP community.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(b) Connecticut, State of General Assembly. Joint Standing Committee Hearings. Public Welfare and Humane Institutions. Testimony of Helen LaGault [sic], March 23, 1961, HIST DOCS II, Doc 65	Mrs. LeGault stated that, "everyone seems to be so afraid they'll hurt the feelings of people that seem to be Indians, that are not. And I don't know why and that's the reason why I'm staying there because I don't mind hurting their feelings. I like to stand up for my own if I may" and "my uncle was there before me and my mother who was own sister to, it was her own brother, she didn't live there because she was afraid of these people and most of these people are afraid of these people. I mean, they resent me too, but I must have what it takes, . . . "Mr. Allen, you know very well that those Sebastians are not Indians, you know it just as well as you want to know it. If I've got to bring up the name I will. It's Sebastian, is that an Indian name, an American name? It's a Portuguese name. I even know where the first Sebastian came from and how he came to this country and what he married and who he married and who she was and you can't claim what kind of Indian she was because you don't know and no one else knows."	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10).	After some further discussion concerning non-Indian residents, people whom she described as squatters, Mrs. LeGault entered into a dispute with James Allen of Stonington in regard to the Sebastian family, in regard to whom she made the second statement. While the precedent describes informal relations as friendly, there is no requirement in the regulations that such informal relations be those of friendship--there may also be consistent informal relations of enmity. LeGault's testimony clearly reflects the tension between the Gardner/Edwards and residential groups on the Lantern Hill reservation as of 1961. It does not, however, provide any information concerning community within and among those families who were her supporters.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1962	(b) Connecticut, State of Welfare Department Barrell to Speer attn Payne 5/29/1962; Lynch 1998, 5 140)	"Mrs. LeGault stated that John Williams, a nephew of Emeline, signed his aunt out of the hospital and has been visiting her and doing work around the place. The genealogy runs something like this-" "This information was given Mrs. LeGault by Paul Spellman, who stated that John Williams had advised him that he planned to live with Emeline Williams on the Reservation, and is going to bring his family to the cottage." "If this can be verified and he [John Williams, son of Joseph Williams aka Joe Crow] does appear on the reservation, he should be given notice to leave so that he will not acquire any squatters rights, or have any thought that he can take over his aunt's property upon her return to the hospital or death..." (Lynch 1998, 5 140).	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10).	Reports from this period prepared by state agents and investigators reflected awareness by state agents of tensions between the Gardner/Edwards line and the Brushell/Sebastian line. The level of gossip retailed also indicates that people were very familiar with one another's actions across all the family lines, including that of the Jacksons, to which Paul Spellman belonged. However, they do not provide any data concerning the relationships within the group of families who were Mrs. LeGault's supporters and antecedent to PEP.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966	Connecticut, State of Welfare Department. File: Idabelle Sebastian Jordan 6/7/1966 (CT FOIA #68). Connecticut, State of Welfare Department. Anonymous interdepartmental mail, to file 6/7/1966.	In regard to a June 3, 1966, visit to the Eastern Pequot Indian Reservation, a state agent reported concerning Helen LeGault's residence on the Eastern Pequot reservation and her "displeasure with the type of individuals residing on the Reservation," saying she claimed that many were not truly Indians and were "so called Indians. She also indicated that she knew that people who are not Indians, had paid money for the right to reside on the Reservation" (6/7/1966). "She reported that the Sebastians were renting their leases and were not actually occupying the property which they had leased. She reported that Mr Wilson who is to take over the Harris property, has been boasting that he had enough money to grease palms in Hartford to gain admission to the Reservation. She doubted that he qualified as an Indian, although she was assured the genealogy we had did qualify him for residence on the reservation."	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10)	The reports indicate that Mrs. LeGault was current on reservation developments, and that the level of gossip involving the groups antecedent to both current petitioners continued to be high. However, it provided no data concerning the nature of community within the group antecedent to PEP.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966	(b) Connecticut, State of Welfare Department Raphael J. Shafner 6/17/1966, Connecticut, State of Welfare Department Memorandum concerning Lillian Sebastian and Idabell (Sebastian) Jordan re: residence on Pequot reservation 7/28/1966	Reports and memoranda by state agents. Another memorandum regarding spot checks of the Eastern Pequot reservation mentioned the LeGault/Sebastian conflict (Connecticut, State of Welfare Department Raphael J. Shafner 6/17/1966) The next month, "Mr. & Mrs. LeGault specifically mentioned that they did not want to create any hard feelings with their neighbors, the Sebastians. They did mention that the boating incident would be brought up at the next meeting of an association of local residents."	"Demonstration of community, showing sufficient social connections among members to meet the requirements of criterion b, does not require close kinship ties or a distinct territory occupied by a portion of the membership. It also does not require the demonstration of separate social institutions or the existence of significant cultural differences from non-Indians. In their absence, community can alternatively be shown by demonstrating that significant informal social relationships exist throughout the membership. Informal relationships may be used to demonstrate community if a systematic description can be provided showing that such social relationships are broadly maintained among the membership and that social interaction occurs with significant frequency. Informal social contacts, such as friendships, are often ones of social intimacy and consistency. In contrast, casual contacts are incidental, do not hold significance for the individual, and can easily be replaced" (Miami FD 1992, 10)	Reports from this period prepared by state agents and investigators reflected awareness by state agents of tensions between the Gardner/Edwards line and the Brushell/Sebastian line. However, they provided no data concerning the nature of community within the group antecedent to PEP.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1968	(b) Connecticut ruling on use of state Indian reservations	"An informal ruling on acceptable uses of reservation land by the Assistant Attorney General in 1968 severely limited Pequot use of the land. It was to be used for residence, social, and recreational purposes only. The making of handcrafted objects in the home was acceptable, but they must be marketed off reservation" (LaGrave 1993, [13]; no source citation)	No rule or precedent; provided for informational purposes.	The petitioner stated that this ruling contributed to the economic difficulties of reservation residents and discouraged tribal members who needed to earn a living from taking up residence, but did not specify what impact it might have had on community within PEP.	Neither meets nor disproves (b)
1968-1973	(b) Connecticut, State of Welfare Department (#15 Pet, LIT 80, #113 Pet 1996, HIST DOCS I, doc 24); Connecticut, State of Annual Report of Indians in Residence 7/9/1970 (Lynch 1998a, 5 144); 6/6/1973 (Lynch 1998a, 5 145).	Letters to: Lawrence E. Wilson, Marion M. Sebastian, Josephine C. Sebastian, Louis Jonathan Edwards, Bertha Edwards Brown re: residence on Eastern Pequot reservation.	No rule or precedent; included for informational purposes.	This state data provides indication on which persons were residing, and which persons were applying to reside, on the reservation in the 1960's. It therefore provides some background on the context in which community may have existed. However, it provides no direct data on the nature of community within either petitioner.	Does not meet (b)

Paucatuck Eastern Pequo Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1969	(b) LeGault to Connecticut State Welfare Department 3/1/1969	Mrs. LeGault wrote the State Welfare Department regarding permission for her brother to reside on the Eastern Pequot reservation and a "rumor" that another family of Sebastians are "about to embark on the reservation."	"'Social relationships' refers to circumstances where the individuals within a group define themselves and are defined by others as connected with each other in a particular way, accompanied by role definitions, feelings of social attachment, obligations and expectations. Social relationships affect what interaction occurs..." (Snoqualmie PF 1993, 15-16); "Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5)	Social relations between close relatives, such as a brother and sister, do not provide data concerning the nature of social community within a tribal group. The letter provides some corroborating data concerning the continuing tensions between the PEP antecedent group and the EP antecedent group.	Does not meet (b)
1971-1973	(b) Correspondence, Frank Meheran, Connecticut State Welfare Department.	Letters to Lawrence H. Sebastian, Roy E. Sebastian, William Sebastian Jr., Raymond A. Geer, Benjamin Sebastian, Ruth E. Geer, Alfred C. Sebastian, Jeannie Lee Sebastian, Maurice G. Sebastian, John Holder, re: permission to reside on Eastern Pequot reservation.	No rule or precedent, included for informational purposes.	This state data provides indication on which persons were residing, and which persons were applying to reside, on the reservation in the 1960's. It therefore provides some background on the context in which community may have existed. However, it provides no direct data on the nature of community within either petitioner.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(b) Connecticut, State of Welfare Department Memorandum from Dorothy M. Shaw to Frank Meheran 1/2/1973.	A representative of the Welfare Department wrote in regard to a property inspection prior to a "request of Miss Ruth Geer for a grant of land to be used as a residence at the Eastern Pequot Reservation" that on December 6, 1972, she met with Miss Geer and Mrs. Legault to look at several possible sites. "The second choice would be land fronting on Bush Pond and Lantern Hill Road, across Lantern Hill Road from the LeGault property. This location fronts on a cove in Bush Pond and adjoins a Lessee on one side and the property of Paul Spellman on the other. Since there seems to be considerable ill feeling among the self styled "white" Indians as to the eligibility of the "colored" Indians, and since all property on Bush Pond that has been granted, has been to the "colored" faction, I feel that the first choice would be best from a "political" as well as from a social standpoint, particularly since Miss Geer is related to the Roswell Browns and the LeGaults."	"Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5)	Social relations between close relatives do not provide data concerning the nature of social community within a tribal group. The letter provides some corroborating data concerning the continuing tensions between the PEP antecedent group and the EP antecedent group.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(b) Brown to Wood 9/26/1973; Eastern Pequot Indians of Connecticut to Commissioner of Environmental Protection 10/14/1973.	Letter from Arlene (Jackson) Brown to Connecticut's Commissioner of Environmental Protection, protesting the appointment of Helen LeGault as the Lantern Hill representative to CIAC. Mrs. Jackson's final point was: "11 Mrs. Le Gault is an habitual trouble maker and should by [sic] removed from reservation. She is the main cause of my sickness (Mrs. Brown) Just for the record Mrs. Le Gault is non Indian according to confidential information that I have received. First is claims she is white and next she is Narragansett Indians, she plays both sides of the [illegible]. Whichever side will give the most, that's what she is. I have since found out that the welfare dept has let John Holder in here. He was born in Westerly R.I. and does not belong here, has never lived here."	"Social relationships" refers to circumstances where the individuals within a group define themselves and are defined by others as connected with each other in a particular way, accompanied by role definitions, feelings of social attachment, obligations and expectations. Social relationships affect what interaction occurs . . ." (Snoqualmie PF 1993, 15-16).	The aspect of this applicable to criterion (b) is Ms. Brown's description, by a lifelong resident of the reservation, of the signers who had endorsed Ms. LeGault's appointment 1. Ruth Geer, she is a non resident and non Indian living in the Montville section 2. Mildred Holder and son John - living in Mystic 3. Baron Edwards - her brother living in California 4. Under baron Edwards is and Edwards - first name not plain, but can make out L. Edwards, does not live here and don't know who he is 5. Atwood Williams Jr. non resident Never heard of him 6. Frances Young non resident, never heard of her 7. Jame L. Williams Sr. (over) never heard of him, also non resident 8. Agnes E. Cunha - non resident and non Indian 9. Richard E. Williams - non resident and non-Indian 10. Helen Le Gault, here on squatters rights from Rhode Island and born in North Stonington Ct.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(b) Arlene Jackson Brown, Harold C Jackson, Ernest M Jackson, Barbara [illegible], [illegible], Paul L. Spellman, Rael I Spellman Silver, [illegible] Silver to Ella Grasso 4/14/1976	April 14, 1976, letter from the Hoxie/Jackson descendants protesting Helen Legault's role as Eastern Pequot representative on the CIAC. They are not only objecting to Helen LeGault's proposed membership list, which would exclude them (see chart for criterion 83 7(e), section on prior membership lists, PEP Membership List 1977), but added the following, which would appear to pertain to the Brushell/Sebastian descendants: "The state has in the last year or more, admitted five or six Portuguese familys on the Reservation and have them on the book or rolls as Pequot Indians. When Mr George Payne was our overseer, he would not give them permission to reside here because he knew they were non-Indians . . ." The various membership lists of petitioner #113 did not include the Hoxie/Jackson descendants until after the 1990 death of Helen LeGault	"Social relationships' refers to circumstances where the individuals within a group define themselves and are defined by others as connected with each other in a particular way, accompanied by role definitions, feelings of social attachment, obligations and expectations. Social relationships affect what interaction occurs . . ." (Snoqualmie PF 1993, 15-16)	There is only one prior mention of George Payne in the documents, in 1962 submitted to the BIA. He seems to have been an employee of the Department of Welfare. See also the reply from Brendan S. Kelcher, CIAC, to Richard and Arline Brown regarding their letter to the governor concerning eligibility to reside on the Eastern Pequot reservation. "The Council has been striving to develop a great degree of Indian participation in the management of the reservation. These efforts include the direct participation of tribal members in the determination of tribal membership rolls. Under a separate cover we have sent you a notice of the public hearing scheduled for August 10. At this hearing we will be accepting testimony from all individuals wishing to be recognized as Eastern Pequots. We encourage you to attend the meeting, and we welcome your testimony." (Kelcher to Brown and Brown 6/23/1976)	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(b) Confederation of the Mohegan-Pequot American Indian Nation and Affiliated Algonquin Tribes. A Petition to the Governor of the State of Connecticut 11/29/1976	November 29, 1976, John E. Hamilton (Chief Rolling Cloud), "Grand Sachem for Life" challenges the jurisdiction of the CIAC and claims that no agency in Connecticut other than his council was qualified to state who is and who is not an American Indian. "Of the Eastern Pequots living on Hereditary Mohegan lands in Lantern Hill, North Stoughton [sic], only those who have proved descent from the Hoxie Family through the female line and who can thereby trace their ancestry to Esther Meezen (sister to the Great Sum Squaw Chief, Hanna Meezen of the Groton-Ledyard Pequots) who were great granddaughters of Sassacus, are placed upon the Grand Sachem's Tribal Roll Book. Only three resident members of the Eastern Pequots can do this: Mrs. Arlene (Jackson) Brown, Her sister Rachel Crouch [sic], and their cousin Paul Spellman. Their grandmother was a Hoxie and a descendant of Sassacus.	"... the [Mohegan] council members were becoming increasingly upset with Hamilton's style of leadership. He appointed himself 'Grand Sachem' of the Mohegan Indians and ... also published false information about the genealogy of his Mohegan rivals, ... saying they were not Mohegan. Before long, he ... started a new organization, the Mohegan-Pequot Confederation and Affiliated Algonquin Tribes" (Mohegan PF 1994, 24)	This petition asserted that Tamar Bruschel was non-Indian from Cape Verde and that Marlboro Gardner was a non-American Indian of British West Indies origin. Both of these assertions were demonstrably false (see the charts for criterion 83.7(c) for both petitioner #113 and petitioner #35). However, the assertions indicate that divisions among the Eastern Pequot in the mid-1970's were more complex than divisions between the two current petitioners. For the efforts of the Gardner/Edwards descendants during this period to have their birth certificates altered to show Indian ethnicity (#113 Pet 1994, NARR A-3, Wilson to McGowan 4/27/1977, CT FOIA #64, Wilson to McGowan 5/12/1977, CT FOIA #64), see the discussion above in draft technical report concerning allegations of document forgeries and alterations.	Does not meet (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(b) CIAC Eastern Pequot membership decision 11/8/1976.	This declared that lineal descendants of both Marlboro Gardner and Tamar (Brushell) Sebastian, with 1/8 blood quantum, were eligible for Eastern Pequot membership. The CIAC declared both to be full-bloods. It did not address qualifying lineage through Rachel (Hoxie) Jackson, through Agnes (Wheeler) Gardner by her prior marriages, or through the Fagins family.	No rule or precedent, data provided for informational purposes.	Throughout the autumn of 1976, Ms. LeGault had repeated publicly her assertions that Tamar (Brushell) Sebastian was not Indian (Sierman, Patricia, Pequot Indians Suing State for Representation, Hartford Courant 9/4/1976, Tribal Feud Splits Eastern Pequot Indians, The News 9/13/1976, Hescok, Bill, Recognize Descendants of Two Persons as Pequots, The News 9/13/1976) It is not clear from the evidence why her split with the Jacksons, and exclusion of them from proposed membership list (see discussion in the charts for criterion 83 7(c)), did not receive equivalent publicity. The material provides context on the continuing tensions between the groups antecedent to PEP and EP, but provides no data concerning internal community within PEP.	Neither meets nor disproves (b)

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	(b) CIAC Eastern Pequot membership decision 4/14/1977.	Upon a re-hearing in response to a lawsuit filed by Helen LeGault, her brother, and her sister, the CIAC held a re-hearing and while maintaining the prior decision on Eastern Pequot membership qualifications, decided that Tamar (Brushell) Sebastian was only ½ Pequot, which had the effect of eliminating most of her descendants from membership eligibility under the 1/8 blood quantum requirement established by Connecticut. The CIAC continued its prior finding that Marlboro Gardner was a Pequot full-blood (see the charts for criterion 83.7(c) for discussion of the factual validity of this holding).	"Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5)	For a much fuller discussion of the sequence of CIAC actions and the associated litigation, see the draft technical report. There was a great amount of newspaper coverage.	
1983-1984	(b) Fitts 4/28/1983; Left 8/1/1983; Baird to Shawaker 9/2/1983; Confrontation on Reservation 4/18/1984; Fitzpatrick 7/10/1984	Newspaper coverage of a confrontation between Raymond A. Geer, Mark Sebastian, Larry Sebastian, and William Sebastian Jr., on the reservation, resulting dispute concerning Connecticut's jurisdiction over the state's Indian reservations.	"Social relationships' refers to circumstances where the individuals within a group define themselves and are defined by others as connected with each other in a particular way, accompanied by role definitions, feelings of social attachment, obligations and expectations. Social relationships affect what interaction occurs." (Snoqualmie PF 1993, 15-16)		

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1989	(b) Tomaszewski, Lea, Portland Powwow Aims Indians' Woes, History Newspaper article, hand-identified, hand-dated, The Middletown Press 8/26/1989, #113 Pet. 1994, A-6.	Interview with leader of #113. "LeGault said, 'My family is the only legal Indian family that can live on the reservation. We have documented proof that we are native American Indians, but now we have squatters on our reservation who claim that they are Pequots.'" "These people have taken over and the government does nothing about it. I just hope that we can return to the way it should be: that only native American Indians may live on the reservation." "Pat Brown, who with her long black hair and high cheekbones looks unmistakably Indian, says, 'You know, we call these people wanna-be's. I do not have to dress like an Indian for anyone to know that I am one. These people are blacks. The Pawkatuck Pequots belong to the red race, not the black race'."	"Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5)	In this interview, Ms. LeGault reiterated her long-time position that the other faction was not of Eastern Pequot, or even of Indian, descent. "What I want to know is why the state let non-Indians challenge a state-recognized indigenous tribe's seat, especially since these people were proven non-Indians since 1977!" says LeGault, emphatically. Both Pat Brown, described as an "elder," and Ruth Bassetti were #113 officers in 1989 (Bassetti was later suspended from the group's membership for lack of evidence of Eastern Pequot descent). In this interview, they stated their position as "Adds Bazzetti, the Pawkatuck Pequot's tribal representative, 'As far as Eastern Pequots go, there is no such thing,' says Bazzetti, angry at the thought of the injustices the tribe has suffered. 'If the state wants them to have a reservation, fine. The state should give them one. The state has plenty of land. We do not want them on ours.' 'What it boils down to is free money and free land. That's all that they want and the state to to blame for	

Paucatuck Eastern Pequot Indians: Criterion (b)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1991	(b) Libby, Sam, Pequot Feud May Doom Federa Housing Grant. <i>The Hartford Courant</i> 10/28/1991; #35 Pet. B-03, #35 Pet. SECOND, Misc.; #113 Pet. 1996, HIST DOCS III, Doc 120. Libby, Sam, [unidentified newspaper article] <i>The New York Times</i> 12/8/1991	Newspaper interview with Agnes (Williams) Cunha, chairman of #113, after the death of Helen LeGault, who died in 1990 (Helen LeGault, 82. Served on Indian council [unidentified newspaper obituary]; #113 Pet. 1994, A-6). This was the first public acknowledgment of African-American ancestry by members of PEP in the record. According to the 1991 interview, Cunha showed photographs of Henry Jackson and Phoebe (Jackson) Spellman, her ancestors, to a reporter and stated: "We don't deny our ancestry. I'm proud of all my ancestors, Indian and black," she said. "The problem isn't the Sebastians' black ancestry. The problem is that they are not Indians."	"Interaction should be broadly distributed among the membership. Thus a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions. Close social ties within narrow social groups, such as small kin groups, do not demonstrate that members of the group as a whole are significantly connected with each other" (Miami FD 1992, 5).	The first PEP membership lists which included Hoxie/Jackson and Hoxie/Jackson/Spellman descendants (who were not also Gardner descendants) were compiled after Helen LeGault's death (see discussion of prior membership lists under 83 7(e)). The lists compiled during LeGault's lifetime did include the Gardner/Williams lineage, who are Hoxie/Jackson descendants through the Williams side of the family, but were also relatives of Mrs. LeGault through the Gardner lineage. This indicates that #113 is still defining "the tribe" as blood relatives of the leadership, but through the change in leadership, expanded that definition to include one more family lineage.	
1994-1997	(b) Various newspaper articles	These are summarized in the draft technical report, with many reiterations by Agnes Cunha that she will never, never, never accept the Sebastians into "her" tribe			

Recommendation: The petitioner, or the predecessor Eastern Pequot Tribe, Lantern Hill Reservation, from which it has evolved as a portion, has not provided evidence that it has maintained continuous community from historical times to the present. The petitioner therefore does not meet the requirements of criterion 83 7(b).

Paucatuck Eastern Pequot Indians: Criterion (b)

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION C - The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

Summary of the Evidence This petitioner, or the historic Eastern Pequot tribe, the predecessor group from which it evolved, has been in sustained contact with non-Indian settlers since the 1630's - a period of 370 years. The historic Eastern Pequot tribe was located in southeastern Connecticut, 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. The materials submitted in evidence for this petition are extensive.

The regulations provide that 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). The precedents in prior positive Federal acknowledgment decisions pertaining to New England tribes indicated that for the time span from the colonial period to the 19th century, evaluation of political influence or authority had not been tied to the specific forms of evidence listed in 83.7(c), but rather was evaluated much more briefly, and generally, under the provisions of the definition of political influence or authority in 83.1. The relevant language in 83.6 follows:

Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time. (83.6(c))

In many instances, for the pre-20th century portion of the historical development of the Eastern Pequot tribe, 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. Throughout its history, the context for administration of the Lantern Hill reservation has been set by the legislation passed by Connecticut and the administrative systems established by that legislation. The documents generated, by their very nature and purpose, showed less about the internal structure of the tribe's politics and/or leadership than they showed about the tribe's external relationships with the non-Indian administrative authorities. For the earlier period, it did not make sense to divide the documentation by decade, but rather by much broader developmental stages. The isolated political documents must also be interpreted in light of the general continuity of the reservation population as shown by a wide variety of other documents (see draft technical report).

The isolated documents must also be interpreted in light of the general continuity of the tribe in the context of continuous state recognition from colonial times and the existence of a continuous reservation since colonial times.

The charts for criterion 83.7(c) are not complete for the period subsequent to 1973.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion

1637	Complete Writings, Winthrop Papers 3, Gookin 1792, Prince and Speck 1903, Salwen 1969, Salwen 1978, Goddard 1978, Williams 1988, McBride 1990, Starna 1990, O'Connell 1992, Grumet 1995, Bragdon 1996, Cave 1996, McBride 1996.	modern anthropologists, pertaining to Colonial contact with the Pequot prior to the Pequot War of 1637-1638, and giving limited information, only from an external viewpoint, concerning the aboriginal political structure	substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1). "Aboriginal Mohegan leadership was provided by a chief sachem who made decisions in consultation with a council consisting of influential tribal members of similar social rank" (Mohegan PF 1989, 5); "The political structure was organized around sachems, leaders drawn from high-ranked families" (Narragansett PF 1982, 11); "Aboriginal Wampanoag leadership was provided by an hereditary chief or sachem who made decisions in consultation with a council of male elders, war captains . . . , and spiritual advisors . . ." (Gay Head PF, 10); "In the early contact period, i.e., the 1600's, the Miamis consisted of a series of independent tribes of related peoples . . . The tribe consisted of a series of village-based bands led by distinct village chiefs" (Miami PF 1990, 7)	information concerning the internal political processes of the historic tribes which were predecessors of petitioners in the pre-contact and early contact periods.	undifferentiated historic Pequot tribe as a whole, predecessor group to the later historic Eastern Pequot tribe, for the period prior to 1637

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1637-1655	(c) Potter 1835, Hoadly 1850, Denison 1878, Chapin 1931, Haynes 1949, Winthrop Papers 1949, Williams 1963, Pulsifer 1968, Schr 1977, R. Williams 1988, Ottery and Ottery 1989, McBride 1990, Winthrop Papers 1992, Vaughn 1995, Papers of John Winthrop 4, Acts of the Commissioners of the United Colonies	Historical records and narratives indicating that by decision of the colonial authorities, the Pequot as a whole were subjected to the Mohegan and Narragansett after the Pequot War (1637-1638), and specifically that the future Eastern Pequot band was made tributary to the Eastern Niantic (to 1655).	"The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83 7(c)). "First, the CTAG argued that the Mohegan had once been subject to the Pequot Indians for a few years in the first half of the 17 th century; ... [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c ... [T]he time period during which the Mohegan lived with the Pequot is so brief as to be inconsequential" (Mohegan PF 1989, 26-27). "Evidence indicates that the Narragansett community and its predecessors have existed autonomously since first contact, despite undergoing many modifications" (Narragansett FD, 48 Federal Register 29 2/10/1983, 6177), in discussing the defeat of the Narragansett in King Philip's War, 1675-1676, "A substantial number of the survivors combined with the Niantics" (Narragansett PF 1982, 2).	Some of the Pequots, those who would be the founders of the later Western or Mashantucket Pequot group, had withdrawn from their assignments as prisoners and returned to Connecticut by the mid-1640's (McBride 1996, 81). The status of the future Eastern Pequot band remained controverted, but not in docile subjection to Ninigret, from the mid-1640's until 1655, when colonial authorities assigned Harmon Garrett as their governor and provided them a temporary residential site within what is now Connecticut. The precedents clearly indicate that the acknowledgment process allows for the combination and division of tribal subgroups and bands in during the colonial period.	This meets the "autonomous entity" requirement of (c) for the historic Eastern Pequot tribe.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1655-1989	(83.1) Almost the entire body of historical data submitted in connection with this petition is in some way relevant to this argument. See in particular the Connecticut Indian Papers	Historical records and narratives indicating that for an extended period of time, the Eastern Pequot band (under the governorship of Harmon Garret from 1655 to 1677 and of Momoho from 1678 to 1695) was under supervision of the colonial authorities, and that the Eastern Pequot reservation was under the direct administration of Connecticut (1683-1989), first as a British colony and then, after the American Revolution, as a state	"The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present" (83.7(c)). The CTAG argued that, "second the Mohegan had their affairs governed by a group of overseers appointed by the State of Connecticut, . . . [and therefore] the MT did not meet the 'autonomous entity' requirement of Criterion c [T]he autonomy requirement is solely concerned with autonomy from other Indian tribes, not non-Indian systems of government that were imposed on the Mohegan by the state of Connecticut" (Mohegan PF 1989, 26-27). "The General Assembly appointed a special committee to serve as guardians of Mohegan tribal lands beginning in 1719" (Mohegan PF 1989, 5). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Some degree of external control was increasingly exercised by the Colony of Rhode Island during the 17 th century. In 1644, the tribes formally accepted the authority of the English crown, and confirmed this again in 1663" (Narragansett PF 1982, 11); "Rhode Island's role after 1675 was essentially that of a trustee. The tribe remained essentially self-governing, but its external affairs were restricted and it became generally subject to the protection as well as the supervision of the colony" (Narragansett PF 1982, 2). "The State of Massachusetts imposed a guardian system over the Gay Head Indians between 1781 and 1814. In 1862 the State imposed greater jurisdictional control over Gay Head . . ." (Gay Head PF, 4)	This very succinct summary is the result of detailed analysis of the material from the early period (to 1685) by the BIA research staff (see draft technical report, pages 1-128, appendices I-II, pages 234-253). The material after the 1685 establishment of the Lantern Hill reservation will be discussed in more detail in later portions of this chart. On the basis of a study of the historical records, there is no essential difference in historical status, in regard to "autonomy" under criterion 83.7(c) between the situation in which east coast tribes have lived on colonial and/or state reservations under the supervision of state agents while other tribes have lived on Federal reservations under the supervision of Federal agents. Assignment to a reservation does not negate a tribe's autonomy.	This meets the "autonomous entity" requirement of (c) for the historic Pequot tribe and for the historic Eastern Pequot tribe as one of its successor entities

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1678-1683	(83.1) Stiles 1759, Trumbull 1852, Trumbull 1859, Hurd 1882, Wheeler 1887.	Historical records and narratives concerned with the purchase of "a tract of land that may be suitable for the accommodation of Momohoc and the Pequots with him in those parts, as commodious as may be" (Trumbull 1859, 81-82). Purchase of the Lantern Hill tract from Isaac Wheeler of Stonington, Connecticut (Trumbull 1859, 117n)	On the Federal level, under the Cohen criteria, assignment of a tribe or band to a reservation creates a legal presumption that such a tribe or band existed at the time of the action. No precedent in existing findings in regard to the reservation purchase itself, in the instances of Mohegan, Narragansett, and Gay Head, the tribes retained certain portions of aboriginal territory, rather than receiving assigned land as a result of purchase by colonial authorities from an Englishman holding title in fee simple.	The decision stated that "the land shall be for the use of Mamohoc and his company during the Court's pleasure." These materials regularly name the leaders whom the colonial authorities had appointed and with whom the colonial authorities were dealing, though providing only minimal information about internal political processes.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period.
1678	(83.1); (c)(1)(i) Hurd 1882, 32; Wheeler 1887, 16; Trumbull 1859, 80n	May 13, 1678, petition by Momoho and the Pequots to the Court of Election at Hartford "That they may have land assigned to them as their own to plant on, and not that they be allwayes forced to hire" Minutes of Committee for hearing Indian complaints, Indians 136 (Trumbull 1859, 8n).	" . . . making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence" (83.1).	The petition, however, indicates that the Indians themselves initiated the renewed request for assignment of a permanent reservation, and also that Momoho was "representing the group in dealing with outsiders in matters of consequence" (83.1).	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1694-1701	(c)(1)(i) McBride 1996, 88, Connecticut Records IP 1 st Series [1] 44; IP 1 48; Hoadly 1868, 202, 280; Winthrop Papers 147.	Series of petitions and other documents from the Western Pequot requesting that Momoho's son succeed Cassacinamon and Daniel as governor of the Western Pequot	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Besides the monarch, there was influence from advisors and councilors drawn from the high-ranked families, had been the traditional pattern" (Narragansett PF 1982, 11); "No reference to the sachemship could be found after 1687, ... However, there is evidence that the Gay Head Indians continued to maintain some political influence and authority over their members. These people periodically petitioned the General Court of the Province of Massachusetts Bay between 1727 and 1781, and the Corporation for the Propagation of the Gospel between 1711 and 1776" (Gay Head PF, 10) "There are scattered references to specific Miami leaders in French and English documents prior to the late 1740's" (Miami PF 1990, 7).	Such occasional petitions have been accepted in prior positive acknowledgment decisions as providing adequate documentation concerning political leadership/ influence and internal political processes for the later 17 th and 18 th centuries.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period
1695-1700	(c)(1)(i) Hoadly 1868, 140-141, 326, Col. Rec. 4 326	Documents concerning the succession to Momoho among the Eastern Pequot			
1722-1723	(83.1); (c)(1)(i) IP, series I, Vol. I, Doc. 73; Basse 1938, IP, series I, Vol. I, Doc. 74; CSL Towns & Lands, Series I, Vol. 3, doc. 227 a b, CSL IP, Loose Index, Doc. 22 a b, IP 2 nd series Vol. II, Doc. 23	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the provisions of Isaac Wheeler's will regarding the land he had sold for the Lantern Hill reservation, signed by Momoho's widow and other councilors "in behalf of ye rest of Mo-mo-hoe's men & their Posterity."	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25); "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4)	Such occasional petitions have been accepted in prior positive acknowledgment decisions as providing adequate documentation concerning political leadership/ influence and internal political processes for the later 17 th and 18 th centuries.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1749-1751	(83.1); (c)(1)(i) CSL IP Vol. 2, Doc. 40, Hoadly 1876, 9 446 Bassett 1938, IP 1 st series, Vol. II (A), 53-54, 65, IP, II, Doc. 42 a, 50, Hoadly 1876, 574, Hoadly 1877, 18.	Petitions from the Eastern Pequot to Connecticut colonial authorities, resulting from the efforts of non-Indians to claim the Lantern Hill land, from "Mary Mo mo har, Samson Sokient &c all Indian Natives of ye Tribe of Momohor."	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25); "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4).	The 1749 petition resulted in an extensive committee investigation by the Connecticut General Assembly, which generated a lengthy report (see Appendix IV of the draft technical report for the full text). The associated documents included a bill of expenses by which the two named Eastern Pequot leaders, Mary Momoho and Samson Sociant, and the counsel they employed documented their efforts to obtain testimony on behalf of the tribe, trips to various sites such as Voluntown, Preston, and Plainfield to obtain copies of relevant documents, etc.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period.
1763-1766	(83.1); (c)(1)(i) IP, II, 250, IP, I 120, Hoadly 1881, 276, IP, II, 250, typescript IP II, first Series (B), 347, Hoadly 1881, 526	1763, appointment by Connecticut of Israel Hewit, Jr., of Stonington, to act with Ebenezer Backus, Esq., of Norwich, as overseers of the Lantern Hill Reservation, May 1764, change in appointment of overseers "upon the memorial of" 11 named "Pequot Indians living at Stonington, in behalf of themselves and the rest of said Pequots, ..."; October 6, 1766, petition of the "Indian inhabitants of the Town of Stonington" (nine signers) requesting replacement of Ebenezer Backus as overseer by Dr. Charles Phelps of Stonington, appointment of Phelps by the General Assembly in response to the petition.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	The appointment of guardians for the Eastern Pequot reservation by the colony of Connecticut would in itself provide data about the continuous existence of the tribal entity, but no data about internal political leadership or influence. However, the initiative of the Eastern Pequot Indians in requesting particular persons as overseers, combined with the signatures on the petitions, provides indication that the Indians on the Lantern Hill reservation did at this time have internal political processes.	On the basis of precedent, this material is adequate to meet (c) for a tribe during the colonial period.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1788	(c)(1)(i); (c)(2)(i) Burley 1965, 2; IP II 252, 252b, 253; typescript IP, II, First Series (b), 349, 351	Petition from "us the Subscribers Indians of the pequot Tribe in Stonington" pointing out that for several years they had been "destitute of an overseer by reason wherof they have suffered very great inconvenience for them being no Person to proportionate the profits of the herbage &c" and proposing Charles Hewitt of Stonington and Elisha Williams of Groton. The General Assembly in response appointed Stephen Billings of Groton and Charles Hewitt of Stonington.	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6); "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25); "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4)	The 1788 initiative of the Indians in requesting the appointment of overseers after the lapse of several years indicates that the Indians on the Lantern Hill reservation did at this time have internal political processes, and that they utilized the overseers appointed by the state to serve certain purposes which they themselves desired	On the basis of precedent, this material is adequate to meet (c) for a tribe during the early Federal period
1800	(c)(2)(i) IP, 2 nd , II 105-105b, 106-106b; Van Dusen and Van Dusen 1965, 38, 387, 389	May 6, 1800, petition from the Indians of the Lantern Hill reservation pointing out that non-Indians were infringing on the reservation, their overseers were elderly men, one of whom lived some distance away, and requesting relief. In response, the May 1800 session of the General Assembly appointed Latham Hull to replace Stephen Billings	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6); "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25); "The group has acted as a community to defend its land" (Tunica-Biloxi PF 1980, 4)	The 1800 initiative of the Indians in requesting the replacement of inadequate overseers, while listing specific grievances (that non-Indian neighbors turned their cattle and sheep in on reservation lands, and non-Indians who had no legal rights moved onto the reservation), indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. As of its date, the tribe had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it	On the basis of precedent, this material is adequate to meet (c) for a tribe during the early Federal period

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1804-1820	(83.1) IP 2 nd , II 107, 107b, Lipson 1986, 48n29; IP 2 nd I 18, 19, 20; IP 2 nd I 109, 109b; IP 2 nd , I 110, 110b.	Appointments of overseers, May 1804, October 1808; May 1814; petition of overseers May 6, 1815, May 1819; May 1820.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	The appointments provide no data concerning internal political authority or influence. The May 6, 1815, petition concerned the establishment of schools for the Pequot Indian children at Groton and Stonington, as well as the Mohegan Indians children, but it was signed by the overseers only and did not give any indication that it was submitted at the wish of the Indians of the Lantern Hill reservation themselves, and thus does not meet 83.7(c)(2)(iii). These appointments provide some data concerning background tribal continuity, but do not meet (c) for 1804-1820. However, they can be used in conjunction with the next two items as implying the existence of internal leadership.	These appointments do not meet (c) for 1804-1820.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1820-1822	(c)(2)(iii) Timothy Dwight, Travels in New England, 1822; Jedediah Morse, Report on the Indian Tribes, 1822; see also Burley 1965, 2	Dwight's Letter IV Stonington Description of his own visit to the Lantern Hill reservation in 1820 by the president of the Connecticut General Assembly; Morse's report Report on the Lantern Hill reservation possibly derived from Dwight, but contained more names and details. "In 1820, this band counted fifty individuals. Their principal men were Samuel and Cyrus Shelley, Samuel Shantup and James Ned" (DeForest 1964, 442-443, citing Morse's Report on the Indian Tribes)	"Leadership exercised through a church, by indigenous ministers, can provide evidence under several categories mentioned in criterion 8.3.7(c), such as . . . under 8.3.7(c)(2)(iii) to show that 'group leaders and/or other mechanisms exist or existed which . . . exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior'" (MBPI FD 1999, 15; "The 25 CFR Part 83 regulations do not make any requirement that a petitioner have a 'secular government' . . . but rather . . . that the leadership of a petitioner have political influence or authority over the group's members in a bilateral relationship" (MBPI FD 1999, 16); " . . . evidence for political process among the Snoqualmie during Jerry Kanim's tenure is that external authorities recognized his political influence" (Snoqualmie PF 1993, 26).	" . . . there was, however, one aged man who, to considerable natural intelligence, seems to have united a sense of religion. For a series of years he had preached to the others, and sometimes, it was said, gave them very excellent exhortations. His countrymen held him in much respect, and occasionally assembled very generally to listen to his discourses. The respect with which his people regarded him is a striking instance of the influence which consistent purity of character will often exert. . . . (DeForest 1964, 441-442, citing Dwight's Travels 3:27-29). DeForest did not indicate that Dwight named this leader, no copy of the original book is in the record. Morse's summary indicates that at the time, external observers were capable of identifying the "principal men."	This contributes to meeting (c) for the period before resumption of the overseer's reports in 1822 in conjunction with the petitions from preceding and later years.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1839	(83.1); (c)(1)(i) Stonington Historical Society, Folder, Indian Misc	February 8, 1839, petition from the "Pequot Tribe of Indians in the town of North Stonington" to the County Court at Norwich, New London County, Connecticut, requesting the replacement of an overseer "who lives at some distance from us & it is very difficult to get him to attend his duties as overseer, especially for the year last past, he has been absent from home some three months at a time" and requesting the appointment of Charles Wheeler "who lives near to us & is well qualified to assist us & whose location renders him well acquainted with our necessities & our situation"	"... representing the group in dealing with outsiders in matters of consequence" (83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6); "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25)	The 1839 initiative of the Indians in requesting the replacement of an inadequate overseer indicated that the Indians themselves expected the state-appointed overseers as agents to carry out their wishes in some matters. Although the court did not respond to the petition favorably, but rather continued the prior overseer in office, the presentation of the petition, signed by six women and and four men, indicated that the group had internal organization. Of the four men who signed, two (Cyrus Shelly and Samuel Shuntaup) had been identified as "principal men" of the Eastern Pequot by Jedediah Morse nearly 20 years earlier. That the State did not act upon the petition does not diminish its value in showing that, as of its date, the tribe had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it.	On the basis of precedent, this material is adequate to meet (c) for 1839.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1841	(83.1); (c)(1)(i) Superior Court Records, new London County 1841, Indians; Court Records, New London County, CSL, LaGrave 1993, Grabowski 1996	July 27, 1841, petition from the "undersigned Indians being remnants of the Pequot Tribe of Indians resident in North Stonington" again objecting to the existing overseer and requesting the appointment of Charles Wheeler or Gordon S. Crandall	"... representing the group in dealing with outsiders in matters of consequence" (83.1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25).	The Indians in this petition protested that the overseer lived about three miles from the reservation, rarely came to see them, and did not obtain fair rents for their land. It was signed by five men and five women. A counter-petition was submitted by the selectmen of the Town of North Stonington (#35 Pet. B-02B) commending the current overseer for his frugality, and the County Court did not accede to the Indians' petition. The fact that the petition was not acted upon by Connecticut authorities, however, does not diminish its evidentiary worth as showing that the Eastern Pequot tribe, as of its date, had sufficient internal political organization to decide upon their preference as to a candidate, create a formal document, and present it.	On the basis of precedent, this material is adequate to meet (c) for 1841.
1851	(c)(1)(i) Petition from the Selectmen of the Town of North Stonington to the County Court (#35 Pet. Petitions, source not cited)	March 13, 1851, petition from the Selectmen of the Town of North Stonington to the New London County Court, stating that, "complaints are frequently made of late that said Overseer has not managed said lands for the best interest of said Indians, or faithfully applied the rents [sic] & profits fully & faithfully for the use & benefit of said Indians, or faithfully accounted therefor & has failed & neglected to perform his duty as such overseer."	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6).	On the basis of the document submitted, there is no evidence that the selectmen of the Town of North Stonington submitted this document at the request of the Eastern Pequot Indians, nor is there any parallel document in the record signed by representatives of the Eastern Pequot Indians.	This does not meet (c) for 1851.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(83.1); (c)(1)(i) Bassett 1938, Conn. Special Act: 1873-1877, 8 53-54; Grabowski 1996, 114; Lynch 1998, 5 81-82	In 1873, the Connecticut General Assembly, on petition of the Eastern Pequot overseer, passed a bill authorizing him to sell a portion of the Lantern Hill reservation and invest the money for the benefit of the Indians. The Indians submitted a counter-petition dated June 26, 1873, objecting to the sale of any portion of the reservation land.	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25)	The copies of this petition submitted by both petitioners were largely illegible. They contained 19 signatures, but four were completely unreadable and on one only the surname could be deciphered. The names included several minor children signed for by their mother. The total of 19 did represent a significant portion, but not a majority, of the total Eastern Pequot population. A list dated June 27, 1873, on file with the Superior Court, New London County, Connecticut, named 29 more of "those belonging to the Pequot tribe of Indians of North Stonington" (#35 Pet. Overseers Reports).	This meets (c) for 1873.
1874	(83.1); (c)(1)(i) #35 Pet. Petitions, Lynch 1998	March 31, 1874, "Remonstrance to Superior Court, New London, against sale of land," which stated, "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington." The petition again requested the removal of the overseer who had instigated the land sale.	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6). "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6). "Economic organization is strong evidence of significant political influence and leadership because it affects a major part of the lives of group members in ways which are intrinsically important" (Snoqualmie PF 1993, 25)	This document included the names of persons who had appeared on both the 1873 petition and the 1873 list, for a total of 30 individuals. Again, some were minor children signed for by a parent.	This meets (c) for 1874.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1883	(83.1); (c)(1)(i) #35 Pet Petitions, Lanch 1998, 5 91-92)	December 3, 1883, petition from "the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington" to the Chief Justice of the Supreme and Superior Courts of Connecticut, notifying him of the death of their former overseer and requesting the appointment of Charles H. Brown of North Stonington to replace him.	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6), "Tribal petitions indicate generally that at times the council may have consisted of all resident adult male members or the 'chief men among the Mohegan,' although some petitions are signed by both men and women who appear to be aligned with a certain tribal faction" (Mohegan PF 1989, 6)	As of the date of this document, the tribe had sufficient internal political organization to decide upon their preference as to a candidate for the position of overseer, create a formal document, and present it to the state. It was signed by 20 Eastern Pequot, but not by all known members of the tribe. In one instance, a woman's children signed with her; in another, they did not. Some prominent members, such as Leonard Ned/Brown, did not sign.	This meets (c) for 1883
1884-1928	No direct evidence in the form of documents generated by the tribe	For this period of 44 years, the petition materials submitted by both petitioner #113, petitioner #35, the third parties, and obtained by FOIA from the records of the State of Connecticut contained no document which pertained directly to or reflected internal political processes of the Eastern Pequot tribe. During this period, the Lantern Hill continued to be administered under the provisions of state legislation, and the record contains reports of the state-appointed overseers to 1891 and again from 1910 onward, including lists of members.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	While the reservation and the tribe continued to exist during this period based on repeated external identifications, administrative records generated by the overseers, and other documents, the petitioners have not presented documents to reflect the existence of internal political authority or influence. BIA researchers have no way to ascertain whether there was, in fact, no documentation for this period, or whether the petitioners simply have not located or submitted such documentation as may exist.	Does not meet (c) for the period 1884-1928

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1913	(83.1) Aged Pequot Indian Minister is Dead, #113 Pet GEN DOCS 1, #35 Pet	Obituary of Calvin Williams, who died July 8, 1913. "He was a Pequot Indian and . . . was living with his wife and stepdaughter on what is known as the eastern reservation . . . Rev. Mr. Williams was well known in southern New London county where he had preached for a long time." The obituary indicated that he had been "ill and bedridden" for "several years."	"Leadership exercised through a church, by indigenous ministers, can provide evidence under several categories mentioned in criterion 83.7(c), such as . . . under 83.7(c)(2)(iii) to show that 'group leaders and/or other mechanisms exist or existed which . . . exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior' (MBPI FD 1999, 15; 'The 25 CFR Part 83 regulations do not make any requirement that a petitioner have a 'secular government' . . . but rather . . . that the leadership of a petitioner have political influence or authority over the group's members in a bilateral relationship' (MBPI FD 1999, 16))	Williams had been the first signer of the petitions of June 26, 1873, and March 31, 1874, the second signer of the petition of December 3, 1883. During his adulthood, he had been successively married to women from three Eastern Pequot families (Wheeler, Nedson, Sebastian). In connection with other documentation, this can be used as evidence that the leadership that Williams exercised in the 1870's and 1880's may have continued into the early 20 th century. The overseer's reports and the 1900/1910 Federal census do verify Williams as a resident of the reservation throughout this period.	Does not meet (c)
1914-1928	No written documentation	There is no written documentation in the record concerning political authority or influence either on the Lantern Hill reservation or among the wider off-reservation Eastern Pequot population for this period.		The materials submitted by both petitioners, by third parties, and obtained in the FOIA of Connecticut records contained no direct evidence concerning political processes for this period.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1927-1933	(c) LeGault to Barrett 11/15/1956, 1933 overseer's report, #113 Pet 1996, HIST DOCS I, Doc 41, overseer's notes, Raymond Ledger, 1932-1937	This material pertains to the first period of residence of Helen (Edwards) LeGault on the Lantern Hill reservation. In an undated entry, made between approximately 1935-1939 given the context of the record, Raymond made a note in his ledger concerning "Mrs. Emma Gardner Edwards (Mrs. Williams [sic] Edwards) (sister of Grace Gardner Boss) not to go on List not a member of tribe (a Narragansett) (not a member) (mother of Helen Edwards LeGault Mrs. Helen Edwards LeGault daughter of above (not a member of Tribe) (wife of George) Lives on the Reservation, has been there about 2 years. Has 5 brothers Sisters - 2 sisters, 3 brothers who do not live on the reservation (not members) of Eastern Tribe" (Raymond Ledger 1932-1937)	Neither rule nor precedent included for informational purposes	Subsequent documents indicated that Mrs. LeGault resided on the reservation in the house where her uncle, William Albert Gardner, had previously lived. The documents show her presence, but provide no data concerning political influence or authority. As can be seen from the census records for 1910 and 1920, Helen LeGault, nee Helen Dorothy Edwards, had spent her childhood off-reservation, in the household of her non-Indian father. Therefore, the statement in the #35 (#35 Pet Narr 1998b) narrative paralleling her experience with that of Tamar (Brushell) Sebastian as having spent a childhood on the reservation, left for some time, and then returned, was not valid.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1928-1935	(c) #113, 050 File, #11 Pet. Narr., Ex. S, A-4 A-7) Letters from the Providence Public Schools 2/25/1928, 5/31/1928, Commercial High School, Providence, 12/19/1928, 12/20/1928; Boston Public Schools 10/26/1928, 11/16/1928; St. Peter's School, Hartford, CT, 1/6/1929, Lincoln School, Attleboro, MA, 1/25/1929; numerous others	Petitioner #113 submitted a packet of correspondence, from 1928 through 1935, concerning appearances of Atwood I. Williams, identified as Chief Silver Star, at elementary schools, high schools, and parochial schools throughout southern New England.	Precedent for "does not meet" - where?	All of these referred to "entertainment programs provided by Chief Sachem Silver Star and his "company," or his "cast." Some noted that his wife and son appeared with him. The nature of the programs was an explanation of Indian culture and traditions. These representational activities provide no evidence concerning political authority or influence within the Eastern Pequot tribe.	Does not meet (c)
1929-1933	(83.1), (c)(1)(v) Reports of overseer Gilbert Raymond in regard to activities of Atwood I. Williams	1929, challenge by Atwood I. Williams (Silver Star), "chief of both tribes," to a proposal to allow a Western Pequot to build a home on the Lantern Hill reservation (Overseer's Report), 1931, objection by Atwood I. Williams to residence of several members of the Sebastian family on the Lantern Hill reservation (Overseer's report), 1932, "Chief Silver Star objected to Raymond's account, his reappointment and to leases for more than a year, 1933, Atwood I. Williams (Chief Silver Star) again objected to accounts and reappointment (Raymond Ledger 1932-1937)	"... representing the group in dealing with outsiders in matters of consequence" (83.1). "There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions" (83.7(c)(1)(v)). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6) The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17)	The data in the record includes no information as to how Atwood I. Williams attained the position he was asserting in 1929. However, he was at this time representing the group in dealing with outsiders in matters of consequence. Since the state granted him decision-making authority and accepted him as representing the tribe as a whole, which in 1933 it defined as including members of the Sebastian lineage, these decisions provide evidence for (c), since the subgroups had not, at this time, organized separately.	This meets (c) for 1929-1933 for the Eastern Pequot tribe as a whole

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1931-1939	(c) Federation of Indians Formed. <i>The Day</i> , New London, Connecticut 8/26/1931; A I Williams Grand Sachem of Federation, <i>The Westerly Sun</i> , 8/25/1931 [hand-dated], #113 050 File, #113 Pet Narr., Ex. U, #113 Pet HIST DOCS V, Doc. 180, #113 Pet ETH DOCS III, Doc. 59 Numerous newspaper articles concerning Atwood I. Williams as organizer and leader of the American Indian Federation (see draft technical report for additional details)	In the late summer of 1931, Williams founded and became head of a pan-Indian cultural organization, the "American Indian Federation." Local newspapers also covered the election of Williams with the headline "A I Williams Grand Sachem of Federation Pequot Chief Chosen Presiding Officer of New Indian Organization" and indicated the organization was planning a powwow which would be held at the North Stonington Fair Grounds on September 26. The incorporators were: Col. Everett C. Whipple, Westerly town clerk, William L. Wilcox [Narragansett], Atwood I. Williams, Horace E. Burdick, president of the Westerly town council, all of Westerly, and John George of Stonington. Membership applications and lists of the American Indian federation showed that it had 174 tribal and associate members, the overwhelming majority recommended by Atwood Williams himself, fewer by other Pequot tribal members. It included not only Pequot and Narragansett, but also individuals identified as Rappahannock, Delaware, Comanche, Mohican, Seneca, Mohawk, and Navajo, as well as prominent non-Indians such as Frank Speck	Precedent for "does not meet"? Where?	Newspaper coverage indicated that the organizational meeting was held in North Stonington to elect a "Great Sachem," and the headquarters were to be in Westerly (Indians Organize for Mutual Protection, <i>The Westerly Sun</i> 8/23/1931; Indians Organize at North Stonington, <i>Record</i> 8/24/1931) The petitioner offers the position that Atwood Williams' activities in the AIF showed political processes within the Eastern Pequot, but it is not supported by the documentary information available, not by the interview evidence. Only two of the organization's incorporators, Williams himself and his Western Pequot (Mashantucket) son-in-law, were Pequot. All the known Eastern Pequot members were close relatives of either Atwood I. Williams or of his wife. Among the Pequot members (both Eastern and Western) were: Hazel Edwards Geer, Helen Edwards LeGault, Bertha Edwards Brown, Ruth Jackson Peckham, Mildred Williams George, John George, Irving Congdon, and Herman Simmons (Grabowski 1996, 185-186, documents themselves not in #113. For a description of the organization's aims, see also Poor But Proud 7/9/1933)	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933	(83.1) Superior Court decision, New London County, Connecticut, June 9, 1933	"Ordered and decreed that any person who may hereafter claim to be listed as a member of either tribe shall present his or her application in writing to the Overseer who shall mail copies thereof to the recognized leaders of the tribes, or their successors, the present leader of the Eastern Tribe being Mr. Atwood I Williams of Westerly, R I . . ." (In re Ledyard Tribe 1933).	" . . . representing the group in dealing with outsiders in matters of consequence" (83 1). " . . . making decisions for the group which substantially affect its members . . ." (83 1). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	Whether or not the processes were internally generated, the June 9, 1933, Superior Court decision did clearly delegate some decision-making authority to an identified tribal leader. In spite of observations by some external observers (Tantaquidgeon 1934, Pequot 4, Elizabeth (George) Plouffe, Williams Notebook c. 1941, [19]) that Atwood I Williams' status was a "claim" to be tribal chief and that he was "seeking to gain legal recognition" as such, he was at this time representing the group in dealing with outsiders in matters of consequence, and was recognized as such by the 1933 Superior Court decision, although the basis on which the court made this decision is not clear from the evidence in the record.	Meets (c) for 1933

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933	(c) Poor But Proud, Hartford Courant 7/9/1933.	Newspaper article in which Helen LeGault actively publicized her opposition to some of the other residents on the Lantern Hill reservation. It quoted her as follows: "Why Pure Stock has Dwindled Mrs. Le Gault, one-half pure Pequot, is proud of her original blood. She feels strongly against the intermarriage of the Pequots with other races. The Indian blood that is left is the weakest of all, she asserted. She attributed this intermarriage to stark necessity. The original Pequots could not make a living among themselves and it became necessary to take husbands of other races in order to exist. This has accounted for the dwindling of the tribe to a mere handful..." (Poor But Proud 7/9/1933) Concerning LeGault's parents, the article stated: "Mrs. Edwards mother was of Pequot and Narraganset Indian ancestry, while her father was a full-blooded Pequot. Her husband is of Yankee stock (Poor But Proud 7/9/1933)	"The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17).	This provides some introductory data concerning the later activities of Helen LeGault in regard to the Lantern Hill reservation and its residents from the 1930's through the 1980's. However, it contains no data indicating that she was, at the time, leader of a group or faction within the Eastern Pequot tribe rather than expressing her personal opinions and preference. The same 1933 article which quoted Helen LeGault also summarized Atwood I Williams' attitude. Noting his marriage to Agnes Eunice Gardner, also Indian, it stated: "Chief Williams believes in keeping the Indian blood as pure as possible and has endeavored to impress this important fact on the members of the two reservations" (Poor But Proud 7/9/1933).	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933-1938	(c)(1)(v) Cook to Gray 12/12/1938, Founders of Norwich, Norwich Bulletin 6/10/1937, for context, also Cook to Peale 6/29/1938), Minutes, State park and Forest Commission, 3/11/1936	Throughout the later 1930's, Atwood I Williams continued to object to residency by members of the Sebastian family on the Lantern Hill reservation. Public address by Gilbert Raymond, former overseer and current agent of the Connecticut State Parks and Forest Commission: "The right of this strain to the tribal privileges is denied by Chief Silver Star who claims that the Indian girl, Tamer Brussels, was not a Pequot Indian, but as members of this family have been entered on the records of both tribes for over 40 years I have never taken steps to have these names removed" (Founders of Norwich 6/10/1937). "Other families on the Reservation claim that she was not a Pequot and therefore her descendants have no rights there. However, before the State Park and Forest Commission was appointed as Overseer the Superior Court had recognized some of her descendants as members of the tribe and so there seems to be nothing for the Commission to do but to assume that members of this family have rights in the tribe" (Cook to Gray 12/12/1938)	"There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions" (83 7(c)(1)(v)). "Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6) "The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17)	For discussion of the actual genealogical roots of the dispute, see criterion 83 7(3) chart for petition #35. The documentation associated with it indicates, however, that for the late 1930's, there were pronounced internal conflicts in regard to residency rights on the Lantern Hill reservation. The data concerning the conflict in official records was confirmed by a 1933 interview with Helen (Edwards) LeGault (Poor but Proud 7/9/1933), and a few years later by a third Garner/Wheeler descendant in an interview with an agent of the state of Connecticut (Mrs. Calvin Geer Williams Notebook c. 1941). The actual authority assigned to Atwood I. Williams under the 1933 Superior Court order was sharply limited by the practice of the State Parks and Forest Commission after 1935, which made determinations of, and granted, Eastern Pequot tribal membership and residency permits (State Park and Forest Commission to Powers 5/12/1937) and regulated other matters: "The commission made a rule a few months ago that aid shall be given only to those members of the tribes living on the reservations" (Founders of Norwich 6/10/1937).	This meets (c) for 1933-1938

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1934	(c) Tantaquidgeon 1934, Pequot 4	The BIA report from the mid-1930's stated "Atwood I Williams (Chief Silver Star) claims to be the tribal chief of the surviving Pequot and is seeking to gain legal recognition as such. This office is honorary and Mr. Williams acts as master of ceremonies at tribal and public meetings" (Tantaquidgeon 1934, Pequot 4).	No precedent on "does not meet" in the precedent bank	This report specifically expressed doubt that Williams was effectively the leader of the group	Does not meet (c)
1936	(c) Connecticut, State of State Park and Forest Commission 3/11/1936	The State of Connecticut, as of 1936, noted his appointment as a result of the 1933 Superior Court decision, "Eastern Pequot Reservation: Leader Atwood I Williams, Westerly, RI, is at present recognized by the tribe Members; on the reservation, 16; elsewhere in Connecticut, 12; in other states, 15; total 43. Provisions adopted for Tribal Membership: Admission to Membership" (Connecticut, State of State Park and Forest Commission 3/11/1936).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	This represents a continuation of Atwood I Williams' status from 1929-1933	Meets (c) for 1936
1936	(c) Connecticut, State of State Park and Forest Commission genealogical charts c. 1938, #35 Pet. Genealogy, Jackson 1-3-1, sheet 2)	"Atwood I Williams 'Chief Silver Star' appears to be a self appointed Chief whose influence is quite largely gone (1936)."	No precedent on "does not meet" in the precedent bank	This report specifically expressed doubt that Williams was effectively the leader of the group	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1940-1960	(c) State legislation	1940, Connecticut transferred the oversight powers over Indian tribes in the state, placing the tribes and their lands under the Commissioner of Welfare. The requirements for an annual settlement with the comptroller and biennial report to the governor continued. The 1941 law provided that: "Said commissioner, as such overseer, shall have the general care and management of the property of any Indian residing upon a reservation owned or maintained by the state. Said commissioner shall cause the property of such Indians to be used for their best interest, and the rents, profits and income therefrom to be applied to their benefit (#113 Pet. 1996, HIST DOCS II, Doc. 61, citing SUPP. CONN. GEN. STAT., TITLE 51, Land and Land Titles, CH. 272, Aliens and Indians, SEC. 692f, Overseer of Indians (1941), #35 Pet. Narr. 1998a, 99 cited Conn. Gen. Stat. 1587c (1932)).	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	These provisions remained in effect unchanged in 1949 and were incorporated into the 1958 revised statutes (#113 Pet. 1996, HIST DOCS II, Doc. 63, citing REV. STAT. CONN. 171-173, TITLE 47, CH. 824, SEC. 47-59). They were repealed effective July 1, 1961, and replaced by "An Act Concerning the Management of Indian Reservations" (#113 Pet. 1996, HIST DOCS II, Doc. 64, citing PUBLIC ACTS 338-339, #304). This provides no data concerning political authority or influence for the Eastern Pequot tribe, but provides contextual information concerning the situation in which it took place. For practical purposes, there is no indication that the Welfare Department consulted the tribal leadership in making decisions, but rather referred residents or potential residents to its local agent, as in the 1948 referral of Helen LeGault to Mr. Ellsworth Gray of North Stonington who "has been agent for a number of years and any matter concerning assistance of your residence on the reservation should be referred to him" (Squires to LeGault 6/14/1948).	Neither meets nor disproves (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
c. 1941	(c) Connecticut, State of Office of Commissioner of Welfare. J R Williams Notebook c. 1941, [24]	A comment, collected by an investigator for the Connecticut Welfare Commission, stated that about 1931, "Atwood got signatures of all those who would chip in certain amount and called these member [sic] of tribe, all others not" (Williams 1941, [24]).	No precedent on "does not meet" in the precedent bank	These comments expressed specific doubts concerning the leadership of Atwood I Williams	Does not meet (c)
c. 1941	(c) Connecticut, State of Office of Commissioner of Welfare. J R Williams Notebook c. 1941, [24]	Interview by a state researcher with a descendant of the Gardner/Edwards family: <u>Mrs. Calvin Geer - 1/4 Indian</u> . Her mother was half indian, 1/4 yankee, 1/4 spanish. Her father a yankee. She has married a yankee farmer named Geer. Has seven children (1/8 Indian). Mrs. Geer wanted it understood that there was not a drop of negro blood in her. She was indignant at the "Indians" on the reservation at Lantern Hill who she says are a bunch of negroes. Her aunt, a Mrs. Atwood Williams, of Mystic is married to another part Indian and they were active some years back in the "Indian Federation" but has since dropped since so many negroes came in (Williams Notebook c. 1941).	"The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	This provides further data concerning the underlying tensions which were developing on the Lantern Hill reservation between the two factions antecedent to the two current petitioners, and identifies Atwood I Williams as leader of the Gardner/Edwards and Gardner/Williams family groups. Atwood I Williams was in a somewhat different position than the Edwards family (his wife's nieces and nephews), in that his own mother was Phoebe Esther Jackson, a Hoxic descendant rather than a Gardner/Wheeler descendant (see discussion under criterion 83.7(c)). See the statements by Western Pequot Elizabeth (George) Plouffe (Williams Notebook c. 1941), whose father was his wife's half-brother.	Meets (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1941- 1948	(c) North Stonington Native Indian, unidentified newspaper article 10/17/1944	There is no written documentation in the record, contemporary or retrospective, concerning the activities of Atwood I. Williams as an Eastern Pequot political leader during this period. The one newspaper article, concerning his son, whom it identified as, "a full-blooded Algonkin Chief of the Mohican tribe," simply mentioned "his father, Chief Silver Star, of Westerly, Rhode Island."	"There are no clearcut, significant examples of the exercise of political influence or authority among the Indiana Miami between the early 1940's and the late 1970's an exercise of such influence or authority was no demonstrated by alternate means" (Miami FD 1992, 4)	This one reference provided no data concerning political authority or influence among the Eastern Pequot during the 1940's	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1948-1953	(c) Squires to LeGault 6/14/1948, Squires Memorandum 5/10/1949, Squires to LeGault 7/10/1949, Connecticut State of Welfare Department. Correspondence re: visit of Helen LeGault for Flora George Stenhouse to build on Eastern Pequot reservation 1949-1955	6/14/1948, letter from Clayton S. Squires to Helen E. LeGault re: return to reservation. Referral to Mr. Ellsworth Gray of North Stonington who "has been agent for a number of years and any matter concerning assistance or your residence on the Reservation should be referred to him." 1949 May 10, Memorandum, Clayton S. Squires, Pequot Reservations. Mrs. Flora George Stenhouse, 16 Dennison Avenue, Mystic, was in the office today with Mrs. Helen LeGault. Mrs. Stenhouse's statements concerning the Peters Hill cemetery in Shewville: statements concerning the history of the Lantern Hill reservation. "Mrs. LeGault stated that she has not asked for assistance of any kind but that her house does need repairs as the roof is caving in and termites have eaten into the sills. She will let me know when she goes to the Reservation for her vacation and I promised to either meet her there or send a representative to look over the situation." Complaints re summertime noises from the Arthur Sebastian house (Lynch 1998, 5:134-135). 7/12/1949, letter from Clayton S. Squires to Helen LeGault re: visit on the reservation	No precedent for "does not meet" in the precedent bank.	These documents refer to the residence of Mrs. LeGault on the Lantern Hill reservation, but provide no evidence concerning the exercise of political authority or influence. Mrs. Stenhouse, mentioned in these documents, was a Western Pequot, not an Eastern Pequot.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1949	(c) Connecticut, State of Welfare Department Memorandum of Clayton S. Squires 1949, Lynch 1998, 5-135.	On May 2, 1949, Mr. Atwood I. Williams, Chief Silver Star, 119 Canal Street, Westerly, Rhode Island, visited this office. "Among other things, he wished to intercede in behalf of Mr. John George who is the Chief of the Western Tribe of Pequot Indians and who is anxious for us to allow him to use the presently unoccupied and condemned house on Shewville Road. It is understood that his sister, Eliza George Plouffe, is also anxious to have one of her children occupy the property. I suggested to Chief Silver Star that various members of the tribe and family get together to decide which one should be entitled to its use. He apparently had no knowledge of the law, Section 7168, under which we operate and referred to the hearings held in June of 1932 concerning the appointment of an Overseer an [sic] also an "application for leave to lease cottage sites on the shore of Long Pond for term of years"; also a hearing before Judge Allen L. Brown on the Short Calendar, Friday June 9, 1933, concerning the Ledvard Tribe of Pequot Indians.	No precedent on "does not meet" in the precedent bank	The occasion of this meeting was a family matter, since Atwood I. Williams was expressing a wish that his son-in-law, John George (Western Pequot) have use of a house on the Lantern Hill reservation. The memorandum continued: "Mr. Williams promised to compile and send me an up-to-date list of known members of the tribe" (Connecticut, State of Welfare Department Memorandum of Clayton S. Squires 1949, Lynch 1998, 5-135). The materials received from the State of Connecticut (C-1 FOIA) did not contain any information concerning a subsequent tribal meeting, or the filing of an up-to-date list of known members.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1949	(c) Indian Sachem Silver Star and Squaw Observe Golden Wedding, the Westerly Sun 11/15/1949	"As members of the Pequot Tribe, they started out in 1928 to give entertainment in full Indian costume, explaining and showing real indian life. They traveled from Boston to South Norwalk, Conn., hitting all the big towns and little towns, ... Their act included ... (Indian Sachem Silver Star and Squaw Observe Golden Wedding. <i>The Westerly Sun</i> 11/15/1949 [hand-identified, hand-dated]; #113 Pet 1996, GEN DOCS I).	No precedent on "does not meet" in the precedent bank (the only concerning representational activities is in regard to criterion 83.7(b))	This described only representational activities and provided no information concerning tribal political processes, or those within the portion of the tribe antecedent to the PEP organization	Does not meet (c)
1955	(c) Obituary Atwood Williams, Sr., Pequot Indian Chief, is Dead at 74 [hand-identified The Westerly Sun 9/30/1955]; #113 Pet 1996, GEN DOCS I	His 1955 obituary stated: "In recent years, however, he retired from active participation in tribal ceremonies and did not attend the pow-wows."	No precedent on "does not meet" in the precedent bank	While providing no definition of the term "recent years," this obituary indicated that Williams had not been active within the immediate past. Therefore, this article provided no data concerning tribal political processes, or political authority or influence within the Eastern Pequot tribe or that portion of it antecedent to PEP.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1955-1979	(c) CIAC Hearing Testimony 8/10/1976. Obituaries The Westerly Sun 6/7/1979. Providence Journal 6/8/1979.	Petitioner #113 asserts that Atwood I Williams Jr. served as the group's leader from the death of his father in 1955 until his own death in 1979, a period of 24 years. In 1976, he stated that he had never lived on the reservation and neither did his father, but had visited his uncle, Albert Gardner, there, probably in the 1920's. There was no further mention of him in the documents in the record until his death three years later. One obituary stated: "As Grand Chief Sachem, he was the leader of the Eastern Pequot Tribe, which has a reservation in North Stonington," and that he was a board member of the Rhode Island Indian Affairs Council (A I Williams Jr., Chief of Eastern Pequot Indians. Providence Journal, hand-dated 6/8/1979)	No precedent on "does not meet" in the precedent bank	There is no other evidence in the written record concerning any leadership activities of Atwood I Williams Jr. Much of the petition's discussion of and documentation about events between the 1960's and the present is essentially recitation of events which does not show how the individuals acting in the name of the group got their position and whether they were responding to the membership. Two of his children were associated with Helen LeGault in the early CIAC controversies (see below). The week following his funeral, a local paper wrote a feature story on his children and grandchildren, indicating that they proposed to return to the Lantern Hill reservation (Bates, Debbie. Start Move Back to Pequot Lands. <i>The Sun</i>, Westerly, RI, 6/12/1979). In 1979, his son, Richard E. Williams, was serving as chairman of the Paucatuck Eastern Pequot organization (Grasso to Williams 11/8/1979, 2), but the earliest residency application filed by a member of the Gardner/Williams family line in the record was not made until 1981 (Cunha, James Albert Jr. Application for permission to reside on the Eastern Pequot reservation 10/4/1981).	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1955-1959	(c) Connecticut, State of Welfare Department Palmer to Squires and Barratt 1955-1957 (CT FOIA #68), Connecticut, State of Welfare Department, Residents of Indian Reservation, Eastern Pequot, Richardson to Kelly 8/5/1959	In 1948-1950, Helen LeGault engaged in negotiations with the Office of the Commissioner of Welfare concerning her desire to return to the reservation and obtain assistance in repairing the house. In the later 1950's, she negotiated with the Welfare Department for permission to build another house on the site, while in 1959, she and her husband were described as "summer residents" in a report on the Lantern Hill reservation.	No precedent on "does not meet" in the precedent bank	This material provided no information concerning political influence or authority	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1955	(c) Helen E. Le Gault, Union City, CT, to Clayton S. Squires, State Welfare Dept (10/28/1955)	October 28, 1955, Mrs. LeGault wrote "I wish to state that the people you took over to this property in question the day I talked to you last July are not related to the former occupant in any way or anyone else that has any rightful claim to this or any other Indian Reservation. This you know. If you have the authority to allow anyone [sic] who has applied for permission to occupy this property which has always been used by the family of my Uncle or his widow, and you let those people in there that I saw you with, myself and every one concerned will feel justified in believing that you have a very personal reason or reasons. When I say all concerned I mean people who have a right to call themselves descendants of real Indians, and who have been allowed such a very small part of what really belongs to them. It seems people who have no Indian blood at all, camouflage their intentions by applying for state aid, at the same time claim to be Indians and are placed on the small piece of land that has been set aside for the Indians, its really a joke, from thenon [sic] they are favored and given preference."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22).	During the 1950's, in addition to the case of Flora (George) Stenhouse cited above, Mrs. LeGault continued her earlier activities in urging that certain persons be permitted to reside, or prohibited from residing, on the Lantern Hill reservation. The data in the record provides no indication to what extent she was acting as an individual, or as a spokesperson chosen by a portion of the Lantern Hill reservation residents, or of the wider group of Eastern Pequot descendants.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1956	Helen E. LeGault to Marvin A. Barrett, Asst. Chief, Div. of Resources & Reimbursement, State Welfare Department 11/15/1956.	"I have been on the southern part of this property about twenty nine years. When my Uncle passed away he left a widow, they had no children, his widow remarried and lived there as long as her health would permit, she is now hospitalized and is close to 80 years old. . . . However, Mr. Squires came to Lantern Hill, July 1955, accompanied by some people, whom I know have no legal rights to my Uncle's place no relative of either my Uncle or his widow."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992: 4).	Mrs. LeGault wrote this letter to the State of Connecticut on November 15, 1956, in regard to the homesite on the reservation where her late uncle, William Albert Gardner, had lived before his death in 1927. Generally, throughout this correspondence, Mrs. LeGault made the assumption that homesites on the reservation were, in some undefined way, private property that should be passed to heirs within a given family line. This correspondence dealt with the personal issues of one family and contained no indication that the writer was acting as spokesperson for a group. The petition offers the general position that "the dispute with the Sebastians served to enhance social and political cohesion among the Wheeler/Williams, Edwards/Wheeler and Jackson/Spellman kin clusters" (Grabowski 1996: ???). There was not sufficient data and description to demonstrate how the dispute had affected the internal structure of the group or how widespread among the membership the opposition to the Sebastians was. The documentary evidence from 1973-1976 indicates that there was significant dissension between the Gardner/Edwards and Hoxie/Jackson family lines.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(c) Connecticut, State of General Assembly. Joint Standing Committee Hearings. Public Welfare and Humane Institutions. Testimony of Helen LaGault [sic]. March 23, 1961 (#113 Pet. 1996, IHST DOCS II, Doc 65)	Mrs. LeGault's testimony opposed the provision of the proposed bill, "in Section 2 where it says that those who reside on reservations on Jan. 1, 1962 may continue to reside thereon. That gives quite a time for people who don't belong there to come as they have in the past and recently more have been coming than we've ever had before. Of course, I've been there 33 years and I've been able to watch it. And there has to be someone there who is Indian to protect that part, and I have it and I'm sure there is no one else there who does."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4). The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them... continued to be important among the membership as a whole" (Miami FD 1992, 22); the proposed finding concluded that subgroup conflicts between the 1940's and the early 1970's continued and were sometimes bitter" (Miami FD 1992, 22).	There was no indication in the record whether Mrs. LeGault was chosen by the Eastern Pequot reservation residents, or any portion of them, or any portion of the wider Eastern Pequot population, to testify at the committee hearing, or whether she testified as an individual. The PEP petition narrative submitted in 1994 referred to this testimony by "Helen LeGault as spokesperson, for the Paucatuck Eastern Pequot Tribe." (#113 Pet. Narr. 1994, 25). This was, however, anachronistic in light of the overall evidence in the record, which does not indicate that the two Eastern Pequot factions organized as groups until after the establishment of the CIAC in 1973. Because the leaders named during this period were dealing with outside authorities on matters which may be of consequence to the membership (see definition of political in 83.1), it would not take extensive evidence showing that the named leaders were acting with the knowledge and approval of the members to show that the criterion is met. For the moment, however, there is not evidence to allow a determination that the "leaders'" actions were based on a bilateral relationship with the group's members.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1961	(c) State legislation #113 Pet 1996, HIST DOCS II, Doc 64, citing PUBLIC ACTS, (1961) #304.	Connecticut repealed prior legislation in regard to its Indian reservations effective July 1, 1961, and replaced it by "An Act Concerning the Management of Indian Reservations" (#113 Pet 1996, HIST DOCS II, Doc 64, citing PUBLIC ACTS 338-339, #304). Oversight remained with the Commissioner of Welfare. The reservations were listed specifically, future leases were prohibited, and the powers of the welfare commissioner to manage buildings, make repairs, and establish health and safety regulations were codified into legislation. The act defined eligibility for residency as follows: "SEC. 2. Reservations shall be maintained for the exclusive benefit of Indians who may reside on such lands, except that any person, other than an Indian, who resides on a reservation on July 1, 1961, may continue to reside thereon. The lawful spouse and children of an Indian may reside on a reservation with such Indian for as long as such Indian so resides. The burden of proving eligibility for residence on a reservation shall be on the claimant. A reservation may be used for recreational and social purposes by Indians, descendants of Indians and their guests at such times as the welfare commissioner may provide.	"Connecticut continued to maintain a guardian system over the Mohegan Indians until 1875" (Mohegan PF 1989, 6)	While the 1961 act defined eligibility to reside on a reservation, Section 4 provided appeal provisions for "[a]ny person aggrieved by a decision of the welfare commissioner in regard to admission to or eviction from a reservation." It did not establish any provisions for determining tribal membership other than stating that, "SECTION 1. . . . 'Indian' means a person of at least one-eighth Indian blood of the tribe for whose use any reservation was set out" (#113 Pet 1996, HIST DOCS II, Doc 64, citing PUBLIC ACTS, (1961) #304). The terminology in this act made no reference to a decision making process which involved the tribal leadership. One student of Connecticut's Indian policy has maintained that "Throughout the 1960s, the government continuously asserted control over and claim to reservation lands. Statements such as 'the Indian Reservation lands are set aside for their use until they shall no longer be needed. The Indians do not own the lands. At best, they may be allowed occupancy with approval and under supervision of the State Welfare Commissioner' were commonly made by the Welfare Department" (LaGrave 1993, [13-14], no source citation).	Neither meets nor disproves (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1966-1973	(c) Connecticut, State of Welfare Department. Fil Idabelle Sebastian Jordai 6/7/1966. CT FOIA #68). LeGault to Connecticut State Welfare Department 3/1/1969. Connecticut, State of Welfare Department Memorandum from Dorothy M. Shaw to Frank Meheran 1/2/1973	Reports by state officials and correspondence between Helen LeGault and state officials supporting or opposing the residence of various individuals on the Lantern Hill reservation.	The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	Mrs. LeGault did not represent herself as the spokesperson for a group. None of the state agents described her as the spokesperson for a group. For contents of these documents, see charts for criterion 83.7(b). The record contained no written documentation, other than the above correspondence, concerning leadership exercised by Mrs. LeGault among the Eastern Pequot reservation residents, the Eastern Pequot membership as a whole, or any specified portion of the Eastern Pequot membership, namely the Gardner/Edwards and Gardner/Williams families. In light of the subsequent 1973 protest against her CIAC appointment by many of the Jackson and Spellman family (see below), it would not appear that the Hoxie/Jackson subgroup regarded her as a leader in the 1960's. There is no data pertaining to any interaction at this time between Helen LeGault and the other contemporary leader claimed by petitioner #113, Atwood I Williams, Jr. (see above)	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c) State legislation establishing the Connecticut Indian Affairs Commission (CIAC)	The 1973 bill, part of a compromise package, did not create the new Connecticut Indian Affairs commission (CIAC) as an autonomous commission, but a rather as a liaison between the tribes and Connecticut's Department of Environmental Protection (DEP), which would take over administration of Indian Affairs from the Welfare Department. Became law October 1, 1973 (Bee 1990, 197): "The new regulations declared that the Indian Affairs Council would advise the commissioner of environmental protection on the administration of Indian affairs, but the commissioner's decisions were the binding ones. It would be made up of representatives of each of the state's five tribes and three non-Indians appointed by the governor. In addition to its role as advisor, the council would be responsible for drawing up new programs for the reservations, for recommending changes in regulations pertaining to Indians, and for determining "the qualifications of individuals entitled to be designated as Indians for the purpose of administration [of the statute] . . . and shall decide who is eligible to live on reservation lands, subject to [statutory] provisions . . ." (Bee 1990, 198-199)	Neither rule nor precedent, included for informational purposes	The transfer of supervision of Connecticut Indian reservations from the Welfare Department to the Division of Environmental Protection was implemented in August and September of 1973. Submissions by both petitioners included extensive correspondence from the DEP for the remainder of the 1970's through the 1980's, plus documents and minutes from the CIAC. The new CIAC continued to receive numerous applications for residence on the state's reservations and in 1974 put a temporary hold on issuing permits "until such time that the Council is in a position to accurately determine the membership of the recognized tribes" (Harris Memorandum, CIAC 3/14/1974, Lynch 1998, 5 145), although this placing of permits in abeyance did not stop the flow of incoming applications. In the specific case of the Lantern Hill reservation, the issuance of residency permits became inextricably involved with the questions of CIAC representation and the associated issues of tribal membership, complicated by continuing litigation.	Neither meets nor disproves (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c) Appointment of Helen LeGault as CIAC representative on recommendation of the "Authentic Eastern Pequot Indians of North Stonington, Conn." (#113 Pet. 1994 NARR Supporting Documents Folder A-1)	Letter, July 17, 1973. Signers: Ruth E. Geer, Mildred Holder, John Holder, Byron A. Edwards, Helen L. Edwards, Atwood I. Williams R. Frances Young, James L. Williams Sr., Agnes E. Cunha, Richard E. Williams, Helen E. LeGault, Bertha Edwards Brown.	"... representing the group in dealing with outsiders in matters of consequence" (83-1) "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15)	All twelve signers were members of either the Gardner/Edwards or Gardner/Williams families. Two of these persons were Gardner/Williams descendants who have subsequently enrolled as Western Pequot; one Edwards signer cannot be identified on the basis of #113's genealogical submissions. Thus, this significant action was taken by only a small proportion of the overall body of Eastern Pequot descendants, and without participation of the Hoxie/Jackson and Brushell/Sebastian lineages. They were, however, neither unaware nor unconcerned, as can be seen by developments from later 1973 through the present. This is the first document which indicates that Ms. LeGault was acting as spokesperson or leader for the group antecedent to PEP as a whole, rather than as an individual.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c) Eastern Pequot Indians of Connecticut Letter to Commissioner of Environmental protection, Hartford, Connecticut, 10/14/1973, Smith to Wood 9/26/1973	"We the undersigned Pequot Indians, do protest and challenge the Appointment of Mrs. Helen Le Gault and her sister Bertha Brown as representatives to the Indian Affairs Council." Signers: Alton E. Smith, Sharell Jackson, Sharon Jackson, Harold Jackson Jr., Alice Brend, Martha Langevin, Richard R. Brown, Arlene Brown, Paul L. Spellman, Rachel Crumb, Lucy Bowers, Barbara Moore, Hazel Sneed, Rachel Sylva, Harold C. Jackson, Ernest M. Jackson, Marion Jackson, [Udira?] Jackson."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4) "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15) The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17); "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	This protest was initiated by Arlene (Jackson) Brown and signed primarily by Hoxie/Jackson descendants. The only member of the Brushell/Sebastian lineage associated with it was Alton E. Smith, who presented it to the CIAC at Ms. Brown's request because he lived in the state capitol. Smith's accompanying letter added: "The meeting called and conducted by Mrs. LeGault was not attended by long time residents of the reservation. The reason for non-attendance was simply that no invitation was extended. If a majority portion of the Eastern Pequots were excluded from the meeting then the selections made were in opposition to Public Act 73-660. There is a steady undercurrent of disagreement about rights and privileges on the reservation (Smith to Wood 9/26/1973, #35 Pet. U.I. 70) This clearly indicates that as of 1973, Helen LeGault was not acknowledged as a leader by one family line now included in the membership of petitioner #113, namely the Hoxie/Jackson descendants. However, it does indicate that she was function as a leader for the two larger family lines now included in PEP.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1973	(c) CIAC Minutes, Amended Minutes of regular meeting 12/4/1973, [2]	The CIAC, on December 4, 1973, came up with the following interim solution to the issue of Eastern Pequot representation. CIAC went into executive session, with Mrs. LeGault disqualifying herself. "1. Mrs. LeGault will remain as the Eastern Pequot representative, with Mr. Alton Smith, as spokesman for the challenging group, serving as her alternate. 2. At such time that a census of the Eastern Pequot people is completed, an election will be held with participation in such an election based upon census information. 3. The tribal members of the IAC will work with the Eastern Pequots to assist them in developing an internal organization so that one body will in the future represent the Eastern Pequot people."	"... representing the group in dealing with outsiders in matters of consequence" (83.1) "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15)	Testimony by the following given under oath and recorded: Paul Spellman, Arlene Brown, Alton Smith, Helen LeGault. The two Lantern Hill residents who testified, Brown and Spellman, were Hoxie/Jackson descendants, not Brushell/Sebastian descendants. The interim solution was still in effect as late as August 5, 1975 (LeGault and Smith to Eastern Pequot residents 8/5/1975). The temporary <i>modus vivendi</i> came to an end about the same August 1975 date, when the CIAC requested that each of the state-recognized tribes prepare and submit a list of members. A newspaper article discussed the CIAC's proposed abandonment of the 1935-1941 tribal genealogical lists gathered by the State Park and Forest Commission and 1/8 blood quantum requirement in favor of letting the tribes decide their own membership (Sandberg, Jon. Indians May Rule on Members. <i>Hartford Courant</i> 8/28/1975, quoting Brendan Keleher of DEP/CIAC).	Neither meets nor disproves (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1975	(c) Richard R. Brown et al. to Hamilton, Grand Sachem Rolling Cloud 12/8/1975.	December 8, 1975, Letter re: appointment with Gov. Ella Grasso. Signers: Richard R. Brown, Lucy Spellman Bowers [sic], Paul L. Spellman, Barbara Spellman Moore, Rachel Spellman Silver, Olive F. Brown	The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	Hamilton, a Mohegan, had resided temporarily on the Lantern Hill reservation in 1970, in the cottage ordinarily used by Helen LeGault (Connecticut, State of Welfare Department Connecticut, State of Welfare Department 6/3/1970). He was at this time assisting the protesters, who still consisted of members of the Hoxie/Jackson family line. For Hamilton in general, see the Mohegan FD 1994, 23-24. This indicates that the Hoxie/Jackson family did not see Helen LeGault as a leader of their subgroup in the mid-1970's, and also indicates that they had internal leadership of their own separate from either the LeGault/Williams or Sebastian groups	Does not meet (c) for PEP

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c) Packet on the "Authentic Eastern Pequots"	In April 1976, Helen Legault supposedly submitted a packet on this group, including by-laws, a list of officers, and a membership list, to CIAC, as being the full Eastern Pequot tribal organization. No copy of this packet was identified in the record. For reference to it, see testimony at the August 10, 1976, CIAC hearing	"... representing the group in dealing with outsiders in matters of consequence" (83-1). 83-2(c). Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations. The fact that a group that meets the criteria in § 83-7 (a) through (g) has recently incorporated or otherwise formalized its existing autonomous political process will be viewed as a change in form and have no bearing on the Assistant Secretary's final decision. "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15)		

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c) Arlene Jackson Brown, Harold C Jackson, Ernest M Jackson, Barbara [illegible], [illegible], Paul L. Spellman, Rachel Spellman Silver, [illegible] Silver to Elia Grasso 4/14/1976	April 14, 1976, letter from the Hoxie/Jackson residents of the Lantern Hill reservation to the governor, protesting the impact of the CIAC measure on Eastern Pequot membership. "The situation is very tense and getting worst everyday, and the D E P and the dept of welfare has given non-Indians permission to reside and build homes here. Our Indian coordinator, namely Brenden Kelcher, refuses to cooperate with us in this respect. I am a Pequot Indian, born on this Reservation 67 years ago. I understand that all of my family as well as myself and the Spellmans, also Pequot Indians, their names have all been removed from the tribal rolls in Hartford and the word Negro substituted in place of Pequot Indian. I do know that they were on the rolls, when Mr. George Payne was our overseer, under the Dept of Welfare. I did not know that it was legal to change any birth records in Hartford or any other place."	"It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected" (Miami FD 1992, 15) "The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4) The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	For confirmation of the Hoxie/Jackson descendant's allegations that Helen LeGault had excluded their names from the proposed membership list of the Eastern Pequot tribe, see the discussion under criterion 83.7(e), prior membership lists At this point, it seems clear that Ms LeGault did not perceive her organization as including the entire membership of what is now petitioner #113, and thus was not a leader of the portion of the current petitioner's ancestors who are Hoxie/Jackson descendants	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c) Letter, Helen LeGault to W O. Sebastian 5/15/1976, #35 Pet. LIT 70	In answer to your letter of April 1, 1976, I shall start by stating that I am the Representative of the Eastern Pequots, elected legally by twelve <u>Pequot Indian descendants</u> [sic], not by the Indian Affairs Council. It really doesn't make a great deal of difference whether you recognize [sic] me as such or not, I'm still the Representative". "To keep you informed of all the correspondence pertaining to Tribal Business etc, one would spend one's time doing nothing else, sorry, but you will have to attend the Council meetings at Hartford each every month to be properly informed, this is what I do (LeGault to W O. Sebastian 5/15/1976, #35 Pet. LIT 70)	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4) The level of conflict between the subgroups was quite high [in the 1930's], providing evidence of mobilization of political sentiments among the membership along subgroup lines" (Miami FD 1992, 17). "An important potential means of demonstrating that tribal political processes existed within the Miamis after the 1940's and in the modern community was the provision of evidence that the subgroup distinctions, and the attendant conflicts between them, which had been such an important social feature in the past, continued to be important among the membership as a whole. Such divisions, if they can be clearly demonstrated to exist, are manifestations of consistent alignments of tribal members in political conflicts within a single, cohesive, social community" (Miami FD 1992, 22)	Mrs. LeGault clearly indicated by this response that she considered her constituent group to consist only of those who had recommended her for the CIAC appointment, namely the signers from the Gardner/Edwards and Gardner/Williams family lines. These are the two largest family lines antecedent to the PEP petitioner.	

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1976	(c) CIAC Eastern Pequot membership decision 11/8/1976	This declared that lineal descendants of both Marlboro Gardner and Tamar (Brushell) Sebastian, with 1/8 blood quantum, were eligible for Eastern Pequot membership. The CIAC declared both to be full-bloods. It did not address lineage through Rachel (Hoxie) Jackson, through Agnes (Wheeler) Gardner by her prior marriages, or through the Fagins family.	Neither rule nor precedent, included for informational purposes.	Throughout the autumn of 1976, Ms. LeGault had repeated publicly her assertions that Tamar (Brushell) Sebastian was not Indian (Siernan, Patricia, Pequot Indians Suing State for Representation, Hartford Courant 9/4/1976; Tribal Feud Splits Eastern Pequot Indians, The News 9/13/1976; Hescok, Bill, Recognize Descendants of Two Persons as Pequots, The News 9/13/1976). It is not clear from the evidence why her split with the Jacksons, and exclusion of them from proposed membership, did not receive equivalent publicity.	
1976	(c) Beginning of opposition by the Sebastians	See detailed discussion in the charts for petitioner #35.	No rule or precedent, included for informational purposes.	The activities of the Sebastians in organizing do not provide direct evidence concerning political processes in the other group, PEP.	Neither meets nor disproves (c).

Paucatuck Eastern Pequo Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1977	(c) CIAC Minutes 8/2/1977, [1]	"Helen LeGault submitted a copy of the Eastern Pequot Indians of Connecticut tribal roll. In so doing she completed the requirements for participation in the Council established by the regulations of this body. Helen LeGault will be representing the Eastern Pequot tribe on the Council with Richard Williams serving as alternate. No further action taken" (CIAC Minutes, 8/2/1977, [1])	"... representing the group in dealing with outsiders in matters of consequence" (83.1); "... making decisions for the group which substantially affect its members..." (83.1). "Strong demonstration of political influence, such as distribution of group resources, enforcement of group rules of behavior, and dispute resolution are ideal evidence to meet the requirements of criterion c, but are not necessary to meet the minimum requirements. However, the intent of the regulations and the precedents underlying the regulations is that some more than trivial degree of political influence be demonstrated by showing that the leaders act in some matters of consequence to members or affect their behavior in more than a minimal way. Authority, in the sense of being able to require action or enforce decisions over strong opposition, need not be demonstrated" (Miami FD 1992, 15).	This CIAC action stemmed from the 1977 decision. It effectively gave Helen LeGault authority to determine the tribal membership according to the definition established by PEP. This decision was challenged by #35 through litigation.	
1979	(c) Petition statement that Helen LeGault became leader of the PEP group after Atwood Williams, Jr. i.e. after 1979.	The 1994 narrative cited to her activities in the 1960's, while much of the documentation presented in regard to CIAC showed her as a focal point from 1973 through 1979.	No rule or precedent, included for informational purposes.	There is an inconsistency in the petitioner's presentation on the issue of leadership between 1955 and 1979.	Neither meets nor disproves (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1982	(c) Paucatuck Eastern Pequot Indians of Connecticut to CIAC 1/11/1983	Notification to CIAC of the election of Helen LeGault and Richard Williams as representatives, held July 18, 1982.	"representing the group in dealing with outsiders in matters of consequence" (83.1)	Richard Williams was a son of Atwood I. Williams, Jr. This is the first official appearance of a Gardner/Williams line representative in the PEP leadership, although they had been members on LeGault's lists since 1977. However, the data in the record does not show how PEP came to designate a member of this family line to a leadership position.	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1982	(c) Geer, Raymond Letters on behalf of Paucatuck Eastern Pequot Tribal Council to Idabelle Jordan, Josephine Wynne [Josephine C. (Sebastian) Winn], Arthur Sebastian, Lawrence Sebastian, re ejection from Eastern Pequot reservation 7/23/1982, letter, Roy and William Sebastian to Raymond Geer re residency on Eastern Pequot reservation, Morgan and Hescok, Attorneys at Law, correspondence with Raymond A. Geer representing PEP in the ejection effort 1982 (#1-3 Pet 1994, A-3) Sebastian, Lawrence H., to Dan Price, Connecticut Legal Services, re attempted ejection by Paucatuck Eastern Pequot Indians 12/1/1982	In the summer of 1982, the PEP tribal council undertook to eject the EP members who resided on the Lantern Hill reservation. As PEP Chairman, on July 23, 1982, Raymond Geer signed letters to this effect, which were sent to all reservation residents who were members of the other group. EP strongly protested this attempt to remove them from the reservation to the CIAC. The CIAC considered the matter in August and September. In November 1982, EP requested that CIAC cease disbursing all funds to the reservation until the matter of the CIAC seat had been resolved (R. Sebastian and W. Sebastian to CIAC 11/3/1982). On November 11, 1982, CIAC issued notice of a public hearing to be held on November 21 (CIAC 11/11/1982)	"... making decisions for the group which substantially affect its members." (83-1)	The evidence in the record shows what PEP did in 1982 in regard to ejection of EP members from residence on the reservation, but does not provide data concerning how the decision to take this initiative was reached. It does not, therefore, provide evidence concerning internal political processes, but only describes external events.	Does not meet (c)
1983	(c) Paucatuck Eastern Pequot Indians of Connecticut to CIAC 4/2/1983, Paucatuck Eastern Pequot Indians to CIAC 4/29/1983	Notification to CIAC of election of Richard Williams as Eastern Pequot representative on April 1, 1983, notification to CIAC of election of Agnes (Williams) Cunha as alternate representative on April 22, 1983	"... representing the group in dealing with outsiders in matters of consequence" (83-1)	The petitioner provided no description of the political processes accompanying these elections, or how the PEP reached its decisions in matters relating to CIAC representation	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1983	(c) Roy Sebastian and William Sebastian to Stilson Sands, Chairman, CIAC 4/27/1983.	Letter urging that the Eastern Pequot seat on CIAC remain vacant until a future hearing.	No rule or precedent, included for informational purposes.	The opposition to PEP in the CIAC issue does not, in itself, provide data concerning political processes within PEP.	Neither meets nor disproves (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1983	(c) CIAC Hearing June 1983, CIAC Hearing October 1983 (#113 Pe 1996, HIST DOCS II, Doc. 73, Doc. 74), CIA Minutes 11/11/1983, CIAC Eastern Pequot Decision 3/12/1983, 1-	"One of the first questions the CIAC has attempted to answer is whether or not there is evidence of a clearly defined, equitable and justly administered practice and usage for determining membership in the Eastern Paucatuck Pequot tribe. Further, there must also exist evidence that such practice and usage attempted to include all eligible members of the tribe and that such practice and usage was duly submitted and received by the CIAC" (CIAC 3/12/1983, 1) "The CIAC will recognize only one legal tribal government in accordance with the Conn. Gen. Stats. that created the CIAC and the Conn. state Agency Regs. that govern its operations. This tribal government must be selected by a fair representation of tribal members in a process that attempts to provide a fair opportunity for the participation of all individuals eligible, pursuant to the above criteria, to participate as tribal members. The CIAC, therefore, determines that it will recognize as legitimate and eligible tribal members, any individual who presents adequate evidence that she/he is eligible within either the State statutes or the above criteria to be recognized as a member of the Eastern Paucatuck Pequot tribe" (CIAC 3/12/1983, 2)	No rule or precedent, included for informational purposes The short version of the CIAC 1983 decision concerning who may live on the Lantern Hill reservation, as summed up in a newspaper article, was: "The Connecticut Indian Council has ruled that the [Gardner and Sebastian] families should join forces, forming one tribe which will be known as the Eastern Paucatuck Pequot tribe. The council's decision gives both families full tribal membership and calls for the construction of a new tribal government." "The investigation took a year and a half to complete" (McDonald, Maureen. Peace Made in Pequot Clan Feud. (hand-identified and hand-dated <i>Norwich Bulletin</i> 12/16/1983, #113 Pe 1994 A-6) On December 23, 1983, PEP sued CIAC appealing this decision	After six years of conflict, CIAC issued another decision on Eastern Pequot tribal membership eligibility on March 12, 1983. It cited the statutes and administrative regulations that "empower the CIAC to decide challenges to individuals who profess to represent the tribe to CIAC" (CIAC, Eastern Paucatuck Pequot Decision, 3/12/1983, 1). CIAC, concluding that the necessary conditions had not been met, while conceding that it had received numerous submissions, concluded that as of the time of the challenge, December 7, 1982, there was no qualifying practice and usage and stated: "Further, given the absence of a tribal practice and usage for determining membership the CIAC will determine the eligibility and eligibility criteria of members of the Eastern Paucatuck Pequot tribe" (CIAC, Eastern Paucatuck Pequot Decision 3/12/1983, 1) CIAC asserted the right to determine standards for tribal membership, rather than seeing tribal membership eligible as a right inherent within the sovereignty of the tribe (irrespective of whether one or the other or both of the disputants might constitute the tribe). The draft technical report quotes CIAC's 1983 standards in full	Neither meets nor disproves (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1984-1987	(c)(1)(iii); (c)(1)(v) Eastern Pequot Indian: of Connecticut. Proposed Agreement and Resolution between the Paucatuck Eastern Pequots and the Eastern Pequot Indians of Connecticut (#35 Pet INTERNAL, n.d. [c December 1986 or January 1987])	Proposed compromise efforts worked out between Raymond Geer for PEP and Roy Sebastian for EP. The first version of the proposition provided: "1. There shall be a mutual recognition and merger of both tribal bands into one autonomous and sovereign tribal body. 2. There shall be a mutual recognition of both tribal councils with regard to their respective tribal entities and during the transition to a full merger with both tribal councils shall be mutually recognized as representing with authority their respective tribal bands for purposes of carrying out the provisions of this agreement. 3. With respect to pending litigation regarding the representative of the tribe to the CIAC, ... the lawsuit to be resolved pursuant to this agreement; this agreement to be substituted for the 1983 CIAC decision, and each council to appoint a CIAC representative, the two to work in concurrence, 4. Committee comprised of at least two representatives of each group to draft a new constitution	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	The petition does not describe this event, but alludes to it. It states that "Eastern Pequots" who have wavered on [excluding the Sebastians] and approached the Sebastians with an eye to working out a compromise have been denied the support of fellow tribal members and forfeited their leadership positions" (Grabowski p. 208). The event is evaluated because it sheds light on the continuing conflict between the two groups. It does not provide evidence under (c)(2)(ii), which requires that to show "sufficient" evidence, a group must "Settle disputes between members of subgroups by mediation or other means on a regular basis." This was a one-time effort. The evidence in the record shows no other instances of internal efforts to mediate the conflicts between PEP and EP.	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1987	(c)(1)(v) Revised version of proposed merger agreement 1/30/1987 (#35 Pet INTERNAL)	On January 30, 1987, a revised version of proposed merger agreement addressed council terms, officers, bylaws, to pursue Federal recognition, housing, economic development, roll and genealogy will be submitted by both tribal bands and reviewed for accuracy by the tribal council. "Descendancy will be the determining factor," provision for amendment	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	While a number of EP members had questions (K. Sebastian-Sidberry to Eastern Pequot Tribal Council 2/10/1987), it was the opposition of petitioner #113 which scuttled the proposal. Geer indicated that, preceding the meeting, he had developed some support among the membership for this proposal (BAR 1998). However, at a meeting to discuss the proposal, he encountered very strong opposition. There was no information concerning who or how many members participated in this meeting. However, the proposal generated sufficient opposition within the membership that Geer felt compelled to resign (BAR 1998). He is succeeded by Agnes (Williams) Cunha. Since the failure of this initiative, conflict between the two groups has continued, with continuing litigation and interim court decisions.	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1989	(c) Connecticut Appellate Court decision, (3/28/1989 Rosenbush, Steve, "Court to hear tribal dispute," [unidentified, undated newspaper article, probably <i>New London Day</i> , data missing on top margin of second page (#113 Pet. 1994, A-6) p. B1, B6).	In March 1989, the state Appellate Court ruled that the dispute between PEP and EP must go back to Superior Court for consideration, because since the CIAC 1983 decision had affected the PEP government and would have diluted the voting strength of individual PEP members if a combination of both groups, rather than just PEP, constituted the state-recognized tribe, they were aggrieved enough to sue. "My interest is not to keep the Sebastians from being members," said Ray Geer, the former tribal chairman of the 100-member Paucatuck Pequots. He said the state has overstepped its ground by interfering in tribal government. "He said he resigned as tribal chairman because he refused to keep fighting the Sebastians." "I had to resign to let the tribe do..." "Agnes Cunha, the Paucatuck Pequot's present tribal chairman, said the group will meet to night. 'We want to settle the case once and for all,' she said. 'This is ridiculous.' 'They are not Indians,' she said, referring to the Sebastian group."	No rule or precedent, included for informational purposes	There is some current tendency for political alignments within the group to follow the division between the two Gardner sibilines. This, with further data and analysis, could provide evidence to show significant political processes within the petitioning group by demonstrating that issues dealt with are of importance to the membership and that there is substantial political communication among members in connection with these. However, these processes are not clear, since in 1987, Helen LeGault (Gardner/Edwards) had allied with Agnes Cunha (Gardner/Williams) rather than with Ray Geer (Gardner/Edwards).	Does not meet (c)

Pawcatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1989	(c) Tomaszewski, Lea Portland Powwow Air Indians' Woes, History Newspaper article, hand- identified, hand-dated, The Middletown Press 8/26/1989; #113 Pet. 1994, A-6.	Interview with leader of #113 "LeGault said, 'My family is the only legal Indian family that can live on the reservation. We have documented proof that we are native American Indians. but now we have squatters on our reservation who claim that they are Pequots.' " "These people have taken over and the government does nothing about it. I just hope that we can return to the way it should be: that only native American Indians may live on the reservation." "Pat Brown, who with her long black hair and high cheekbones looks unmistakably Indian, says, 'You know, we call these people wanna-be's. I do not have to dress like an Indian for anyone to know that I am one. These people are blacks. The Pawkatuck Pequots belong to the red race, not the black race.'"	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	In this interview, Ms. LeGault reiterated her long-time position that the other faction was not of Eastern Pequot, or even of Indian, descent. "What I want to know is why the state let non-Indians challenge a state-recognized indigenous tribe's seat, especially since these people were proven non-Indians since 1977," says LeGault, emphatically." Both Pat Brown, described as an "elder," and Ruth Bassetti were #113 officers in 1989 (Bassetti was later suspended from the group's membership for lack of evidence of Eastern Pequot descent). In this interview, they stated their position as "Addis Bazzetti, the Pawkatuck Pequot's tribal representative, ... 'As far as Eastern Pequots go, there is no such thing,' says Bazzetti, angry at the thought of the injustices the tribe has suffered. 'If the state wants them to have a reservation, fine. The state should give them one. The state has plenty of land. We do not want them on ours.' 'What it boils down to is free money and free land. That's all that they want and the state to to blame for allowing it,' she adds." These statements indicate that it was Helen LeGault, as well as Agnes Cunha, involved in the opposition to Geer."	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1991	(c) Libby, Sam, Pequot Feud May Doom Federal Housing Grant. <i>The Hartford Courant</i> 10/28/1991; #35 Pet. 03, #35 Pet. SECOND, Misc.; #113 Pet. 1990, HIST DOCS III, Doc 120, Libby, Sam, [unidentified newspaper article] <i>The New York Times</i> 12/8/1991.	Newspaper interview with Agnes (Williams) Cunha, chairman of #113, after the death of Helen LeGault, who died in 1990 (Helen LeGault, 82 Served on Indian council [unidentified newspaper obituary]; #113 Pet. 1994, A-6). This was the first public acknowledgment of African-American ancestry by members of PEP in the record. According to the 1991 interview, Cunha showed photographs of Henry Jackson and Phoebe (Jackson) Spellman, her ancestors, to a reporter and stated: "We don't deny our ancestry. I'm proud of all my ancestors, Indian and black," she said. "The problem isn't the Sebastians' black ancestry. The problem is that they are not Indians."	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	The petitioner provided no description of the processes by which PEP decided that it would rather forego the housing authority and associated grant than compromise with EP. A detailed description and analysis of the events surrounding this decision could provide significant information on modern political processes.	Does not meet (c)
1994-1997	(c) Various newspaper articles	These are summarized in the draft technical report, with many reiterations by Agnes Cunha that she will never, never, never accept the Sebastians into "her" tribe	"The bitter, faction-like conflicts of the 1950's and 1960's between the organizations representing the subgroups provides some, largely indirect, evidence that political processes may have extended beyond the organizations to at least a portion of the membership in general" (Miami FD 1992, 4).	These statements do not reflect political processes within the PEP group, as they are directed at the EP group	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1987-1999	(c) Petition statement concerning modern political process	The petitioner did not present a description of its present-day political processes and evidence designed to show it meets the requirements of the regulation.	83 7(c) "The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present."	No evaluation of contemporary political processes has been made for this finding. In the absence of description and analysis by the petitioner. A limited analysis of BIA interview materials indicates that the petitioner may be able to establish that there is substantial political communication between the membership and the leadership. The petitioner also has documentation which might make it possible for it to evaluate the extent of membership participation in the political process of the group.	Does not meet (c)

Recommendation: The petitioner, the Paucatuck Eastern Pequot Indians of Connecticut, #113, or the predecessor Eastern Pequot Tribe, Lantern Hill Reservation, from which it has evolved as a portion, has not demonstrated the continuous existence of political process from 1883 to the present, although it has been shown for some portions of that period. The petitioner therefore does not meet the requirements of criterion 83 7(c).

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION D - The petitioner has submitted a copy of its present governing document, including its membership criteria.

Summary of the Evidence PEP, as a distinct organization, adopted its first by-laws in 1977. It submitted a revised constitution to the State of Connecticut on September 14, 1989, but the submission contained no data concerning the procedure by which it had been adopted or ratified. The current governing document is dated July 18, 1993. The record also contained two drafts (one undated and one circa 1938) of proposed governing documents.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1993	Governing document	Articles of Government of the Paucatuck Eastern Pequot Indian Tribe of the Paucatuck Eastern Pequot Indian Reservation, July 18, 1993. Extensive document, with 13 articles	For statements concerning current governing documents, see Jamestown Clallam PF 1980, 4, Tunica-Biloxi PF 1980, 4, Narragansett PF 1982, 15	This was submitted as part of the #113 1994 documented petition. That submission provided no information concerning adoption or ratification. The 1996 Response contained copies of PEP tribal minutes from 1993 explaining the adoption procedure.	This meets (d)
1993	Membership criteria	Articles of Government, July 18, 1993, Article II, Membership. This consists of eight sections, covering eligibility, the filing of membership applications, review of membership applications, burden of proof, handling of applications for residency on the reservation, dual enrollment, and relinquishing membership.	For statements concerning application of membership criteria, see Samish PF 1982, 19, Ramapough FD 1996, 18, 27.	The basic eligibility consists of: (1) all persons whose names appear on the Paucatuck Eastern Pequot Indian Tribal Roll as of August 20, 1981, and their descendants, (2) all persons who prove that they are of one eighth (1/8) according to Paucatuck Eastern Pequot Indian law. The membership criteria do not provide a definition of "Paucatuck Eastern Pequot Indian law," nor does any other portion of the governing document.	This meets (d)

Recommendation The petitioner has submitted a copy of its current governing document, including the membership criteria. The petitioner therefore meets the requirements of criterion 837(d).

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30 (1)

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION E - Descent from the historic tribe.

Summary of the Evidence In this instance, the historic tribe from which descent is to be shown is the Eastern Pequot tribe as established on the Lantern Hill reservation in North Stonington, Connecticut, from the colonial period to the present. All members of petitioner #113 descend from three persons identified as Eastern Pequot in 19th century and early 20th century official records created and maintained by the State of Connecticut and/or by the Federal Government, namely Marlboro and Eunice (Wheeler) Gardner and Rachel (Hoxie) Jackson. Such official records comprise evidence acceptable to the Secretary under the 25 CFR Part 83 regulations. Ordinarily, the Federal Government, in evaluating a petition, would not go behind such official records (see listing of precedents in the chart below), but focus on ensuring that the current members of a petitioning group descend from individuals listed as members of the historic tribe on such official records.

In the case of the two Eastern Pequot petitions, however, Paucatuck Eastern Pequot #113 and Eastern Pequot Indians of Connecticut #35, much controversy has arisen in regard to the genealogical claims of certain key ancestors. Since the current petitioner, #113, has specifically challenged the accuracy and reliability of the above official records in regard to petitioner #35, the BIA was required to go behind the lists of the late 19th and early 20th century to examine the underlying documentation in detail. It was a matter of equity that the same level of scrutiny be given to the key ancestors claimed by petitioner #113, particularly in light of the fact that the third parties have challenged the existence of descent from the historic tribe for both petitioners (Lynch 1998a, Lynch 1998b, Lynch 1999). Overseers' lists, Federal census records, and similar documents created in the 19th century provide documentation of tribal membership as of the date the document was created, but rarely provide any detailed genealogical data concerning the ancestry of the individuals named, or the tribal affiliation of more distant ancestors in the colonial period. The BIA's evaluation of the requirement of descent from the historic tribe takes these limitations into consideration.

No evidence was submitted under 83 7(e)(1)(i), no evidence was submitted under 83 7(e)(1)(iv). Some useful documentation was presented under 83 7(e)(1)(iii) in the form of church records, but this data tended only to identify and provide information about individuals — not to identify those individuals in the following manner: "present members or ancestors of present members as being descendants of a historical tribe." No significant amount of data was presented under 83 7(e)(1)(v), the category of "other records or evidence," which might include diaries, Family Bible records, etc. Therefore, essentially, all of the evidence below falls into the category of 83 7(e)(1)(ii), "State, Federal, or other official records or evidence." There was a very wide variety of documentation under this single subcategory, including Federal census, State overseers' reports, vital records maintained on both the Town and State level, etc.

In these charts, the BIA has not undertaken to correct every error of fact and assumption in all submissions (for a more detailed analysis, consult the background genealogical material compiled in FTW* by the BIA researcher). The following chart analyzes the ancestry of the three key individuals, as defined by the petitioner, in so far as could be done from the relevant material in the record. It presents this analysis not on the basis of documentation which the petitioner or third parties find acceptable, but on the basis of documentation which is acceptable to the Secretary (83 7(e)(1)(i-v)). In regard to the use of ethnic identifications in individual census enumerations and on individual vital records (births, marriages, and deaths), submitted by all parties, there was no consistency in the ethnic identifications throughout the entire period for which such official records have been maintained. While some documents identified the persons carried on the records of the overseers of the Eastern Pequot reservation as Pequot, or as Indian, others identified ethnicity as non-Indian. The BIA does not evaluate descent from the historic tribe by means of a scorecard (x identifications as Indian vs. x identifications as non-Indian). Rather, since the record contains extensive official documentation concerning the ties of the families and individuals to the Eastern Pequot reservation, the inconsistency in specific individual ethnic identifications has no significant impact on the evaluation of petition #113.

The requirement under 83 7(e)(2) concerning the presentation of current and prior membership lists will be found at the end of this chart.

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1993	Articles of Government of the Paucatuck Eastern Pequot Indian Tribe (#113 Pet 1994)	ARTICLE II - MEMBERSHIP Section 1 - Eligibility - the membership of the Paucatuck Eastern Pequot Indian Tribe shall consist of the following (1) Voting Members- Those persons eligible for full rights of membership, including voting, office holding, and housing include 1 All persons whose name appear on the Paucatuck Eastern Pequot Indian Tribal Roll as of August 20, 1981, and their descendants 2 all persons who prove that they are of one eighth (1/8) or more Paucatuck Eastern Pequot Indian blood, according to Paucatuck Eastern Pequot Indian law. Such persons and their descendants will be added to the Tribal Rolls of August 20, 1981	"One hundred and eighty six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Determination Rolls of 1880-84'. Given the nature of the 'determination rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12)	Petitioner #113 does not define any specific historical membership list, or series of historical records, or series of membership lists, as providing the criterion or criteria for membership eligibility, nor specify how a new applicant may "prove that they are of one eighth (1/8) or more Paucatuck Eastern Pequot Indian blood, according to Paucatuck Eastern Pequot Indian law." The term "Paucatuck Eastern Pequot Indian law" is not defined at any place in the governing document. No blood quantum requirement is in place for descendants of those persons who were on the August 21, 1981, membership list.	The petitioner does not have clear eligibility criteria for membership based upon defined historic rolls. Consequently, it has necessary for the BIA to examine the descent of each key ancestor claimed by petitioner #113, not from the State membership lists of the 19th and 20th centuries, nor from the appearances of their ancestors on the Indian Population schedules of 1900 and 1910, but from the most complete evidence available reaching to a period as far as possible into the past.

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1994	[8/15/1994, Waldman, Hilary "Mashantuckets' Poor Cousins Caught in Bitter Dispute" <i>Hartford Courant</i> p. A-1, continued to page A-5 (CT FOIA #2)	Interview with #113 Chairman Agnes Cunha, newspaper article. This contained a specific repudiation of the reliability of State records by #113. "But Cunha, who is Chief Silver Star's granddaughter, said the overseers were notoriously corrupt and didn't know a thing about Indians. The state appointees routinely sold off or leased Indian land to non-Indians and listed as many people as possible on tribal rolls, simply to get more Indian aid money from the state."	"Member of an Indian group means an individual who is recognized by an Indian group as meeting its membership criteria and who consents to being listed as a member of that group" (83-1)	Petitioner #113 has specifically repudiated State overseers' lists and other official State records as acceptable membership criteria.	The BIA was obliged to examine other documents to verify the asserted Eastern Pequot descent of the group's defined key ancestors.
1996	#113 Pet. Response 1996	Chart 1 - Key Pequot Ancestors of the Paucatuck Eastern Pequot Indian Tribal Nation (Joslyn 1996). The petitioner defines its three key ancestors as: Marlboro Gardner, Eunice Wheeler, Rachel Hoxie.	Although the group has not attempted to trace their ancestry any further back than the 1871 census, there is documentary evidence to establish ancestry back from the 1871 ancestor to Gay Head Indians who appear on a list prepared in 1792. Evidence also suggests that several of the 1792 ancestors were descendants of the aboriginal inhabitants of the area at the time of English colonization" (Gay Head PF 1985: 7). "Other Federal, State, and local records, such as Federal, State, and local records, such as Federal population census schedules, 19 th century petitions to the State and County made by Mohegans, probate records, and vital records, corroborate this descent" (Mohegan PF 1989, 11).	The petitioner does not claim Eastern Pequot ancestry through any persons other than the three persons named on the "Key Pequot Ancestors" chart submitted in 1996. The ancestry of each of the three "Key Pequot Ancestors" will be handled individually below in three separate chronological sequences: first Marlboro Gardner, secondly Eunice Wheeler, thirdly Rachel Hoxie.	The records used by the BIA to examine the assertion of descent from the historic tribe for the key ancestors of petitioner #113, as defined by the group itself (Joslyn chart, 1996), have been the same types of record which have been used to verify descent from a historic tribe in prior cases.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1998-1999	The third parties assert that descent from families which became associated with a tribe at any point later than first contact does not qualify as descent from the historic tribe (Lynch 1998a, Lynch 1998b, Lynch 1999), a researcher for petitioner #113 responds (Grabowski 1999)	The third parties argue based on the 81 definitions of "historical or history" as "dating from first sustained contact with non-Indians" that under 83.7(e), the petitioners "must demonstrate a <u>continuous</u> line of descent from the earliest sustained contact of the historic tribe to the present day as defined by 25 CFR 83.1" and that "in order to meet the requirements of Section (e), members of the petitioning group are required to prove that such individuals in the petitioners [sic] descent line have maintained membership in the group" (Lynch 1998a: 3)	"One hundred and eighty-six of the tribe's 200 members could prove descent from lists of Tunicas and Biloxis prepared in the late 1800's and early 1900's" (Tunica-Biloxi FD 1981, 46 FR 143, 38411); "Eligibility based on Narragansett Indian blood has been further defined and restricted, according to a memorandum dated October 4, 1979, to require applicants for full voting membership to trace their Narragansett Indian bloodlines back to the 'Detribalization Rolls of 1880-84'. Given the nature of the 'detribalization rolls' and the circumstances surrounding their preparation, they are considered to be acceptable as evidence of Narragansett Indian ancestry for acknowledgment purposes (Narragansett PF 1982, 16); "The petitioner's membership criterion requires that members descend from an individual 'who appears on a census of the inhabitants of Gay Head, Massachusetts, published in 1871 (Gay Head PF 1985, 7); "Approximately . . . percent of the membership can demonstrate that they meet the group's membership requirement which is descent from an individual on a list of Mohegan Indians prepared in or before 1861" (Mohegan PF 1989, 12)	The AS-IA has never imposed a requirement as stringent as that asserted by the third parties, as indicated by the foregoing precedents One portion of the definitions quoted by the third parties, that pertaining to <i>Member of an Indian tribe</i> , is the definition of a current member of an Indian tribe, for purposes of determining dual enrollment issues in such cases as San Juan Southern Paiute. It has not been, and could not be, imposed from the colonial period to the present, for records permitting such a strenuous determination have not existed throughout most of the period since sustained contact	The third parties' argument is based on a misinterpretation of the regulations and a misapplication of the definitions The standard which the third parties wish to see imposed is not in accord with long-standing precedents established by the AS-IA

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1998-1999	The third parties assert that the Gardner and Hoxie lineages descend from non-Pequot Indians (Lynch 1998a, 4)	"Both apocal ancestors of the lineage, Malbro Gardner and Eunice Wheeler George Gardner, are demonstrably descendants of the historic Narragansett tribe of Indians, a tribe which is federally recognized by the Federal government. Neither of these two individuals ever lived in continuous tribal relations as defined by 25 CFR 83.1. Rachel Hoxie Anderson Ned Orchard Jackson and her brother Noyes Hoxie are of documented Narragansett ancestry. Her husband Henry Orchard Jackson was a non-Indian" (Lynch 1998a, 4)	"The process by which non-Cowlitz metis families became associated with the Cowlitz Indians was carefully analyzed by the BIA. It was concluded that descent from such associated metis families constituted descent from the historical tribe within the meaning of criterion 83.7(c) for the following reasons, (1) inter-tribal marriages were customary in the Pacific Northwest, (2) the associated families have consistently lived among and intermarried with families of documented Cowlitz descent since the 1830's, (4) the descendants of these families had been consistently accepted and identified as Cowlitz by the Federal government and the BIA" (Cowlitz PF 1997, 46)	The Lynch reports included extensive documentation concerning certain non-Pequot ancestors of the petitioner. The Lynch reports also included extensive documentation concerning certain non-Indian ancestors of the petitioner.	There is no requirement under the regulations that the descent of a tribe's members be solely from the historic tribe. Descent from the historic tribe allows for an individual's other ancestral lines to be drawn from other tribes (including other federally acknowledged tribes), or from non-Indian ancestry. The regulations also take account of regional patterns of inter-tribal marriages, and for the movement of individual families between tribes and bands.

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1860	(e)(1)(ii) 1860 Federal Census, Stonington, New London County, Connecticut (NARA M-653, Roll 89, p. 149, #904/1114)	In the household of Eliza Rozala, 35, f, B, b CT Marlboro Gardner, age 27, B, day laborer	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	His landlady was Eliza (Congdon) Rosaro, wife of Joseph Rosaro (see 1850 census) CONGDON, Eliza, of Stonington, m Joseph Rosalac, of Pompey, May 3, 1847, by W Chft 5-250 (Barbour Collection, Vital Records of Connecticut, Stonington, NSDAR Connecticut 35 95), 1850 census, Joseph and Eliza Rosaro, New London Co., CT The abstract of the 1860 census submitted by the third parties mistakenly put Marlboro Gardner in the next household with Ann Baldwin, 45, female, Black, domestic, Ammon Williams, 65, male, Farmer, POB CT, Real Estate value \$1,000.00, Nancy [sic, should be Mercy] Williams, 57, female, Black, POT CT (Lynch 1998, 5 68) The direct evidence on the 1860 census provides no data concerning Marlboro Gardner's ancestry or tribal affiliation The record contains no birth record for Marlboro Gardner, he may have been one of the males under 10 in the 1840 census for Ann Gardner, but this cannot be definitely determined. he has not been located on the 1850 census. The 1860 census is therefore the first direct record naming him, althou	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1864-1865	(e)(1)(ii) NARA Record Group 24, Records of the Bureau of Naval personnel. Entry #132 Muster Rolls, 869-1959	Vo 518 Muster Rolls of ships 1 January 1860-9 June 1900, USS Frigate WABASH, 13 December 1864, p 79, #547, GARDINER, Malbro, enlistment October 7, 1864, for two years, at New York, born Norwich, Connecticut, 24, mariner, Indian, List for January 1, 1865, p 93, #546, GARDINER, Malbro, born Sturington, Connecticut, age 24, seaman, Indian (abstracted by Marie Varrelman Melchior, August 1995, photocopies of original entries attached)	Indian descent not adequate to meet criterion (e), must be evaluated in full context (RMI FD 1996, 32).	Provides documentation of identification of the subject as Indian, but no data concerning ancestry or tribal affiliation	Does not meet (e)
1870	(e)(1)(ii) 1870 Federal Census. Town of North Stonington. New London County. Connecticut (NARA M-593, Roll 113, p 434, #357/382)	Gardner, Eunice, 32, f, M, keeping house, CT, Williams, Elizabeth, 8, f, M, Rhode Island, Williams, John, 5, m, M, CT, George, Charles, 13, m, M, Farm Hand, CT, Gardner, Lucy, 3, f, M, T, Gardner, Geo W, 11/12, m, M, CT, Gardner, Malbro, 32, m, M, Farm Hand, CT, Gardner, Charles, 18, m, M, Farm Hand, CT, Cuff, Ezra, 25, m, B, Farm Hand, CT, Brown, Leonard, 46, m, M, Farm Hand, Massachusetts, Simon, Eliza A, 45, f, M, CT	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe.	The 1870 census shows the Gardner household, but does not list it with the enumeration of the Lantern Hill reservation. On the other hand, one of the residents of the household was Leonard Brown, son of Thankful Ned(son) and a long-time reservation resident. The direct evidence on the census provides no data concerning Marlboro Gardner's ancestry or tribal affiliation	Does not meet (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(e)(1)(ii) "List of the names of those belonging to the Pequot tribe of Indians of North Stonington On file in Superior Court Records, New London County, located in the State Library, Hartford" (#35 Pet Overseers Reports)	Listing containing the following names Francis _ Watson, Mary C Watson [?], Edgar Ross, Mary A Potter, Harriet Merriman, Jesse I. [L.] Potter, Amman Potter, Wm Merriman, John Brushel, Calvin Nedson, Lucy [?urey E., Percy?] Wilhams, Harriet Wilhams, Wm Williams, Emily Brushel, John Randall, Charity Fagins, Hannah Brushel, Joseph Nedson, Caroline Nedson, Fanny Sherley, Lucy George, Lucy A George, Harriet Simon, Eunice Gardner, Marlboro Gardner, Dwight Gardner, Martin Nedson, Lucy Hill, Thomas S. Skesux, [Gusey?] Skesux "These are the names and their is others may the Lord have mercy and healp us and give for Jesus Sake" (#35 Pet Overseers Reports, Lynch 1998, 5 83-84)	No precise precedent on point	Shows Marlboro Gardner on a list, in company with numerous other Pequot Indians This second document from the summer of 1873 included representatives of both the Brushell and the Gardner families, as well as several collateral relatives of Calvin Williams	Meets (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1874	(e)(a)(ii) Remonstrance to Superior Court, New London, against sale of land" (#35 Pet. Petitions, Lynch 1998, 5 82-83)	March 31, 1874, stating "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington." Signers were Calvin Williams, Amanda Williams, Mercy Williams her X, Eunice Cottrell her X, Leonard Browne, Abby Randall, Florance Randall, Ellice Randall, John Randall Jr., Jesse L. Williams, Sophia Williams, Elizabeth Williams, Harriet E. Williams, William L. Williams, Jane M. [James M.?] Watson, Augustus E. Watson, Watson, Francis Watson, Mary A. Potter X, Emily Ross?, Rachel Jackson X, Isaac Tracy X, Fannie Jackson X, Irene Jackson X, Phebe Jackson X, Lucy Jackson X, Wily Jackson X, Permie? Jackson X, Fansos Jackson X, Molbrow Gardner X	No precise precedent on point	Shows Marlboro Gardner signing, as an Eastern Pequot Indian, in company with numerous other Pequot Indians. Since the AS-IA has consistently accepted the existence of tribal petitions as providing evidence of tribal political activity (see precedents under criterion 83 7(c)), it is presumed that the signer of such a petition in company with other members of the historic tribe is, at that point, a member of the tribe, thus providing evidence for descent from the historic tribe for his descendants, although such a signature provides no data concerning his ancestry.	Meets (c)
1880	(e)(1)(ii) 1880 Federal Census, Town of North Stonington, New London County, Connecticut (NARA T-9, Roll 109, p 776)	#220/240, Almon Jones household, 1, #220/241, God W. Appes household, 1, #221/242 Gardner, Malbro, 1, m, 42, works on farm, CT, Eunice, 1, f, 45, Charles H., 1, m, 22, Nellie, 1, f, 30, daughter in law, Georg W., 1, m, 12, Eddie C., 1, m, 6, Eunice A., 1, f, 5, William A., 1, M, 3, Emma E., 1, m, 11/12	Indian descent not adequate to meet criterion (c), must be evaluated in full context (RMI FD 1996, 32)	The 1880 census identifies Marlboro Gardner as Indian, but provides no data on ancestry or tribal affiliation. His household is in immediate proximity to two other Indian households, both of which have been identified, through background research, as having mixed Western Pequot/Narragansett residents. The direct evidence on the census provides no data concerning Marlboro Gardner's ancestry or tribal affiliation.	Does not meet 83 7(c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880-1881	(e)(1)(ii) Report on Narragansett Indians 1881	Marlboro Gardner attended the Narragansett detribalization meetings and took an active part in the proceedings (Objection by Marlboro Gardner)" (<i>Report on Narragansett Indians 1881</i>, 27, 67) He was, objected to as a member. "Marlboro Gardner, age 42, lives at Stonington, never lived on the reservation (Objection)" (<i>Report on Narragansett Indians 1881</i>, 31) When he testified on his own behalf, he stated Marlboro Gardner, sworn Q (By Mr. Carmichael) Mr Gardner, have you ever voted at the tribe meetings? A I never have I have been principally a seafaring man, and haven't been here except occasionally Q How long since you lived here in Charlestown? A I never lived here to make it my home Q How old are you? A 42 Q Did your father ever live here? A Yes, sir Q A member of the tribe? A Yes Sir, Harry Gardner Q He voted here? A Yes, sir My grandfather was Stephen Gardner (Still objected to by Mr. Cone) (<i>Report on Narragansett Indians 1881</i>, 71)	"Just under two-thirds of STI members descend from non-Steilacoom Indian women None of their children or grandchildren, in any of the affidavits made for BIA Special Agent Charles E. Roblin between 1910 and 1918, described an ancestress as Steilacoom" (Steilacoom PF 2000, 19-20), "The petition asserted that these Red River immigrant families were adopted, sometimes by way of intermarriage, into a continuously existing Steilacoom tribe during the second half of the 19th century However, the documented intermarriages did not take place between Red River immigrants and Steilacoom Indians" (Steilacoom PF 2000, 20)	The documentary source which provided the most useful data on the origin of this family line was the series of Narragansett detribalization records from Rhode Island, beginning with the 1881 report of the commission All of the data from this source indicated that Marlboro Gardner identified his father, and himself through his father, as Narragansett by descent However he was not accepted as a Narragansett tribal member, because his own testimony and the knowledge of others indicated that his family were long-time residents at Stonington, Connecticut, and had been absent from the reservation in Charlestown for far longer than the 10-year maximum allowed This provides only documentation that the paternal line of his Indian ancestry was Narragansett The documentation in the record is not adequate to determine whether or not the family of Marlboro Gardner's mother was Eastern Pequot Because it did indicate that his paternal lines were Narragansett, the chart has not addressed specific data concerning Harry and Stephen Gardner That data has, however, been incorporated into the background genealogical file prepared by BIA researchers	This does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1883	(c)(1)(ii) Petition to the Hon John D. Park Chief Justice of the Supreme and Superior Courts of Connecticut (#35 Pet Petitions, Lynch 1998, 591-92)	December 3, 1883 To the Hon John D. Park Chief Justice of the Supreme and Superior Courts of Connecticut We the undersigned inhabitants of and belonging to the Pequot Tribe of Indians in the Town of North Stonington would respectfully represent to your honor that Mr. Chipman our former overseer being dead We would request your honor to appoint Charles H. Brown of North Stonington for overseer Signed Eunice Cottrell her mark, Calvin Williams, Molbro Garner, Mrs Rachel Jackson, Phebe Jackson, Fannie Jackson, Irene Jackson, Henry Jackson, William Jackson, Jennie P. Jackson, Mrs Abby X Randall, Mrs Amanda Williams, Mrs Mary E. Bastian, Wm A. Bastian, Ella J. Bastian, Edgar W. Watson, Amon Potter, Harriet Potter, Ned [Sesos?] Williams, Francis Watson (#35 Pet Petitions, Lynch 1998, 591-92)	No precise precedent on point	This petition was not a complete listing of the Eastern Pequot at the time Leonard Ned/Brown, for example, did not sign. Marlboro Gardner signed, but his wife did not. Since the AS-IA has consistently accepted the existence of tribal petitions as providing evidence of tribal political activity (see precedents under criterion 83.7(c)), it is presumed that the signer of such a petition in company with other members of the historic tribe is, at that point, a member of the tribe, thus providing evidence for descent from the historic tribe for his descendants, although such a signature in itself provides no data concerning his ancestry.	Meets (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1889-1890	(e)(1)(ii) Overseer's Reports, Lantern Hill Reservation - Gilbert Billings, overseer (#113 Pet. 1996, HIST DOCS Doc. 41, #35 Pet. Overseers Reports)	Account covering the period from July 2, 1889, through 1890, showed Gilbert Billings as overseer. He stated that, "[d]uring the last year I have been called upon for help by one family that has not been helped before" (#113 Pet. 1996, HIST DOCS Doc. 41, #35 Pet. Overseers Reports). It listed the following names, which, it should be noted, include all of the qualifying ancestors claimed by both of the current petitioners: Members of Tribe: Abby Randall, John J. Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Munroe Watson, Molbro [?] Gardmer, Phebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson, [Three pages later in the photocopied document in the #113 petition, but apparently a continuation of the list follows immediately in #35 Pet. Overseers Reports] Maria Simons, Mary Simons, Herman Simons, Lucy A. Sawant [Lawant?], Russel Simons, Dwight Gardmer, Calvin Williams, Tamar Sebastian, Leonard Nedson, Mary Ann Potter. Account of provisions furnished each family: Molbro Gardmer, Calvin Williams, Tamar Sebastian.	"State official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe." (83.7(e)(1)(ii)). No precise precedent on point for the use of reports of state-appointed overseers.	The listing of an individual on an official report by the state-appointed overseer of a reservation identified with a specific historic tribe is sufficient to create a presumption that the individual listed was a member of the tribe and that the individual's descendants, therefore, descend from the historic tribe.	Meets (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1890-1891	(e)(1)(ii) Overseer's Reports, Lantern Hill Reservation - Gilbert Billings, overseer (#35 Pet. Overseers Reports)	The 1890-1891 report, "Eastern Tribe Pequot Indians North Stonington in account with Gilbert Billings overseer, " showed goods furnished to Molbro Gardner, Calvin Williams, Tamar Sebastian, Leonard Nedson, Jesse Williams, and Mary Ann Potter. The overseer stated "In the last year I have been called upon for help by three family's [sic] that have not been helped before." The list of "Members of Tribe" was essentially the same as the prior year - Abby Randall, John J. Randall, Alexander Randall, Flora Randall, Lucy Hill, Francis Watson, Mary Watson, Edgar Watson, Manirve [Munroe?] Watson, Molbro Gardner, Phebe Jackson, Irene Jackson, Jenny Jackson, Lucy Jackson, William Jackson, Fanny Jackson, Ed Jackson, Maria Simons, Mary Simons, Herman Simons, Lucy A. Savant, Russel Simons, Dwight Gardner, Calvin Williams, Jesse Williams, Tamar Sebastian, Leonard Nedson, Mary Ann Potter.	"State official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe." (83.7(e)(1)(ii) No precise precedent on point for the use of reports of state-appointed overseers.	The listing of an individual on an official report by the state-appointed overseer of a reservation identified with a specific historic tribe is sufficient to create a presumption that the individual listed was a member of the tribe and that the individual's descendants, therefore, descend from the historic tribe.	Meets (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1891-1893	(e)(1)(ii) Civil War pension application and file (#113 Pet 1996, GEN DOCS I)	Civil War Pension File "Claimant is one of the last of the Pequot tribe of Indians" (Doctor's testimony 1891), he "[H]s a full blooded Indian (Pequot)" and "[H]as always lived in the village of Milltown - is a good citizen - is now reduced to extreme poverty - two honorable discharges" (Letter, P H Hillard, Westerly, RI, May 1, 1893) He was "Supported in part by the town and in part by the overseer of the Pequot tribe of Indians of which he is a member" (Neighbor's affidavit, April 15, 1893) Remained in Pensacola about six months after his discharge, reference to the court martial of the officer who shot him for protecting his landlady from assault while two officers were drunk	No precise precedent on point	This provides evidence that contemporary non-Indian associates identified him as a Pequot Indian and as a member of the tribe. The reference by a neighbor to "supported in part by the overseer of the Pequot tribe of Indians of which he is a member," provides substantiation of the assumption of membership provided by his signature on tribal petitions. While the data does not specifically tie him to the Eastern Pequot (rather than to the Western Pequot), this may be inferred from the prior documents in the record, which show him as a signer of Eastern Pequot petitions but never as in any way affiliated with the Western Pequots	Meets (c)
1893	(e)(1)(ii) Death record, Marlboro Gardner (#113 Pet 1996, GEN DOCS IV, Lynch 1998, 5.95)	May 16, 1893, Marlboro Gardner, 55, Black, POB [no data], POD North Stonington. Laborer, residence North Stonington Typescript of cemetery records gave death date as May 16, 1898 (#113 Pet GEN DOCS I)	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	The document is acceptable evidence concerning the death of Marlboro Gardner, and thus of utility in documenting him. However, it provides no documentation concerning his ancestry or tribal affiliation	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1835-1836	(c)(1)(ii) Overseer's Report, Lantern Hill Reservation	This report covered the period from June 16, 1835 through January 6, 1836 (#35 Pet Overseers Reports, #113 Pet 1996, HHS DOCS, Doc 41). It mentioned, for the first time in an Eastern Pequot overseer's report, "articles furnished Charlott Wheeler" on December 14, 1835 (#35 Pet Overseers Reports). A continuation of the same document which began January 6, 1836, and continued through June 14, 1836, also mentioned a payment for two loads of wood for Charlotte Wheeler on February 6, 1836 (#35 Pet Overseers Reports, #113 Pet 1996, HHS DOCS Doc 41).	"State official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe" (83.7(e)(1)(ii)). No precise precedent on point for the use of reports of state-appointed overseers.	Charlotte (Potter) Wheeler was the mother of Marlboro Gardner's future wife (see below). While other evidence indicated that her ancestry was Narragansett, this document shows that by the 1830's she was resident in North Stonington, Connecticut, and in some way, undefined by the document, eligible to receive benefits from the Eastern Pequot fund. The listing of an individual on an official report by the state-appointed overseer of a reservation identified with a specific historic tribe is sufficient to create a presumption that the individual listed was a member of the tribe, and that the individual's descendants therefore descend from the historical tribe.	Meets (c)
1840	(c)(1)(ii) 1840 Federal Census, North Stonington, Connecticut	Charlotte Wheeler in 1840 census for North Stonington, age 36-55, 7 in household. Listed in the category "all other free persons."	No precise precedent on point, identification of an individual as simply a person of color on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe.	This census provides no direct information concerning the ancestry or tribal affiliation of Charlotte (Potter) Wheeler. The context of the listing provides some further information that she was, at this date, associating with identified Eastern Pequot Indians. 1840 census, North Stonington, CT: Prudy Pauheag, Thomas Slutley [Shelley], Cyrus Slutley [Shelley] ac 55-100, 2 in household - Samuel Shuntup ac 36-55, 3 in household - Charlotte Wheeler [grouped together]	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1850	(c)(1)(ii) 1850 Federal Census, North Stonington, Connecticut (NARA M-432, Roll 48, p 323, #362/376)	Household of Charlotte (Potter) Wheeler Lotty Wheeler, 57, f, B, Mary Wheeler, 30, f, B, John, 24, m, B, Cyrus, 21, m, B, Daniel, 18, m, B, Eunice, 16, f, B, Mary F Janus, 3, f, B	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	This census is of use for confirming the identification of Eunice Wheeler as a daughter of Charlotte (Potter) Wheeler. However, the census provides no direct information concerning her ancestry or tribal affiliation.	Does not meet (c)
1852	(c)(1)(ii) Marriage record, Amos George and Eunice Wheeler, Ledyard, Connecticut (#113 Pet 1996 GEN DOCS IV)	Ledyard April 11th 1852. Personally appeared Mr. Amos George of Ledyard & Miss Eunice Wheeler of North Stonington & were joined in marriage by me, Rec'd & recorded May 12, 1852	No precise precedent on point, absence of ethnic identification on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	This marriage record is of use for documenting the biography of Eunice (Wheeler) Gardner. However, it provides no direct information concerning her ancestry or tribal affiliation.	Does not meet (c)
1857	(c)(1)(ii) Birth record, child of Austin George and Eunice [Wheeler], North Stonington, Connecticut (#113 Pet 1996, GEN DOCS IV)	North Stonington, Connecticut, Registration of Births Oct 26th 1857 [no name], Male, father Austin George, 28, Colored, residence North Stonington, Laborer, mother Eunice George, 20, Colored, residence North Stonington	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	This birth record is of use for documenting the biography of Eunice (Wheeler) Gardner. However, it provides no direct information concerning her ancestry or tribal affiliation.	Does not meet (c)
1860	(c)(1)(ii) 1860 Federal Census, North Stonington, Connecticut (NARA M-653, Roll ??, p 212, #12/14)	Lottie Wheeler, 66, f, M, b CT, Cyrus George, 5, m, M, b CT	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	In this census, Charlotte (Potter) Wheeler had in her household a grandson whose father has been, through other evidence in the record, identified as Western Pequot. However, the census provides no direct information concerning her ancestry or tribal affiliation.	Does not meet (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1860	(e)(1)(ii) 1860 Federal Census, Town of Richmond, Washington County, Rhode Island (NARA M-653, Roll 1211, p. 353r, #183/192)	Calvin Williams, 28, m, B, b CT, [illegible name, overwritten, POSS Catherine?] Eunice A, 32 [written over an illegible numeral], f, B, b CT, Cimon, 5, m, B, b CT, Charles H, 3, m, B, b CT	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	The 1860 census provides no direct information concerning the ancestry or tribal affiliation of Eunice Wheeler	Does not meet (c)
1865	(e)(1)(ii) 1865 marriage record, North Stonington, Connecticut	Registration of Marriages Solemnized in Town of North Stonington, Date of License Sept 23d, 1865, Albert Gardner, 37, Colored, born North Stonington, resident North Stonington, Ct. to Eunice Wheeler, 27, Colored, born North Stonington, resident North Stonington, Ct. Date of Marriage September 24th 1865, Rev. Charles W Ray, res. North Stonington, Conn	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	This marriage record is of use for documenting the biography of Eunice (Wheeler) Gardner. However, it provides no direct information concerning her ancestry or tribal affiliation	Does not meet (c)
1870	(e)(1)(ii) 1870 Federal Census, Town of North Stonington, New London County, Connecticut (NARA M-593, Roll 11, p. 434, #351/382)	Gardner, Eunice, 32, f, M, keeping house, CT, Williams, Elizabeth, 8, f, M, Rhode Island, Williams, John, 5, m, M, CT, George, Charles, 13, m, M, Farm Hand, CT, Gardner, Lucy, 3, f, M, T, Gardner, Geo. W, 11/12, m, M, CT, Gardner, Malbro, 32, m, M, Farm Hand, CT, Gardner, Charles, 18, m, M, Farm Hand, CT, Cuff, Ezra, 25, m, B, Farm Hand, CT, Brown, Leonard, 46, m, M, Farm Hand, Massachusetts, Simon, Eliza A, 45, f, M, CT	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	The 1870 census shows the Gardner household, but does not list it with the enumeration of the Lantern Hill reservation. On the other hand, one of the residents of the household was Leonard Brown, son of Thankful Ned(son) and a long-time reservation resident. The direct evidence on the census provides no data concerning Eunice (Wheeler) Gardner's ancestry or tribal affiliation	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(e)(1)(ii) "List of the names of those belonging to the Pequot tribe of Indians of North Stonington On file in Superior Court Records, New London County, located in the State Library, Hartford" (#35 Pet Overseers Reports)	Listing containing the following names Francis Watson, Mary C Watson [?], Edgar Ross, Mary A Potter, Harriet Merriman, Jesse I [L.] Potter, Amman Potter, Wm Merriman, John Brushel, Calvin Nedson, Lucy [?urey E., Percy?] Williams, Harriet Williams, Wm Williams, Emily Brushel, John Randall, Charity Fagins, Hannah Brushel, Joseph Nedson, Caroline Nedson, Fanny Sherley, Lucy George, Lucy A George, Harriet Simon Eunice Gardner, Marlboro, Gardner, Dwight Gardner, Martin Nedson, Lucy Hill, Thomas S Skesux, [Gusey?] Skesux "These are the names and there is others may the Lord have mercy and healp us and give for Jesus Sake" (#35 Pet Overseers Reports; Lynch 1998, 5 83-84)	No precise precedent on point	Shows Eunice (Wheeler) Gardner on a list of Eastern Pequot Indians, in company with numerous other Pequot Indians This second document from the summer of 1873 included representatives of both the Brushell and the Gardner families, as well as several collateral relatives of Calvin Williams	Meets (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873-1879	(c)(1)(ii) Birth records, North Stonington, Connecticut (#113 Pet 1996, GEN DOCS IV)	October 10, 1873, [no given name] Gardner, male, mother Eunice Wheeler, 40, Indian, residence of parents North Stonington, Conn. [no occupation of father], June 16, 1875, [Agnes Eunice] Gardner, Female, father Marlboro Gardner, [no age listed], Indian, Laborer, mother Eunice Wheeler, do [i.e., Indian], [no age listed], residence of parents North Stonington, Conn., June 26, 1879, Emma Gardner, Female, father Marlboro Gardner, Indian, Laborer, mother Eunice, do [i.e., Indian], [no age listed for either parent], residence of parents, North Stonington, Conn.	Indian descent not adequate to meet criterion (c), must be evaluated in full context (RMI FD 1996, 32).	These birth records are useful in documenting the biographies of Marlboro and Eunice (Wheeler) Gardner, and showing who their children were. However, they provide no direct information concerning descent from the historical tribe.	Does not meet (c)
1880	(c)(1)(ii) 1880 Federal Census, Town of North Stonington, New London County, Connecticut (NARA 1-9, Roll 109, p 776)	#220/240, Almon Jones household, 1, #220/241, Gad W. Appes household, 1, #221/242, Gardner, Marlboro, 1, m, 42, works on farm, CT, Eunice, 1, f, 45, Charles H., 1, m, 22, Nellie, 1, f, 30, daughter in law, Georg W., 1, m, 12, Eddie C., 1, m, 6, Eunice A., 1, f, 5, William A., 1, M, 3, Emma E., 1, m, 11/12	Indian descent not adequate to meet criterion (c), must be evaluated in full context (RMI FD 1996, 32).	The 1880 census identifies Marlboro Gardner as Indian, but provides no data on ancestry or tribal affiliation. His household is in immediate proximity to two other Indian households, both of which have been identified, through background research, as having mixed Western Pequot/Narragansett residents. The direct evidence on the 1880 census provides no data concerning Eunice (Wheeler) Gardner's ancestry or tribal affiliation.	Does not meet 83.7(c)

Paucatuck Eastern Pequot Indians: Criterion (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880-1881	(e)(1)(ii) Report on Narragansett Indians 1881	Eunice (Wheeler) Gardner, reported that she was a daughter of Charlotte Potter, a Narragansett Indian. Charlotte's husband's name was Primos Wheeler, not a member of the Narragansett tribe. Her mother had land on Little Rest Hill. Objection was filed against her membership (<i>Report on Narragansett Indians</i> 1881, 36). In her testimony, she stated "I am connected with the tribe by my mother. Then, again, Albert Gardner belonged here. My mother was Charlotte Potter. My father was not a member of the tribe. I have never lived on the reservation. I was there for the first time at the last meeting at the meeting-house" (<i>Report on Narragansett Indians</i> 1881, 81). The report listed one of her children by her prior husband, Albert Gardner, separately: "George W. Gardner, (son of Eunice Gardner), age 18, born in North Stonington, never at the reservation" (<i>Report on Narragansett Indians</i> 1881, 72).	"Just under two-thirds of STI members descend from non-Steilacoom Indian women. None of their children or grandchildren, in any of the affidavits made for BIA Special Agent Charles E. Roblin between 1910 and 1918, described an ancestress as Steilacoom" (Steilacoom PF 2000, 19-20); "The petition asserted that these Red River immigrant families were adopted, sometimes by way of intermarriage, into a continuously existing Steilacoom tribe during the second half of the 19th century. However, the documented intermarriages did not take place between Red River immigrants and Steilacoom Indians" (Steilacoom PF 2000, 20).	The documentary source which provided the most useful data on the origin of this family line was the series of Narragansett detribalization records from Rhode Island, beginning with the 1881 report of the commission. All of the data from this source indicated that Eunice (Wheeler) Gardner identified her mother, herself through her mother, and her former husband, as Narragansett by descent. However, she was not accepted as a Narragansett tribal member, because his own testimony and the knowledge of others indicated that her family were long-time residents at Stonington, Connecticut, and had been absent from the reservation in Charlestown for far longer than the 10-year maximum allowed. It provides documentation only that in the maternal line, her Indian ancestry, though Charlotte Potter, was Narragansett. The documentation in the record is not adequate to determine whether or not the family of Eunice Wheeler's father was Eastern Pequot. There were many Wheeler families of multiple ethnic origins in the Stonington, Connecticut, area in the late 18th and early 19th centuries.	Does not meet (e)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900	(e)(1)(ii) 1900 Federal Census (NARA T-623, Roll 149, ED 469, Sheet 14)	1900 census, not located unless she was the following person in North Stonington 1900 June 30, Twelfth Census of the United States, Connecticut, New London County, North Stonington, Indian Population/Special Enquiries Relating to Indians Gardner, Armia ?, black, female, DOB 1835 (65), single, POB CT, no read/write/speak English, Indian Reservation (Lynch 1998, 5.96-97) Narragansett, father Pequot, mother Pequot, no	"Three Federal population census schedules for Alabama are used by the group as source documents for establishing eligibility. These are the 1870 and 1900 general schedules of Escambia County and the 1900 Monroe County special Indian schedules" (Poarch Creek FD 1984, 6). "The 1900 and 1910 Federal censuses identified individuals as Cowlitz Indians, . . . Many of the above categories overlap that is, the same individual often is identified as Cowlitz in a baptismal record . . . on the special Indian Population schedules in 1900 and 1910, or otherwise in a sequence of independently created documents" (Cowlitz PF 1997, 45-46)	If "Armia Gardner" was Eunice Gardner, which seems probable from the circumstantial evidence, this provides a tribal identification and shows her as residing on the Lantern Hill Reservation. While there is some ambiguity in the description that she was Narragansett, while both of her parents were Pequot, that is in the nature of records. It is rare to find a single document that provides complete evidence. The data here must be compared with other data in the record throughout the subject's lifetime.	This meets (c)
1910	(e)(1)(ii) 1910 Federal Census (NARA T-624, Roll 142, 1910 U.S. Census, North Stonington, New London County, Connecticut, ED 525, Sheet 9A, #219/245) (Lynch 1998, 5.101, #113 Pet 1996, GEN DOCS III)	Gardner, Eunice A., Head, f, Mu, 85, wd, borne 13 children/8 living, b CT, parents b CT, Laundress/Housework, Apes, Gad, Board, m, Mu, 67, wd, b CT, parents b CT. Compare the following variant version NARA T-624, Roll 142, ED 525, Sheet 9A, # [illegible], 1910 Census, North Stonington, #219/245 Gardner, Eunice A., Head, f, Mu, 85, Wd, 13/8, CT/RI/CT, Apes, Gad, boarder, M, Mu, 67, Wd, CT/CT/CT (Lynch 1998, 5.101)	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe.	The 1910 census did not show Eunice (Wheeler) Gardner living on the Lantern Hill reservation, or enumerate her on the special Indian Population schedules. It provided no direct evidence concerning her ancestry or tribal affiliation, though it provided other useful information for documenting her life.	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1912	(e)(1)(ii) Photocopy of death record, North Stonnington, Connecticut (#113 Pet 1996, GEN DOCS IV)	Aug 29, 1912, artero-sclerosis, mitral regurgitation, Eunice A Gardner, 76 yrs 11 months, Colored, Female, born Maine, no occupation listed, res North Stonnington, Conn, Widow	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	The document is acceptable evidence concerning the death of Eunice (Wheeler) Gardner, and thus of utility in documenting her. However, it provides no documentation concerning his ancestry or tribal affiliation	Does not meet (e)
1849	(e)(1)(ii) Elias Hewitt, overseer's report, Lantern Hill Reservation (#35 Pet, Overseers Reports)	Report beginning June 21, 1849: "Rachel Hoxey one of the tribes a girl about 16 yrs old has been sick & on the expenses the most of the past year has had a child the Father of the Child is a worthless wretch I have taken his notes for the amount of her Expenses I think I shall be able to collect the notes "	"State . . . official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe " (83 7(c)(1)(ii) No precise precedent on point for the use of reports of state-appointed overseers	This was the first mention in the Lantern Hill overseer's reports of a woman who would appear, under various names (Hoxie, Ned, Anderson, Jackson, Orchard) in the official records of the overseer regularly until her death in 1884 The listing of an individual on an official report by the state-appointed overseer of a reservation identified with a specific historic tribe is sufficient to create a presumption that the individual listed was a member of the tribe, and that the individual's descendants therefore descend from the historical tribe	Meets (e)

Paucatuck Eastern Pequot Indians: Criterion (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1857-1875	(e)(1)(ii) Isaac W Miner, overseer's report, Lantern Hill Reservation (#35 Pet, Overseers Reports)	"The following names are the present members of the Pequot Tribe in North Stonington and are of said tribe so far as I have been ascertaining to the best of my knowledge -" (#35 Pet Overseers Reports) The names that he listed were: Thankful Ned, Eunice Fagins, Abby Fagins & two children, Charity Fagins, Lucy Ann Fagins, Laura Fagins and five children, Marinda Ned, Rachel Skeesux, Caroline Ned, Lucy Hill, Rachael Anderson & one child, Thomas Ned, Leonard Brown, Ezra Ned [dead], Calvin Ned, Joseph Fagins, James Kinness, George Hill, Andrew Hill	"State official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe" (83 7(e)(1)(ii) No precise precedent on point for the use of reports of state-appointed overseers	This mention of Rachel (Hoxie) Jackson was as Rachel Anderson. In 1858, she was listed as Rachel Anderson, in 1859 as Rachel Anderson Ned, in 1861 as Rachel Ned, in 1862-63 as Rachel Orchard or Ned, in 1864 as Rachel Orchard, in 1865 as Rachel Orchard, 1866 Rachel Orchard or Nedd, 1868 Rachel Jason, 1869 Rachel Jackson, 1870-71 Rachel Jackson, April 1871, Rachel Jackson or Orchard, 1873-1874, Rachel Jackson, 1874-1875, Rachel Jackson. (#35 Petition, Overseers Reports) Her non-Indian husband was known interchangeably by the names of Henry Orchard and Henry Jackson. The listing of an individual on an official report by the state-appointed overseer of a reservation identified with a specific historic tribe is sufficient to create a presumption that the individual listed was a member of the tribe, and that the individual's descendants therefore descend from the historical tribe	Meets (e)
1862	(e)(1)(ii) Marriage Record, Stonington, New London County, Connecticut (#113 Pet 1996 GEN DOCS IV)	Registration of Marriages in the Town of Stonington 1862 Mar 26th, Henry J Orchard, 35, Black, b Stonington, res Stonington, Rachael Anderson, 27, "[Black] b N Stonington, res N Stonington by Stephen Hubbell, Minister of the Gospel	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	While this record provides valuable information in documenting the biography of Rachel (Hoxie) Jackson it provides no direct evidence concerning her ancestry or tribal affiliation	Does not meet (e)

Paucatuck Eastern Pequot Indians: Criterion (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1865-1876	(e)(1)(ii) Birth records, North Stonington, Connecticut (#113 Pet 1996, GEN DOCS IV)	Sept 3d 1865, [no given name] Orchard, Female, father Harry Orchard, 38, Colored, residence North Stonington, Connecticut, Laborer, mother Rachel orchard, 34, " [Colored], " [residence North Stonington] Sept 20 1869, [no given name] Jackson, Female, father Henry Jackson, [age illegible in tight margin], Black, residence North Stonington, Conn , Farming, mother Rachel Jackson, [age illegible in tight margin], " [Black], " [residence North Stonington] July 15, 1876, [no given name] Jackson, Female, father Henry Jackson, 51, Black, residence North Stonington, Conn , Farming, mother Rachel Jackson, 46, " [Black]	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	While this record provides valuable information in documenting the biography of Rachel (Hoxie) Jackson, it provides no direct evidence concerning her ancestry or tribal affiliation	Does not meet (e)

Paucatuck Eastern Pequot Indians: Criterion (e)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1870	(e)(1)(ii) 1870 Federal Census, North Stonington, New London County, Connecticut (NARA M-593, Roll 11, p. 436)	Grouped together as "Indians in North Stonington," all shown as born in Connecticut 1/1 Colvin [Cottrell], George, 61, m, lud, farm hand, b CT, Eunice, 65, f, l, keeping house, b CT, 2/2 Williams, Calvin, 40, m, l, farm hand, b CT, Amanda, 41, f, l, keeping house, b CT, Hill, George, 50, m, l, farm hand, b CT, #3 omitted, 4/4 Jackson, Henry, 45, m, l, farm hand, b CT, Rachel, 39, f, l, keeping house, b CT [i.e. b c 1831], Isaac, 20, m, l, farm hand, Fannie, 8, f, l, Jennie, 6, f, l, Phebe E., 4, f, l, Lydia, 2, f, l, Amry, 8/12, m, l, 5/5 Andrew, Isaac, 20, m, l, farm hand, 6/6 Congdon, Lee, 49, m, l, blacksmith, \$500 personal property, Catherine, 48, f, l, keeping house, George, 19, m, l, Lerin [?], 18, m, l, Frank, 17, m, l, Anna, 14, f, l, Osma, 5, m, l, Irvin, 4, m, l, Susan E., 1, f, l, 7/7 Gray, Issac, 20, m, l, farm hand, Boswick, Charles, 11, m, l, farm hand, Baker, George, 35, m, l, laborer, Baker, Phebe, 28, f, l, domestic servant, Brown, Leonard, [age illegible], m, l, farm hand	Indian descent not adequate to meet criterion (e), must be evaluated in full context (RMI FD 1996, 32)	The census does not directly identify the "Indians in North Stonington" as Eastern Pequot. Some of them never appear on Eastern Pequot records, and appear to have had other tribal ancestry. The data is nonetheless useful in corroborating other records.	Does not meet (e)

Paucatuck Eastern Pequot Indians: Criterion (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1873	(e)(1)(ii) Petition of Eastern Pequot Indians (#35 Pet. Petitions, Lynch 1998, 5 81-82, Grabowski 1996, 114)	On June 26, 1873, the "members of the Pequot tribe of Indians of North Stonington" remonstrated against sale of lands and requested removal of Leonard C. Williams as overseer. The names of signers on photocopy submitted to the BIA were nearly illegible. Combining the transcriptions in petition #35, petition #113, and by the BIA researchers, they names appear to be: Calvin Williams, Amanda Williams, E. Cottrell, Rachel M. Jackson, Fanny ", Ircan ", Phebe ", Lucy ", Wm. H. ", Jane M. J., Leonard Brown, [illegible], [illegible], James [James?] M. Watson, Sarah J. Watson, [following page, may or may not represent a continuation] Mercy Williams her mark, [illegible], [illegible], [illegible] Hill ((#35 Pet. Petitions, Lynch 1998, 5 81-82, Grabowski 1996, 114)	No precise precedent on point	Shows Rachel Jackson signing as an Eastern Pequot Indian, in company with numerous other Pequot Indians. Since the AS-IA has consistently accepted the existence of tribal petitions as providing evidence of tribal political activity (see precedents under criterion 83.7(c)), it is presumed that the signer of such a petition in company with other members of the historic tribe is, at that point, a member of the tribe, thus providing evidence for descent from the historic tribe for her descendants, although such a signature provides no data concerning her ancestry.	Meets (c)

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1874	(e)(a)(ii) "Remonstrance to Superior Court, New London, against sale of land" (#35 Pet. Petitions, Lynch 1998, 5 82-83)	March 31, 1874, stating "We the undersigned most respectfully state that we are members of and belong to the Pequot tribe of Indians of North Stonington." Signers were Calvin Williams, Amanda Williams, Mercy Williams her X, Eunice Cottrell her X, Leonard Brownne, Abby Randall, Florance Randall, Ellice Randall, John Randall Jr., Jesse L. Williams, Sophia Williams, Elizabeth Williams, Harriet E. Williams, William L. Williams, Jane M. [James M.?] Watson, Augustus E. Watson, Watson, Francis Watson, Mary A. Potter X, Emily Ross?, Rachel Jackson X, Isaac Tracy X, Fannie Jackson X, Irene Jackson, X, Phebe Jackson X, Lucy Jackson X, Wily Jackson X, Permie? Jackson X, Fansos Jackson X, Molbrow Gardner X	No precise precedent on point	Shows Rachel Jackson signing, as an Eastern Pequot Indian, in company with numerous other Pequot Indians Since the AS-IA has consistently accepted the existence of tribal petitions as providing evidence of tribal political activity (see precedents under criterion 83 7(c)), it is presumed that the signer of such a petition in company with other members of the historic tribe is, at that point, a member of the tribe, thus providing evidence for descent from the historic tribe for her descendants, although such a signature provides no data concerning her ancestry	Meets (c)
1880	(e)(1)(ii) 1880 Federal Census (NARA T-9, Roll 109, 1880 U.S. Census, North Stonington, New London County, Connecticut, p. 767, #21/22, Lynch 1998, 4 3-4)	Orchard, Henry, black male 50, b. CT, parents b. CT, Rachel, black female 44, wife, b. CT, parents b. CT, Fannie B., black, 17, dau, works out, Judy I., black, 16, dau, at school, Phebe E., black, 15, daughter, works out, Lucy A., black, 12, dau, at home, William H., black, 11, son, at home, Jaramine black, 8, dau, at home, James, black, 6, son, at school, Grace E. black 1, dau	No precise precedent on point, identification of an individual as non-Indian on a census record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe.	While the census data provides valuable information on Rachel (Hoxie) Jackson and her children, supplementing that available from the Eastern Pequot overseers' reports, it does not in itself provide any data concerning her ancestry or tribal affiliation	Does not meet (c)

Paucatuck Eastern Pequot Indians: Criterion (e)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1884	(e)(1)(ii) Death record, North Stonington, Connecticut	1884 September 18, North Stonington Vital Records 1852-1920 Death, Rachael Jackson, 48, Black, POB Charlestown RI, POD North Stonington (Lynch 1998, 5 92)	No precise precedent on point, identification of an individual as non-Indian on a vital record (or any other record) does not provide evidence for tribal affiliation or descent from a historic tribe	While this record provides valuable information in documenting the biography of Rachel (Hoxie) Jackson, it provides no direct evidence concerning her ancestry or tribal affiliation	Does not meet (e)
1996	(e)(2) Current membership list	Paucatuck Eastern Pequot Membership List 2/15/1996 (#113 Pet 1996) the analysis prepared by the petitioner (Chart of Key Pequot Ancestors of the Paucatuck Eastern Pequot Tribal Indian Nation, #113 Pet 1996 Joslyn Genealogical Charts) showed the following distribution Gardner/Edwards, 69 current tribal members, Gardner/Williams, 50 current tribal members, Hoxie/Jackson, 1 current tribal member, Hoxie/Jackson/Spellman, 8 current tribal members	83.7(e)(2) "The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth and current residential address" "as well as a statement describing the circumstances surrounding the preparation of the current list, "	This list omitted the current residential address and did not include either a separate certification (though the council certified the 1966 submission as a whole) or a description describing the circumstances of its preparation. It was accompanied by 43 pages of photocopies of tribal roll cards which did provide the addresses The current membership list should be updated, prepared in proper format, certified by the governing body, and submitted to the BIA for preparation of the final determination	This meets (e)(2) for submission of a current membership list
1992	(e)(2) Prior membership list (Paucatuck Eastern Pequot Tribal Roll 3/2/1992)	March 2, 1992, "Paucatuck Eastern Pequot Tribal Roll " This document, on letterhead, contained 108 numbered individuals (#113 Pet 1994, NARR 1-7) Four persons (#17-20) lacked surnames, but were presumably the children of #16	83.7(e)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" "and, insofar as possible, the circumstances surrounding the preparation of former lists "	For the first time in the membership lists submitted by #113, this list contained the names of three older-generation Hoxie/Jackson family line descendants	This meets (e)(2) for prior membership lists

Paucatuck Eastern Pequot Indians: Criterion (c)

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Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1981	(c)(2) Prior membership list (Paucatuck Eastern Pequot Indians Tribal Roll 1981)	"Tribal Roll As of August 20, 1981" in letterhead of the Paucatuck Eastern Pequot Indians of Connecticut, stamped "Received May 11 1983 Dept. of Environmental Protection Office of Indian Affairs" (Paucatuck Eastern Pequot Indians Tribal Roll 1981). In addition to the cover sheet, the first two pages contained 52 names, the third page contained 29 names, the fourth page contained eight names.	83 7(c)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" "and, insofar as possible, the circumstances surrounding the preparation of former lists "	In light of the opposition to Helen LeGault led by the Jackson family, the BIA researcher also analyzed this list. It included only Gardner/Edwards and Gardner/Williams descendants, excluding the Hoxie/Jackson descendants.	This meets (c)(2) for prior membership lists.
1977	(c)(2) Prior membership list (PEP Membership List 1977)	undated membership list produced by Helen LeGault, CIAC representative and leader of the group antecedent to petitioner #113 stamped "Received Aug 2 1977 Connecticut Indian Affairs Council" (PEP Membership List 1977). It was not on letterhead. One version printed vertically was one page, the other, printed landscape, was two pages. Both contained the same hand annotations: often stating "deceased" or "don't qualify". The list ascribed blood quantum, but there were no membership numbers or addresses. Children were listed under their parents. There appeared to be five household heads who were living and three marked deceased, of these, there were 25 children. Of the children, four were marked "deceased" and six were marked "don't qualify". Only one of the children was annotated as having a child of his own.	83 7(c)(2) "The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria" "and, insofar as possible, the circumstances surrounding the preparation of former lists "	In light of the 1973-1976 protest against Helen LeGault led by Arlene (Jackson) Brown, the BIA compared this list manually to petitioner #113's current list and genealogical submissions. All persons on this list descended either from Atwood and Agnes Eunice (Gardner) Williams or from Emma Estelle (Gardner) Edwards. It excluded the Hoxie/Jackson/Spellman descendants as well as the Brushell/Sebastian descendants. No description of the circumstances surrounding its compilation was included. Other documentation indicated that it was submitted to CIAC by Helen LeGault in connection with the controversy over Eastern Pequot representation (CIAC Minutes 8/2/1977, [1]).	This meets (c)(2) for prior membership lists.

Paucatuck Eastern Pequot Indians: Criterion (e)

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Recommendation The petitioner's three key ancestors were identified as members of the Eastern Pequot Tribe, Lantern Hill Reservation, by evidence acceptable to the Secretary. The petitioner is a group which has evolved in the past 60 years, and more precisely in the last 25 years, from the Eastern Pequot Tribe. The petitioner therefore meets the requirements of criterion 83.7(e).

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION F - The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

Summary of the Evidence: No members of petitioner #113 appear to be enrolled with any other federally acknowledged tribe. A review of the petitioner's prior membership lists indicated that those persons carried on earlier PEP membership lists (1977 and August 20, 1981) who were also, by ancestry, eligible to enroll with the Mashantucket (Western) Pequot have done so and were no longer on the February 15, 1996, PEP list.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1996	Membership list, Paucatuck Eastern Pequot Indians of Connecticut, February 15, 1996	This is the most current membership list, and the one used for preparation of the proposed finding	For precedents, see Poarch Creek PF 1983, 7; Snohomish PF 1983, 26; Miami PF 1990, 15	No current members of the petitioner appear to be dually enrolled with any federally acknowledged tribe	This meets (f)

Recommendation: The members of petitioner #113 are not principally members of any other federally acknowledged American Indian tribe. The petitioner therefore meets the requirements of criterion 83 7(f).

PAUCATUCK EASTERN PEQUOT INDIANS: PROPOSED FINDING - SUMMARY CHART

CRITERION G - Neither the petitioner nor its members have been the subject of congressional termination legislation.

Summary of the Evidence In this case, the evidence consists of an absence of evidence. There is no documentation in the record that the petitioner has been the subject of congressional legislation forbidding a Federal relationship.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1996	Resolution of the Tribal Council of the Paucatuck Eastern Pequot Tribe, February 24, 1996 (RS000031)	Signed resolution by the PEP tribal council submitting petitioner #113's response to the BIA's obvious deficiency letter of September 12, 1994.	"(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship" (59 FR 9293). For precedents, see Grand Traverse Band PF 1979, 8, Death Valley Shoshone PF 1982, 7, Narragansett PF 1982, 18, Poarch Creek PF 1983, 7.	The petitioner did not provide a separate certification of any statement that it meets criterion 83 7(g). The BIA is interpreting its general resolution stating that it has read, reviewed, and approved the final draft of the petition and requests placement on active consideration as incorporating, by implication, such a statement.	This meets (g).

Recommendation There is no evidence in the record that the petitioner has been the subject of congressional termination legislation. The petitioner therefore meets the requirements of criterion 83 7(g).