

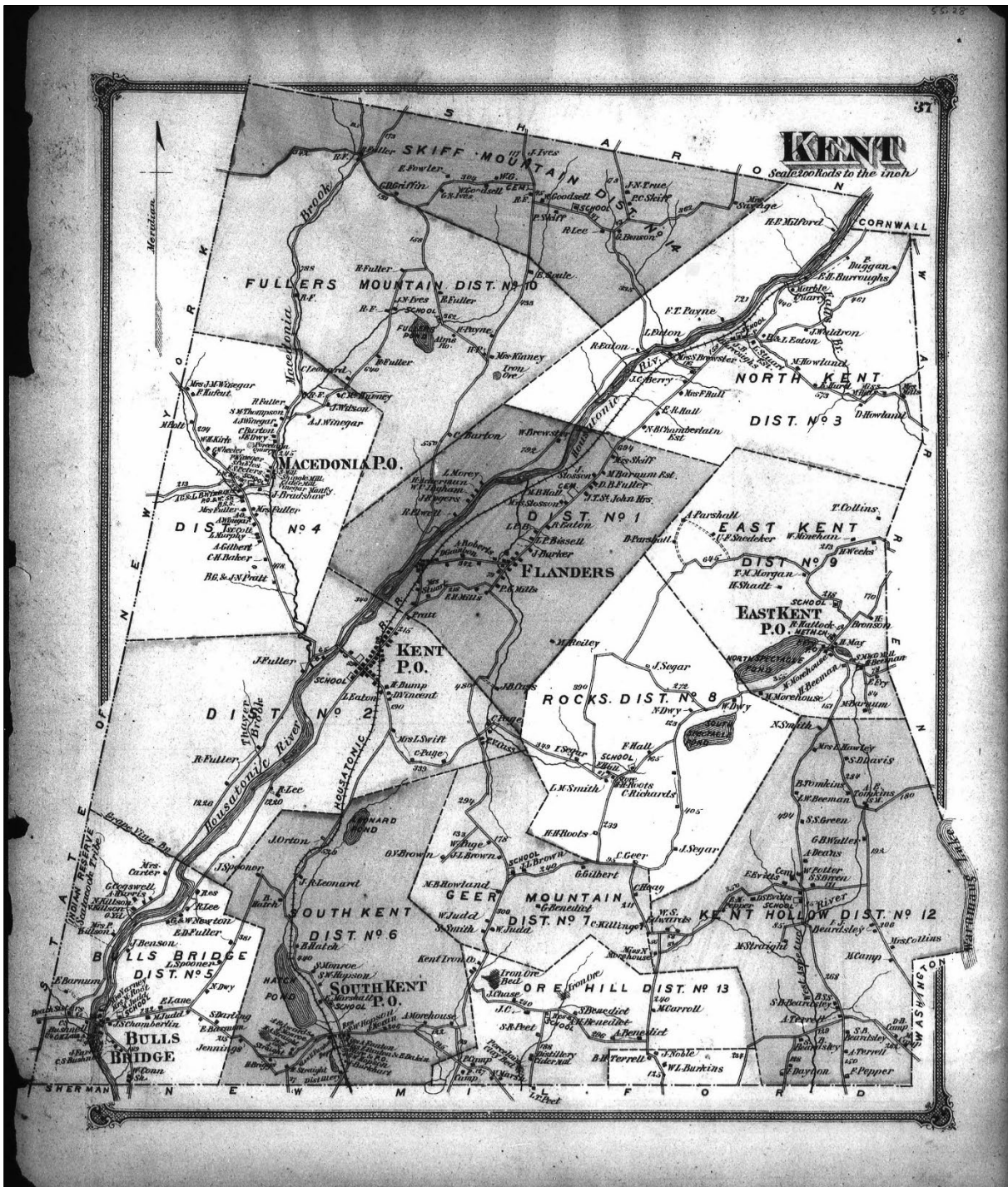
Phase I Positive Proposed Finding
Schaghticoke Indian Tribe

Prepared in Response to the Petition
Submitted to the Assistant Secretary – Indian Affairs
for Federal Acknowledgment as an Indian Tribe

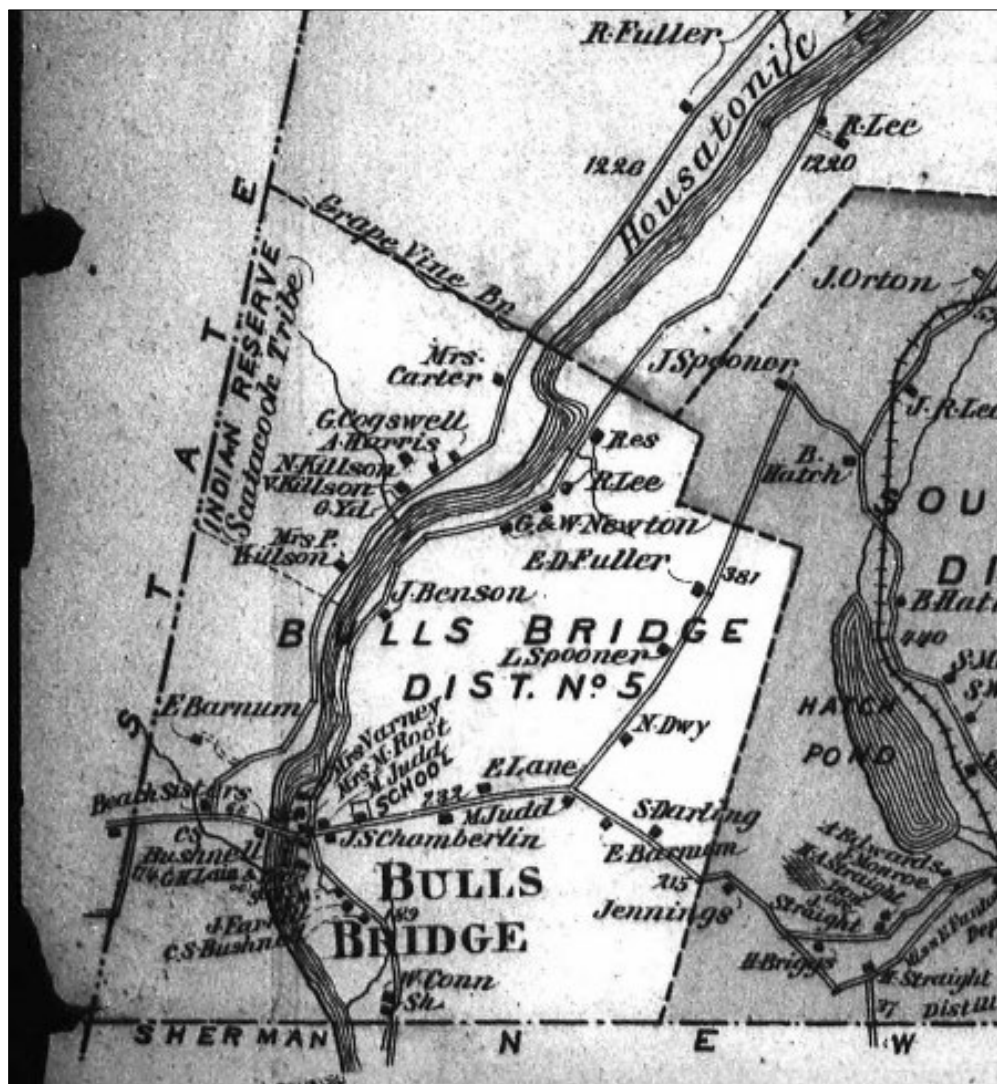
January 22, 2026

A handwritten signature in dark ink that reads "Nikki Bass". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Nikki Bass
Director
Office of Federal Acknowledgment



Map 1. County Atlas of Litchfield Connecticut (New York: F.W. Beers & Co., 1874), 37.



Map 2. Bulls Bridge Dist. No. 5, showing "Indian Reserve (Scatacook Tribe)." Extracted from *County Atlas of Litchfield Connecticut* (New York: F.W. Beers & Co., 1874), 37.

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INTRODUCTION

The Office of Federal Acknowledgment (OFA), within the Office of the Assistant Secretary–Indian Affairs (AS–IA) in the Department of the Interior (Department), issues this positive Phase I Proposed Finding (PF) in response to the petition the Department received from the group known as the Schaghticoke Indian Tribe (SIT), headquartered in Kent, Connecticut. SIT seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83), “Procedures for Federal Acknowledgement of Indian Tribes.”

Based on the evidence submitted by SIT and evidence Departmental staff obtained through its verification and evaluation process, SIT meets all four of the mandatory criteria reviewed in Phase I: criteria 83.11(d) *Governing document*, 83.11(e) *Descent*, 83.11(f) *Unique membership*, and 83.11(g) *Congressional termination*.¹ An explanation of the Department’s evaluation of each criterion is presented in full in sections that follow this introduction.

Regulatory Procedures

The Department’s regulations under 25 CFR Part 83 establish the procedures and criteria by which a group may seek Federal acknowledgment as an Indian tribe and establish a government-to-government relationship with the United States.² To be entitled to such a political relationship with the United States, the petitioner must meet criteria 83.11(d), 83.11(e), 83.11(f), and 83.11(g) and:

- (1) demonstrate previous Federal acknowledgment under § 83.12(a) and meet the criteria in § 83.12(b); or
- (2) meet criteria 83.11(a) Indian entity identification, 83.11(b) Community, and 83.11(c) Political influence or authority.³

Section 83.26 describes the two phases of the process for reviewing the criteria in § 83.11. During Phase I review, OFA determines if the petitioner meets criteria 83.11(d), 83.11(e),

¹ See 25 CFR § 83.26(a) (describing Phase I review of a documented petition).

² See 25 CFR § 83.2.

³ See 25 CFR § 83.43(a).

83.11(f), and 83.11(g). OFA has completed its Phase I review, is issuing a positive PF, and is proceeding to Phase II.⁴

Pursuant to § 83.22(c), this Phase I PF will be “[p]ublish[ed] . . . to the OFA Web site.” Comments on the Phase I PF will be accepted after issuance of the Phase II PF (whether positive or negative), consistent with the procedures that apply following issuance of either a “Phase I negative proposed finding” or a “Phase II proposed finding.”⁵

Summary of Administrative Action

Departmental correspondence with Schaghticoke entities seeking Federal acknowledgment dates back to at least 1981, when a group referring to itself as the “Schaghticoke Indian Tribe” submitted a resolution indicating the group’s intent to petition for acknowledgment.⁶ In 1994, a separate, previous petitioner for Federal acknowledgment known as the Schaghticoke Tribal Nation (STN) submitted a documented petition.⁷

STN (Petitioner #079) claims a shared history with SIT. STN initially received a positive Final Determination (FD) on January 29, 2004, but several interested parties, including SIT, requested reconsideration of that decision. The Interior Board of Indian Appeals (IBIA) then remanded the FD back to the Assistant Secretary – Indian Affairs (AS-IA),⁸ after which STN received a negative Reconsidered Final Determination (RFD) on October 11, 2005.

In the PF, FD, and RFD for STN, the Department discussed SIT’s separate pursuit of Federal acknowledgment but clarified that “[t]he SIT claim will be considered when its petition is complete and is reviewed under the acknowledgment regulations.”⁹ (At the time of the STN evaluation, SIT did not have a complete documented petition on file with the Department.) Further information about the relationship between SIT and STN, as well as discussion of third-

⁴ See 25 CFR § 83.26(a)(4) (stating that “OFA will publish a positive proposed finding and proceed to Phase II if it determines that the petitioner meets the Governing Document, Descent, Unique Membership, and Termination criteria”); *id.* § 83.32(a)(1) (stating that, following Phase I review, OFA must “either issue a negative proposed finding and publish a notice of availability in the Federal Register, or proceed to review under Phase II”).

⁵ 25 CFR §§ 83.33–40.

⁶ Schaghticoke Indian Tribe, Schaghticoke Tribal Council, “Resolution,” ca. Sep. 20, 1981. The resolution was signed by the following council members: Maurice T. Lydem (“Tribal Chairman”), Claude Grinage (“Vice Chairman”), Trudie Ray Lamb (“Secretary”), Gail Harrison (“Treasurer”), Claudette Bradley (“Director”), and Marjorie Overend (“Director”).

⁷ See U.S. Department of the Interior, Assistant Secretary – Indian Affairs (AS-IA), “Summary under the Criteria and Evidence for Proposed Finding, Schaghticoke Tribal Nation,” Dec. 5, 2002 (hereafter “STN PF”), 2–3 (“The first documented petition was submitted on December 12, 1994.”).

⁸ See *In re Fed. Acknowledgment of the Schaghticoke Tribal Nation*, 41 IBIA 30 (May 12, 2005).

⁹ AS-IA, “Summary of the Criteria and Evidence: Reconsidered Final Determination Denying Federal Acknowledgment of the Petitioner Schaghticoke Tribal Nation,” Oct. 11, 2005 (hereafter “STN RFD”), 63.

party comments alleging that the groups' differences stem from a leadership dispute or splintering of a single Schaghticoke entity, will be provided in Phase II, as part of the analysis of criteria 83.11(b) *Community* and 83.11(c) *Political influence or authority*.

SIT submitted a letter of intent in 2001 and became Petitioner #239. However, SIT still did not have a complete documented petition on file when the Department revised the Federal acknowledgment regulations in 2015, and, pursuant to those regulations (2015 regulations), SIT had to submit a new, complete petition.¹⁰

The petitioner's documented petition consists of materials dated December 30, 2020, and July 1, 2021.¹¹ The Department received a third-party comment on the petition from Robin Cogswell, on behalf of the "Cogswell Group," a group of individuals claiming Schaghticoke descent but unaffiliated with the petitioner. The Department also received a comment from Richard Velky et al, on behalf of STN. Additionally, the Department received joint comments from the State of Connecticut, the Town of Kent, and the Kent School Corporation.¹² The petitioner obtained an extension to respond to the third-party comments, and the petitioner's responses to the third-party comments were received on October 31, 2022, and on November 1, 2022.

Active consideration of SIT's petition began on June 30, 2023, and OFA sent the petitioner a Phase I technical assistance (TA) review letter on August 23, 2023.¹³ The Phase I TA review letter noted deficiencies under criterion 83.11(e). Following SIT's receipt of the letter, SIT and OFA met to discuss the letter on October 25, 2023. On October 22, 2024, SIT submitted supplementary materials intended to address the deficiencies identified in the TA review letter. In a letter dated February 25, 2025, OFA requested additional information from the petitioner and suspended its review accordingly. The Department also suspended review for administrative reasons (namely, a transition in Departmental leadership, including in the Office of the AS-IA).

On April 17, 2025, OFA received the requested clarification information and on July 29, 2025, OFA lifted the suspension and subsequently finalized this Phase I PF. Third-party comments relating to the mandatory criteria reviewed in Phase I are addressed in this finding and may be

¹⁰ See 25 CFR § 83.7(a); see also 25 CFR § 83.21 (describing what a document petition submitted under the 2015 regulations must include).

¹¹ The two submissions were accepted by the AS-IA as the SIT's documented petition by a letter dated Feb. 1, 2022. See 87 FR 16480 (Mar. 23, 2022).

¹² The Kent School Corporation describes itself as a "private landowner" with "substantial interests that would be directly impacted by acknowledgment of the SIT." See William Tong, et al., "Joint Comments of the State of Connecticut, the Town of Kent and the Kent School Corporation Regarding the Petition for Federal Acknowledgment as an Indian Tribe of the Schaghticoke Indian Tribe Petitioner Group," Jul. 5, 2022 (hereafter "Joint Comments"), 1.

¹³ See 25 CFR § 83.26(a)(1)(i) (describing the purpose of a Phase I TA review letter).

addressed in a final determination as well. Comments and evidence that relate primarily to the criteria evaluated in Phase II will be discussed during the Phase II review. Additionally, as noted above, after the Phase II review, there will be another opportunity for public comment.

Membership Lists

Under § 83.21(a)(4), the documented petition must include a copy of the petitioner's official current membership list, as well as each available previous membership list. The petitioner must also provide explanations regarding the preparation of the current membership list (as well as of the former membership lists, insofar as possible). The current membership list must be separately certified by the petitioner's governing body and include each member's full name (including maiden name, if any), date of birth, and current residential address.

SIT included a current membership among the petition materials submitted in December 2020. The list (titled "Membership Roll of: Schaghticoke Indian Tribe As of October 1, 2020") is dated October 1, 2020, and includes a total of 44 individual members of SIT. The petitioner's combined submission (consisting of the December 2020 and July 2021 submissions) also includes several former membership lists, as required by § 83.21(a)(4)(iii).¹⁴ Also included in the combined submission is an "Explanation of Membership Roll Changes."

Following the Phase I TA review that OFA provided to SIT, the petitioner provided a membership application form for one new member dated 2023 and additional descent verification documents. On April 17, 2025, SIT provided further information about the new member as well as an updated membership list dated August 12, 2024. The updated membership list includes the new member, and three members previously verified as being deceased, so there is a total of 45 current individual members.

CONCLUSIONS UNDER THE CRITERIA (25 CFR § 83.11)

This positive Phase I PF reaches the following conclusions for each of the mandatory criteria evaluated during the Phase I review:

Criterion 83.11(d) requires that the petitioner provide a copy of the entity's present governing document, including its membership criteria or, in the absence of a governing document, a written statement describing in full its membership criteria and current governing procedures.

¹⁴ Membership lists include two dated 2020 (Jan. and Oct.), 2017, 2015, 2014, 2013, 2012, 2008, 2007, 2006, 2005, 2004, 2003, 2002, 1996, 1988, 1983, 1982, and 1979.

The SIT submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the petitioner meets the requirements of criterion 83.11(d).

Criterion 83.11(e) requires that the petitioner's membership consist of individuals who descend from a historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity. In its August 23, 2023, TA review letter, OFA notified the petitioner of deficiencies that would prevent the petitioner from meeting criterion 83.11(e). In response, the petitioner submitted additional genealogical documents for current members and a copy of an 1876 petition to the State of Connecticut naming members of a historical Indian tribe (that is, a tribe in existence prior to 1900¹⁵). The petitioner has demonstrated that 40 of its 45 (89%) current members descend from the historical tribe. Therefore, the petitioner meets the requirements of criterion 83.11(e).

Criterion 83.11(f) requires that the petitioner's membership be composed principally of persons who are not members of any federally recognized Indian tribe. Based on its review of the evidence, OFA has determined that the petitioner's membership is composed principally of persons who are not members of any federally recognized Indian tribe. Therefore, the petitioner meets the requirements of criterion 83.11(f).

Criterion 83.11(g) requires that neither the petitioner nor its members be the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. Based on its verification research, OFA did not find that the petitioner or its members are the subject of congressional legislation to terminate or forbid a Federal relationship. Therefore, the petitioner meets the requirements of criterion 83.11(g).

¹⁵ See 25 CFR § 83.1 (defining "historical" to mean "before 1900").

Criterion 83.11(d)

83.11(d) *Governing Document.* The petitioner must provide:

- (1) A copy of the entity's present governing document, including its membership criteria; or
- (2) In the absence of a governing document, a written statement describing in full its membership criteria and current governing procedures.

Summary of Review

The petitioner has submitted a governing document that describes the group's governing procedures and membership criteria, meeting the requirements of criterion 83.11(d).

Current Governing Document

On December 30, 2020, SIT submitted petition materials including a document called the "Constitution of the Schaghticoke Indian Tribe."¹⁶ This governing document contains a preamble and seventeen articles. These articles include discussions of territory, land and jurisdiction, designation of "family clans," membership, civil rights, the tribal council powers and procedures, and elections.¹⁷ SIT submitted additional materials that OFA received on July 1, 2021, including a revised version of SIT's governing document. The governing document in the 2021 submission contained minor changes from that in the 2020 submission such as the addition of the names of council members.¹⁸

The petitioner submitted an additional, separately certified governing document entitled, "Constitution of the Schaghticoke Indian Tribe," as part of its response to third-party comments. This document was received by OFA on November 1, 2022, and includes amendments approved in September 2022.¹⁹ This document contains several changes from the two previously submitted governing documents, including a revision of Article II entitled, "Designation of Family Clans." In all three versions of the governing document, Article II of the constitution begins with a statement that SIT is made up of descendants of "core families." However, unlike the two previous versions, the 2022 version does not identify specific historical individuals as members of the core families from which the present-day members descend. Instead, the 2022 version simply includes a reference to the core families, described as "Schaghticoke core families that trace their origins to the 1 [sic] Schaghticoke ancestors from at least 1884." The 2022 version of

¹⁶ "Constitution of the Schaghticoke Indian Tribe," received by OFA, Dec. 30, 2020.

¹⁷ "Constitution of the Schaghticoke Indian Tribe," received by OFA, Dec. 30, 2020.

¹⁸ See confirmation of receipt of separate certification letters, OFA to Russell, Feb. 1, 2022.

¹⁹ "The Constitution of the Schaghticoke Indian Tribe," received by OFA, Nov. 1, 2022.

the governing document contained additional corrections and amendments as well. For the purposes of this PF, the governing document containing the September 2022 amendments, received by OFA on November 1, 2022 (the most recent governing document submitted), is designated as SIT's current governing document.

Governance

Though Article II of SIT's current governing document states that "SIT shall be governed by a five (5) member Council," Article V identifies only four positions that comprise SIT's governing body: a Chairman, a Vice Chairman, a Secretary, and a Treasurer. However, Article VII suggests that additional positions may be filled "from time to time" by "such other officers and committees as the SIT Council may deem necessary or appropriate."²⁰ Article V, Section 7, defines the number of Council members that constitute a quorum, stating as follows:

A majority of the members of the SIT Council shall constitute a quorum for any regular or special SIT Council meeting. A quorum of at least three SIT Council members present is required at all meetings in order to conduct official business of the SIT Council.²¹

Article VIII covers elections and states that elections for council members are to be held "in odd numbered years on the 3rd Sunday of July beginning in 2003." Further, council member elections are to be "staggered so that no more than half" of the council is up for election at the same time.²² Those nominated for council positions must be at least 18 and meet the requirements of descent in Article II.

Membership

Membership is discussed in Article III of the governing document. Section 1 states that enrollment is based on documented "descent from one or more of the SIT recognized families." Presumably the reference to "SIT recognized families" is to the "core families" identified in the various versions of SIT's governing document, under Article II. Further, those persons wishing to enroll must not be

a member of any other organized tribe, band or Indian community, whether or not it is recognized by the Secretary of the Interior or the State of Connecticut, unless he or she has relinquished in writing his or her membership in such tribe, band or community.²³

²⁰ "The Constitution of the Schaghticoke Indian Tribe," received by OFA, Nov. 1, 2022, pp. 8, 11.

²¹ "The Constitution of the Schaghticoke Indian Tribe," received by OFA, Nov. 1, 2022, p. 9.

²² "The Constitution of the Schaghticoke Indian Tribe," received by OFA, Nov. 1, 2022, p. 12.

²³ "The Constitution of the Schaghticoke Indian Tribe," received by OFA, Nov. 1, 2022, p. 3.

Article I defines SIT’s “Territory and Jurisdiction” as “all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the SIT now or in the future has any interest, which are owned now or in the future by the SIT or by the United States or the State of Connecticut for the exclusive or nonexclusive benefit of the SIT or for individual SIT members, or which are located within the boundaries of the reservation now existing in Kent, Connecticut or which may be established for the SIT.”²⁴

Third-Party Comments Submitted on Criterion 83.11(d)

In a comment to OFA dated June 27, 2022, Robin Coggsell stated that she was writing “on behalf of the ‘Coggsell Group’” in opposition to SIT’s petition.

Regarding criterion 83.11(d), the Coggsell Group set forth several opinions regarding what a tribal governing document should include and suggested that SIT’s governing document is missing key components.²⁵ However, the Coggsell Group’s comments do not undermine OFA’s evaluation or conclusion on this criterion. Under § 83.11(d), the petitioner is required to provide only a copy of the governing document, with its membership criteria, or, in the absence of such a document, a written statement describing its governing procedures and membership criteria. The governing document submitted by SIT satisfies those requirements.

The joint comments submitted by the State of Connecticut, the Town of Kent, and the Kent School Corporation also included comments regarding the governing document submitted by the petitioner. The commenters argue that the “petition does not satisfy criterion 83.11(d) for a governing document.”²⁶ However, as stated above, the petitioner’s governing document meets the requirements of criterion 83.11(d). The commenters further argue that the governing document was improperly withheld. However, SIT’s current governing document, submitted as part of SIT’s response to third-party comments around November 1, 2022, is available on OFA’s website.²⁷ Third parties may provide additional comments on SIT’s governing document after issuance of the Phase II PF (whether positive or negative).

Conclusions under Criterion 83.11(d)

Criterion 83.11(d) requires that the petitioner provide a copy of the entity’s present governing document, including its membership criteria or, in the absence of a governing document, a

²⁴ “The Constitution of the Schaghticoke Indian Tribe,” received by OFA, Nov. 1, 2022, p. 2.

²⁵ Robin Coggsell, “Public Comments: Petition #401 – Request for Federal Acknowledgement [sic] of the Schaghticoke Indian Tribe,” Jun. 27, 2022 (hereafter “Coggsell comments”), 14–19.

²⁶ “Joint Comments,” 83.

²⁷ OFA posts various portions of a documented petition to the OFA Web site “to the extent feasible and allowable under Federal law.” 25 CFR § 83.22(c)(1).

written statement describing in full its membership criteria and current governing procedures. The SIT submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the petitioner meets the requirements of criterion 83.11(d).

Criterion 83.11(e)

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

Summary of Review

The petitioner has submitted material demonstrating that 40 of the 45 current members, or 89%, descend from the historical Schaghticoke tribal members identified in a September 1876 petition to the District Court of Litchfield County, Connecticut. SIT therefore meets the requirements of criterion 83.11(e).

OFA's Phase I Technical Assistance (TA) Review Letter

According to § 83.27, the purpose of a TA review letter is to serve as a preliminary review in which OFA notifies the petitioner where there appear to be evidentiary gaps for the criteria that will be under review in a particular phase. If such gaps exist, then the petitioner has an opportunity to supplement or revise its documented petition. Section 83.26(a)(1)(i) requires OFA to notify the petitioner by letter of "any deficiencies that would prevent the petitioner from meeting the Governing Document, Descent, Unique Membership, or Termination Criteria."

On August 23, 2023, OFA issued a Phase I TA review letter to the petitioner noting deficiencies under criterion 83.11(e).²⁸ OFA noted that while the petition narrative includes references to SIT's claimed historical Indian tribe and cited source material, the petition did not include copies of the cited source material, preventing identification of the historical ancestors that allegedly comprised the petitioner's historical Indian tribe. Additionally, the petitioner did not provide sufficient genealogical documentation in its member files to allow for an evaluation of the generation-to-generation descent of the current members of the petitioning group from the historical Indian tribe. For example, information on several members' birth certificates did not match information provided on pedigree charts, and no explanation was provided for the discrepancies.²⁹ Because OFA lacked sufficient information and documentation, OFA notified the petitioner in the Phase I TA review letter that SIT would be unable to meet criterion 83.11(e) absent additional information or clarification.

²⁸ OFA, Phase I Technical Assistance Review Letter to Mr. Allen Russell (Schaghticoke Indian Tribe, Petitioner #401), Aug. 23, 2023 (hereafter "SIT Phase I TA review letter"), 3–5.

²⁹ The SIT members whose files contained conflicting information regarding ancestry were identified in a workpaper enclosed with the Phase I TA review letter and sent to the SIT petitioner.

The Petitioner's Response to the Phase I TA Review Letter

On October 22, 2024, OFA received the petitioner's response to the TA review letter, which included materials addressing the noted deficiencies. These materials included vital records, statements from family members, and pedigree charts for most of the petitioner's current members and their ancestors, as well as a copy of the 1876 petition that the petitioner claims documents members of its historical Indian tribe.

The Petitioner's Historical Indian Tribe

In its narrative, SIT claims, "The Schaghticoke Indian Tribe has resided in and around what is now Kent, Connecticut for over hundreds [sic] of years." SIT further states that it "has maintained its political and community identity for hundreds of years and is centered around a number of well-defined families who form the core of the tribe."³⁰ In its petition narrative, SIT describes its current membership as being made up of descendants of "several core family groups" who continue to "reside on the Schaghticoke Reservation."³¹

To support its claims, the SIT petitioner submitted a copy of a petition to the District Court of Litchfield County, Connecticut, signed in September 1876 (see **Figure 1**). This petition from "the undersigned Indians residing in the Judicial District . . . and others in said district" requested the appointment of Henry Roberts to the position of overseer to the Indians of that area, "belonging to the tribe known[?] as the Schatacokes." The names of fourteen petitioners appear on the document: Abigail Harris, Henry Harris, Caroline Rilas[?], Nathan G. Cogswell [illegible notation], Jabez Cogswell, Ema Kilson, Mary O. Kilson, Charles Kilson, Fredrick Kilson, Value Kilson, Eliza Kilson, George Cogswell, Sarah Cogswell, and Nancy Kilson. Two other names appear, set apart from the others: Truman Bradley of Bridgeport, plus "wife & wife's mother," and George Bull of Kent.³² Of those named on the petition, all but Caroline Rilas[?] and George Bull appear as members of the Schaghticoke community.

Many of those whose names appear on the 1876 petition are found in Federal census enumerations both before and after that petition. The first is the 1870 Federal census enumeration of "Indians" in the town of Kent. The single page lists six households containing 24 residents, with every individual designated as Indian (see **Figure 2**). Similarly, the 1880 Federal

³⁰ SIT, "Petition for Federal Acknowledgment of the Schaghticoke Indian Tribe (also known as SIT)" (hereafter "Petition"), 4.

³¹ SIT, "Petition," 4. *See also* **Map 1** and **Map 2** (showing the location of the "Indian Reserve (Scatacook Tribe)" and surrounding communities.

³² Cogswell, et al, as "Indians . . . belonging to the tribe known as the Schatacokes tribe," petition to District Court for Litchfield Co., CT, Sep. 4, 1876; submitted by SIT.

census included an enumeration of the “Indians” at Kent, Connecticut.³³ The single page lists five dwellings containing 27 individuals, all but three of whom are identified as “I[ndian].”³⁴ The enumerator concluded the listings with “This Ends the Indians” (see **Figure 3**). Ten of the 14 individuals named in the 1876 petition appear in all 3 documents (see **Table 1**). Under the “reasonable likelihood” standard in 25 CFR Part 83,³⁵ the evidence is sufficient to demonstrate the existence of a historical Indian tribe comprised of a distinct group of “Indians” living at Kent, on or in the vicinity of the Schaghticoke state reservation. That conclusion is consistent with the findings in the RFD for STN, which found evidence of community and political influence among the Schaghticoke during the time period in question.³⁶

In light of the identification of those named in the 1876 petition as, primarily, “Indians . . . belonging to the tribe known[?] as the Schatacokes” in 1876, their individual and collective identification as “Indians” by census enumerators in 1870 and 1880, and their shared political activity (e.g. the petition to appoint an overseer) and shared residence in a defined area, OFA concludes that it is reasonably likely that most of those named in this 1876 petition were members of a historical Indian tribe for the purpose of criterion 83.11(e). Contemporaneous censuses and other documents discussed in this PF support that conclusion. The demonstration of descent from at least one of those members will therefore be considered sufficient evidence to meet criterion 83.11(e).

³³ 1880 U.S. Census, Litchfield Co., CT, population schedule, town of Kent, enumeration district (ED) 17, p. 12 (NARA microfilm publication T9, roll 101).

³⁴ Forty-two-year-old female, Nacy [Nancy?] M Kilson, is identified as white; 27-year-old Sarah Harris, daughter-in-law to Henry Harris, is identified as white; and 40-year-old George Cogswil (Cogswell) is identified as Mulatto.

³⁵ 25 CFR § 83.10(a) (“The Department will consider a criterion in § 83.11 to be met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion.”).

³⁶ See 70 FR 60102 (concluding that “STN met criterion 83.7(b), community, from first sustained contact to 1900” and “that two Schaghticoke petitions to the State from the years 1876 and 1884 provided sufficient evidence of political influence or authority to meet criterion 83.7(c) for the years 1876–1884”).

Figure 1. Cogswell, et al, as "Indians . . . belonging to the tribe known as the Schatacokes tribe," petition to District Court for Litchfield Co., CT, Sep. 4, 1876; submitted by SIT.

To the Hon District Court for Litchfield County holden at
 New Milford in sd County - On the 1st Monday of September
 A.D. 1876 - We the undersigned Indians
 residing in the Judicial District in sd County, do hereby in
 said district most respectfully petition
 Court for the appointment of Henry Roberts of
 New Milford in sd District to be Receiver of
 the Indians residing in sd District and belong-
 ing to the tribe known as the Schatacokes tribe
 believing him to be well fitted for the
 position & that his appointment will
 be for the best interest of the Indians & all
 Indians interested -

Nathan J. Cogswell
 + Abner H. Harris
 + Henry Harris
 + Caroline Kilson
 Nathan J. Cogswell
 John Cogswell
 Emma Kilson
 Mary Kilson
 Charles Kilson
 Frederick Kilson
 Miss Mary Kilson
 Olga Kilson
 George Cogswell
 Sarah Cogswell
 Nancy Kilson

Geo. Bull of said
 San Francisco

Figure 2. 1870 U.S. Census, Litchfield Co., CT, population schedule, Town of Kent, p. 45 (NARA microfilm publication M593, roll 105).

Page No. 45 } *Indians* Inquiries numbered 7, 16, and 17 are not to be asked in respect to infants. Inquiries numbered 11, 12, 15, 16, 17, 19, and 20 are to be answered (if at all) merely by an affirmative mark, as /.

SCHEDULE 1.—Inhabitants in Town of Kent, in the County of Litchfield, State of Connecticut, enumerated by me on the 11 day of June, 1870. 143

Post Office: Kent Conn. Albert Roberts, Ass't Marshal.

Living house, numbered in the order of visitation.		The name of every person whose place of abode on the first day of June, 1870, was in this family.	Description.			Profession, Occupation, or Trade of each person, male or female.	Value of Real Estate OWNED.		Place of Birth, naming State or Territory of U. S.; or the Country, if of foreign birth.	PARENTAGE.		If born within this year, state month (Jan., Feb., &c.)	If married within the year, state month (Jan., Feb., &c.)	Attended school within the year.	Education.	Whether deaf and dumb, blind, insane, or idiotic.	CONSTITUTIONAL INFIRMITIES.
1	2		4	5	6		8	9		11	12						
1	1	Carter Yvonne	53	F	1	Basket-maker			Conn								1
2		Shater Helen	11	F	1				Conn								2
3	2	Bradley Thomas	48	M	1	Collier			Conn							/	3
4		Julia	44	F	1	Keep' house			Conn								4
5		Frank	17	F	1				Conn								5
6		George	14	M	1				Conn								6
7		Joseph	10	M	0				Conn								7
8		Alie	6	F	1				Conn								8
9		Julia	4	F	1				Conn								9
10	3	Cipwell George	29	M	1	Barren labor			Conn							/	10
11		Smith	23	F	1	Keep' house			Conn								11
12		William	3	M	1				Conn								12
13		Frank	1	M	0				Conn								13
14	4	Harris Henry	49	M	1	Basket-maker			Conn							/	14
15		Abigail	35	F	1	Keep' house			Conn								15
16		James	18	M	0				Conn								16
17	5	Nelson Helen	46	M	0	Collier			Conn							/	17
18		Eliza	52	F	0	Keep' house			Conn								18
19		Emma	22	F	1				Conn								19
20		Henry	20	F	0				Conn								20
21		Charles	16	M	0				Conn								21
22		Federick	14	M	0				Conn								22
23	6	Nelson Parmelia	28	F	0	Basket-maker			Conn							/	23
24		James Henry	50	F	1	Basket-maker			Conn							/	24
25																	25

Figure 3. 1880 U.S. Census, Litchfield Co., CT, population schedule, town of Kent, enumeration district (ED) 17, p. 12 (NARA microfilm publication T9, roll 101).

D.

Page No. 12

Supervisor's Dist. No. 1

Enumeration Dist. No. 17

Note A.—The Census Year begins June 1, 1879, and ends May 31, 1880.

Note B.—All persons will be included in the Enumeration who were living on the 1st day of June, 1880. No others will. Children BORN SINCE June 1, 1880, will be OMITTED. Members of Families who have DIED SINCE June 1, 1880, will be INCLUDED.

Note C.—Questions Nos. 13, 14, 22 and 23 are not to be asked in respect to persons under 10 years of age.

SCHEDULE 1.—Inhabitants in Kent, in the County of Litchfield, State of Conn
enumerated by me on the 10th day of June, 1880.

F. A. Mallory Enumerator

In City	House Number	The Name of each Person whose place of abode, on 1st day of June, 1880, was in the family	Personal Description (Color, Sex, Age, Birth Date, etc.)	Relationship of each person to the head of the family (whether wife, son, daughter, servant, boarder, or other)	Civil Condition (Single, Married, Widowed, Divorced, etc.)	Occupation (Production, Occupation or Trade of each person, male or female)	Health (Is the person (on the day of the Enumeration) sick or completely disabled, so as to be unable to attend to ordinary business or duties? If so, what is the sickness or disability?)	Education (Attended school within the Census year, if not, where and for how long?)	Literacy (Can read, Can write)	Native-born or Foreign-born	Place of Birth of the person, naming State or Territory of United States, or the Country, if of foreign birth	Place of Birth of the person, naming State or Territory of United States, or the Country, if of foreign birth	Place of Birth of the person, naming State or Territory of United States, or the Country, if of foreign birth												
														1	2	3	4	5	6	7	8	9	10	11	12
	124/130	R. W. Palmer	P. M. 55		1	Works on Farm					Conn	Conn	Conn												
		Eliza A.	P. F. 64	Wife	1	Keeping House					Conn	Conn	Conn												
		Emma	P. F. 32	Daughter	1	House Keeping					Conn	Conn	Conn												
		Mary E. T.	P. F. 29	Daughter	1	House Keeping					Conn	Conn	Conn												
		Charles W. S.	P. M. 12	Grand Daughter	1						Conn	Conn	Conn												
		Charles	P. M. 26	Son	1	Works on Coal Dock					Conn	Conn	Conn												
		Frederick	P. M. 24	Son	1	Works on Farm					Conn	Conn	Conn												
	125/131	Nathan M.	P. M. 42		1	Keeping House					Conn	Conn	Conn												
		Lyman A.	P. M. 20	Son	1	Works on Farm					Conn	Conn	Conn												
		George A.	P. M. 19	Son	1	Works on Farm					Conn	Conn	Conn												
		John W.	P. M. 14	Son	1	Works on Farm					Conn	Conn	Conn												
		Edward C.	P. M. 13	Son	1						Conn	Conn	Conn												
		Miriam S.	P. F. 10	Daughter	1						Conn	Conn	Conn												
		Peronne	P. M. 7	Son	1						Conn	Conn	Conn												
	126/132	Abner Henry	P. M. 62		1	Works on Farm					Conn	Conn	Conn												
		Abigail M.	P. F. 52	Wife	1	Keeping House					Conn	Conn	Conn												
		James	P. M. 30	Son	1						Conn	Conn	Conn												
		Sarah	P. F. 27	Wife	1	Keeping House					Conn	Conn	Conn												
		Willie	P. M. 2	Son	1						Conn	Conn	Conn												
		Edna	P. F. 1	Daughter	1						Conn	Conn	Conn												
	127/133	Cooper Grover	P. M. 20		1	Works on Farm					Conn	Conn	Conn												
		Sarah	P. F. 33	Wife	1	Keeping House					Conn	Conn	Conn												
		Willie	P. M. 13	Son	1						Conn	Conn	Conn												
		Frank	P. M. 11	Son	1						Conn	Conn	Conn												
		Julia	P. F. 26	Daughter	1						Conn	Conn	Conn												
		Archa	P. F. 2	Son	1						Conn	Conn	Conn												
	128/134	Walter Corina	P. F. 12		1	Keeping House					Conn	Conn	Conn												
		This ends the Indians																							

Table 1. Names appearing on the 1876 petition and their enumerations in the 1870 and 1880 Federal censuses

1870 Census, “Indians” at Town of Kent (Fig. 2)	Name on 1876 Petition (Fig. 1)	1880 Census, “Indians” at Kent (Fig. 3)
Abigal Harris (dw. 4)	Abigail Harris	Abigal M. Harris (dw. 126)
Henry Harris (dw. 4)	Henry Harris	Henry Harris (dw. 126)
unidentified	Caroline Rilas[?]	unidentified
	Nathan G. Cogswell	
	Jabez Cogswell	
Emma Kilson (dw. 5)	Ema Kilson	Emma Kilson (dw. 124)
Mary Kilson (dw. 5)	Mary O[?] Kilson	Mary Ett Kilson (dw. 124)
Charles Kilson (dw. 5)	Charles Kilson	Charles Kilson (dw. 124)
Frederick Kilson (dw. 5)	Fredrick Kilson	Frederick Kilson (dw. 124)
Value Kilson (dw. 5)	Value Kilson	Value Kilson (dw. 124)
Eliza Kilson (dw. 5)	Eliza Kilson	Elisa A. Kilson (dw. 124)
George Cogswill (dw. 3)	George Cogswell	George Cogswil (dw. 127)
Sarah Cogswill (dw. 3)	Sarah Cogswell	Sarah Cogswil (dw. 127)
	Nancy Kilson	Nacy [Nancy?] M Kilson (dw. 125) ³⁷
Truman Bradley Julia Bradley (dw. 2)	Truman Bradley and wife and another [Bridgeport]	<i>See fn.</i> ³⁸
	George Bull of Kent ³⁹	

³⁷ In 1870, she appears as Nancy Kilson with her husband Joseph Kilson in Kent. *See* 1870 U.S. Census, Litchfield Co., CT, pop. sch., Town of Kent, p. 31, dwelling 241, family 260, Joseph Kilson household.

³⁸ The name of Mr. Bradley’s wife, Julia, in the 1880 census (in which Mr. Bradley is identified as “Freeman Bradley”) matches the name of his wife in other census enumerations (in which he is identified as “Truman Bradley”). The conclusion that Freeman Bradley is the same person as Truman Bradley is consistent with the notation in the 1876 petition stating that Truman Bradley and wife were in Bridgeport, in Fairfield County. 1880 U.S. Census, Fairfield Co., CT, pop. sch., Trumbull, ED 123, p. 1 (handwritten), dwelling 2, family 2, Freeman Bradley household (NARA microfilm publication T9, roll 95).

³⁹ George Bull was a merchant of dry goods in Kent and was identified as white in the 1880 U.S. census. *See* 1880 U.S. Census, Litchfield Co., CT, pop. sch., town of Kent, ED 17, p. 16, dwelling 158, family 179, George Bull household.

Descent from the Historical Indian Tribe

The petitioner's current membership consists of 44 members on its certified membership list dated October 1, 2020, and 1 additional member identified in the petitioner's response to the Phase I TA review letter, for a total of 45 members.⁴⁰ Of these 45 members, 40 (89%) have demonstrated descent from the historical Schaghticoke tribe through individuals listed on the 1876 petition, including the married couples Abigail and Henry Harris, George and Sarah Cogswell, and Value and Eliza Kilson, as well as Ema [Emma] Kilson, Mary O. Kilson, and Nancy Kilson. Additional evidence suggests that some current members descend from Jabez Cogswell and Truman Bradley (other individuals named in the 1876 petition), though the evidence of that descent is weaker. Regardless, the possible Jabez Cogswell and Truman Bradley descendants have otherwise sufficiently demonstrated descent from the historical tribe through other individuals named in the 1876 petition, and SIT has sufficiently demonstrated descent from the historical Indian tribe.

Of the current members, 35 descend from Henry and Abigail Harris; 3 from George and Sarah Cogswell; 1 from Value and Eliza Kilson; and 1 from Nancy and Joseph Kilson.⁴¹ Six of these historical ancestors can be found enumerated at Kent, Connecticut, in the Federal censuses of 1870 and 1880 under the heading "Indian."⁴² Value Kilson, George Cogswell, and James Harris (Henry and Abigail's son) also all appear on the 1900 "Indian Population" schedule of the Federal census, still living at Kent.⁴³

Nancy Kilson and her husband Joseph Kilson were enumerated in the town of Kent in the 1870 Federal census, apart from the Schaghticoke individuals listed above;⁴⁴ however, after Joseph Kilson's death in 1871,⁴⁵ Nancy Kilson appears in the 1880 and 1900 Federal censuses with the Indians at Kent.⁴⁶ She is also named in an 1874 map documenting the residents of an area

⁴⁰ "Membership Roll of Schaghticoke Indian Tribe," Oct. 1, 2020, attached as exhibit "V005" to SIT, "Petition." *Also*, new membership form submitted in response to Phase I TA review letter. *Also*, "Membership Roll of Schaghticoke Indian Tribe," Aug. 12, 2024, received Apr. 17, 2025.

⁴¹ See "Phase I PF Workpaper 1."

⁴² See **Figure 2** and **Figure 3**.

⁴³ 1900 U.S. Census, Litchfield Co., CT, Indian sch., Kent, ED 238, p. 1A–1B (NARA microfilm publication T623, roll 140); "The case of State vs. Joseph Hill" [for the killing of Joseph Kilson], *Litchfield Enquirer*, Sep. 28, 1871, p.2, col.3.

⁴⁴ 1870 U.S. Census, Litchfield Co., CT, pop. sch., Kent, p. 31, dwelling 241, family 260, Joseph Kilson household; 1880 U.S. Census, Litchfield Co., CT, pop. sch., Kent, ED 17, p. 12, dwellings 124–28, families 130–34, Value Kilson, Nancy [Nancy?] M Kilson, Henry Harris, George Cogswell, and Lovina Carter households.

⁴⁵ "The case of State vs. Joseph Hill," *Litchfield Enquirer*, Sep. 28, 1871, p. 2, col. 3.

⁴⁶ 1880 U.S. Census, Litchfield Co., CT, pop. sch., Kent, ED 17, p. 12, dwellings 124–28, families 130–34, Value Kilson, Nancy M Kilson, Henry Harris, George Cogswell, and Lovina Carter households; 1900 U.S. Census, Litchfield, Co., CT, Indian sch., Kent, ED 238, p.86B, dwelling 6, family 6.

designated as the Indian Reserve for the “Scatacook Tribe,”⁴⁷ which suggests that she was a member of that community. Although there is conflicting evidence of Nancy Kilson’s Schaghticoke identity,⁴⁸ she appears on some vital records as “Indian,” including on her 1857 marriage register entry and the birth register for one of her children.⁴⁹ Additionally, contemporaneous documents identify both her husband Joseph Kilson and her children as Schaghticoke,⁵⁰ making it appropriate to value evidence of descent from Joseph and Nancy Kilson as evidence of descent from the historical tribe for the purpose of criterion 83.11(e).

Third-Party Comments Submitted on Criterion 83.11(e)

Regarding criterion 83.11(e), the June 27, 2022, comment from the “Coggswell Group” called into question the accuracy and completeness of the current membership of the SIT petitioner, stating, “If the current list of Schaghticoke Tribal members contain[ed] in the SIT Petition before [OFA] does not include ALL members of the descendants of the Cotsure/Cocksure Cogswell bloodline then the Petitioner fails to meet the Descent criteria.”⁵¹ The State of Connecticut, the Town of Kent, and the Kent School Corporation made a similar comment, stating, “[T]he SIT does not represent all of those persons who descen[d] from the historic Schaghticoke.”⁵²

In response to the comment, a petitioner can satisfy the Descent criterion by demonstrating its members’ descent from a historical Indian tribe (or tribes that combined and functioned as a single autonomous political entity). There is no requirement that all descendants of a specific historical ancestor or lineage associated with the historical Indian tribe be members of the present-day petitioning group.

The State of Connecticut, Town of Kent, and Kent School Corporation also assert that OFA has improperly withheld the petitioner’s membership list from public view. Under § 83.22(c), OFA publishes portions of the documented petition on its website “to the extent feasible and allowable under Federal law, except documentation and information protectable from disclosure under Federal law, as identified by Petitioner under § 83.21(b) or otherwise.” Relevant here, SIT has

⁴⁷ *County Atlas of Litchfield Connecticut* (New York: F.W. Beers & Co., 1874), 37.

⁴⁸ See, e.g., AS-IA, “Summary under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Schaghticoke Tribal Nation,” Jan. 29, 2004 (“STN FD”), 138, fn. 89 (explaining that the 1880 census “listed Nancy [Kilson] as white” but that “other evidence indicates that she was Schaghticoke”).

⁴⁹ Town of Kent, town records, vol. 4, “Record of Marriages in the Town of Kent, 1857,” p. 330–31, Joseph Kilson to Nancy M. Kelley; and “Record of Births in the Town of Kent, 1871 & 2,” p. 8–9, Jerome Killson (digital images, *FamilySearch*, FSL microfilm no. 1516999).

⁵⁰ *ibid.* See also, 1870 U.S. Census, Litchfield Co., CT, pop. sch., Kent, p. 31, dwelling 241, family 260, Joseph Kilson household; 1880 U.S. Census, Litchfield Co., CT, pop. sch., Kent, ED 17, p. 12, dwellings 124–28, families 131, Nacy [Nancy?] M Kilson household.

⁵¹ Coggswell comments, 20–22 (*emphasis in original*).

⁵² “Joint Comments,” 5.

identified its membership list as protectable from disclosure, based on the privacy interests of its members in withholding their names, ancestry, affiliation, among other personal information. The commenters may nevertheless seek the membership list by filing a request under the Freedom of Information Act, understanding that the Department will weigh the privacy interests against the public interest in disclosure. Additional information about the membership lists submitted by the petitioner appears above, in the “Membership Lists” section on page 4 of this finding.

Conclusion under Criterion 83.11(e)

Criterion 83.11(e) requires that the petitioner’s membership consist of individuals who descend from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity). The Department does not require 100% of the petitioner’s members to descend from the historical Indian tribe but has expected petitioners to satisfy an “80 percent threshold” in the past and “aims to maintain consistency” with that standard here.⁵³ SIT has demonstrated that 40 out of the 45 current members, or approximately 89%, descend from a historical Indian tribe. Therefore, the petitioner meets criterion 83.11 (e).

⁵³ 80 FR 37866–67.

Criterion 83.11(f)

83.11(f) *Unique Membership*. The petitioner's membership is composed principally of persons who are not members of any federally recognized Indian tribe.

Summary of Review

Criterion 83.11(f) requires that the petitioner's membership be composed principally of persons who are not members of any federally recognized Indian tribe. Based on its review of the evidence, OFA has determined that the petitioner meets the requirements of criterion 83.11(f).

Analysis

As discussed in the section on criterion 83.11(d), SIT's governing document includes a description of the membership criteria which states:

No person shall qualify for membership in the SIT who is a member of any other organized tribe, band or Indian community, whether or not it is recognized by the Secretary of the Interior or the State of Connecticut, unless he or she has relinquished in writing his or her membership in such tribe, band or community.⁵⁴

The petitioner also provided signed membership forms which include a statement that the member does not belong to any other tribe.⁵⁵ As stated in OFA's August 23, 2023, TA review letter, "The SIT petitioner's member files do not indicate that the petitioner's members are enrolled in a federally recognized tribe."

OFA also found no evidence of dual enrollment in its verification research. The lack of dual enrollment among SIT's membership is consistent with the governing document's restriction limiting membership to the descendants of historical Schaghticoke Indians in the area near Kent. Although there are two federally recognized Indian tribes in Connecticut, neither is located close to the Schaghticoke state reservation or Kent, Connecticut.⁵⁶ Similarly, there are no federally recognized tribes located nearby but across state lines in New York or Massachusetts.

⁵⁴ "The Constitution of the Schaghticoke Indian Tribe," received by OFA, Nov. 1, 2022, p. 3. In response to third-party comments alleging overlap between SIT's membership and STN's membership, OFA will address those comments in Phase II, within the analysis of criteria 83.11(b) *Community* and 83.11(c) *Political Influence or authority*. Discussion of overlap here is unwarranted given criterion (f)'s focus on enrollment in a federally recognized Indian tribe.

⁵⁵ SIT membership files, submitted with supporting documentation, in SIT, "Petition for Federal Acknowledgment of the Schaghticoke Indian Tribe (also known as SIT)," dated "[o]n or about" Nov. 20, 2020.

⁵⁶ SIT Phase I TA review letter, 5.

Conclusions under Criterion 83.11(f)

Criterion 83.11(f) requires that the petitioner's membership is composed principally of persons who are not members of any federally recognized Indian tribe. Based on its review of the evidence, OFA has determined that the petitioner meets the requirements of criterion 83.11(f).

Criterion 83.11(g)

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

Summary of Review

Criterion 83.11(g) requires that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. Based on its verification research, OFA has determined that the petitioner meets the requirements of criterion 83.11(g).

Analysis

Pursuant to § 83.21, the Department conducts the research necessary to determine whether a petitioner meets criterion 83.11(g). The petitioner may provide explanations of and supporting documentation for criterion 83.11(g), but it is not obligated to do so in its documented petition.

In conducting its review, OFA reviewed termination legislation at the database on Congress.gov and did not find the SIT petitioner or its members as the subjects of congressional legislation terminating or forbidding the Federal relationship.⁵⁷

Conclusions under Criterion 83.11(g)

Criterion 83.11(g) requires that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. Based on its verification research, OFA has determined that the petitioner meets the requirements of criterion 83.11(g).

⁵⁷ See discussion of criterion (g) in SIT Phase I TA review letter, 6.

REFERENCES

Petitioner-Submitted Material

Schaghticoke Indian Tribe. “Petition for Federal Acknowledgment of the Schaghticoke Indian Tribe (also known as SIT).” Dated “[o]n or about” November 20, 2020. Received by OFA, December 30, 2020. Additional supporting documentation received by OFA, December 30, 2020, and July 1, 2021.

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Third-Party Comments

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———. Office of Federal Acknowledgement. Phase I Technical Assistance Review Letter to Mr. Alan Russell, Schaghticoke Indian Tribe (Petitioner #401). August 23, 2023.