



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

September 30, 2026

Certified Mail – Return Receipt

Mr. Alan Russell
P.O. Box 111
Kent, Connecticut 06757

Dear Mr. Russell:

The Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary – Indian Affairs (AS-IA), Department of the Interior (Department), has completed a Phase II Technical Assistance (TA) review of the documented petition for Petitioner #401, a group named the Schaghticoke Indian Tribe (SIT). The OFA issues this Phase II TA review letter in accordance with § 83.26 of Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83), “Procedures for Federal Acknowledgment of Indian Tribes.” The SIT’s documented petition consists of materials initially submitted on December 30, 2020, and supplemented on July 1, 2021. The AS-IA accepted these two submissions, combined, as SIT’s documented petition via letter dated February 1, 2022.

Because the Phase I review determined that the petitioner has met the *Governing document*, *Descent*, *Unique membership*, and *Congressional termination* criteria (§ 83.11(d)–(g)), OFA has continued the evaluation process by reviewing criteria 83.11(a) *Indian entity Identification*, (b) *Community*, and (c) *Political influence or authority*.¹

During the comment period following publication of notice of the documented petition in the Federal Register and prior to the Phase I evaluation, OFA received comments from the following parties: the State of Connecticut, the Town of Kent, Connecticut, and the Kent School

¹ 25 CFR 83.26(a)(4), 25 CFR 83.26(b).

Corporation (joint comment); Richard Velky, et al. (on behalf of a group known as the Schaghticoke Tribal Nation, discussed below); and Robin Coggsell (on behalf of a group calling itself the “Coggsell Group”). The OFA has reviewed these comments and may discuss them in the Phase II Proposed Finding, insofar as they relate to the evaluation of the criteria under § 83.11(a)–(c).

This Phase II TA review is to inform the petitioner of deficiencies that would prevent it from meeting criteria 83.11(a)–(c). Upon receiving this TA review, the petitioner must submit a written response that takes one of the following actions: (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(b)(1)(i)–(iii)).

OFA recommends that the petitioner review the information provided below, as well as the third-party comments on the petitioner’s documented petition, in formulating its response. The regulations do not impose any limit on the amount of time that the petitioner may take to respond to technical assistance.²

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² See *Federal Acknowledgment of American Indian Tribes*, 80 Fed. Reg. 37877 (July 1, 2015): “[W]hen the petitioner is preparing information to submit in response to technical assistance, no timeline applies.”

PHASE II TECHNICAL ASSISTANCE LETTER

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General Comments

As noted above, SIT's petition consists of materials submitted on December 30, 2020, and supplemented on July 1, 2021, accepted together as a documented petition via letter dated February 1, 2022.³ This Phase II TA review considers the documented petition including the narrative and exhibits as submitted by the petitioner. In its review of the deficiencies described herein, the petitioner may wish to submit any additional documentation that would allow the petitioner to meet the criteria, which may include both materials cited but not previously provided in the petition as well as new documentation. Please note that the responsibility for researching, submitting, and discussing such supporting evidence lies with the petitioner.⁴

³ Alan Russell (Schaghticoke Indian Tribe), letter to Bryan Newland (Assistant Secretary—Indian Affairs), received Jul. 1, 2021. *See also*, Lucianne Lavin, et al., “Part II. Historical Overview of the Group: The Schaghticoke Indian Tribe of Connecticut,” “Part III. Procedural History with the Federal Government,” and “Part IV. Seven Mandatory Criteria,” sequentially paginated, submitted as part of Petition #401 (hereinafter cited collectively as “SIT Petition Narrative”), with supporting documentation; received Jul. 1, 2021. Note: The SIT Petition Narrative uses an inconsistent cross-referencing format; in some instances, multiple documents have been attached under a single “Exhibit” number and identical documents occasionally appear with multiple “Exhibit” numbers. Throughout this finding, only one “Exhibit” number has been referenced for any cited document, but the same document may appear elsewhere within Petition #401. In addition, some documents cited in the SIT Petition Narrative were not located among the submitted supporting documentation.

⁴ *See* 25 CFR 83.21(a) (clarifying that the petitioner must “thoroughly explain[] how the petitioner meets each of the criteria in § 83.11, except the Congressional Termination Criterion” and must provide “specific, detailed evidence that the petitioner meets each of the criteria”); *also* 70 FR 16514 (explaining that, notwithstanding the acknowledgment staff’s discretion to conduct research and obtain additional information relevant to a petition, “[p]etitioners and third parties . . . have no expectation that the acknowledgment staff will perform additional research or analysis to correct omissions in their submitted documentation” and “[t]he burden under the regulations remains on the petitioner to demonstrate that it meets the criteria”).

The SIT (Petitioner #401) claims that it is the Connecticut state-recognized Schaghticoke Indian tribe.⁵ A previously denied petitioner, the Schaghticoke Tribal Nation (STN) (Petitioner #79), also makes this claim.⁶ Documentation relating to both petitioners attests to the ongoing existence of a leadership dispute beginning in the late 1970s that eventually resulted in the identification of two separate organizations.⁷ Ongoing disputes have prevented reconciliation of the leadership up to this point. In addition, in 2026, STN submitted a request for authorization to re-petition under 25 CFR 83.51.⁸

Following the issuance of this Phase II TA review letter, OFA will continue to consider how this ongoing dispute affects the petitioner's ability to meet the criteria. In response to this letter, the petitioner may submit additional evidence pertaining to this matter, specifically as it relates to SIT's ability to meet criteria (a)–(c). No further reference to the ongoing dispute between SIT and STN will be discussed in the criteria evaluations below, which is premised for the sake of the TA review on the theory that SIT is the present-day representative of the Connecticut state-recognized Schaghticoke Indian tribe. That theory or presumption applies only to this letter, and further consideration of the dispute and SIT and STN's respective claims may result in a revised analysis in forthcoming correspondence. This Phase II TA review letter focuses exclusively on identifying any deficiencies that would prevent the SIT petitioner from meeting the three Phase II criteria (*Indian entity Identification, Community, and Political influence or authority*), subject to the disclaimer above. Your response to this review, should you submit one, may address the dispute but should otherwise focus on the deficiencies described herein.

If, after receiving your response to this Phase II TA review letter, OFA determines that it cannot complete its review of SIT's petition due to the ongoing dispute, OFA may place the petition on an administrative suspension "based on the leadership dispute qualifying as an 'administrative problem' with the petition under § 83.31."⁹ During the suspension, OFA may request additional

⁵ See Connecticut General Statutes § 47-59a(b), naming the Schaghticoke as one of the "indigenous tribes" that the State "recognizes" as "self-governing entities possessing powers and duties over tribal members and reservations." For SIT's claim, see SIT. "Petition for Federal Acknowledgment of the Schaghticoke Indian Tribe (also known as SIT)," dated ca. Nov. 20, 2020, received by OFA, Dec. 30, 2020, p. 4 ("The Tribe is a State recognized Tribe by the State of Connecticut.")

⁶ Richard L. Velky (Chief, Schaghticoke Tribal Nation), public comment on Petition #401 (SIT), Jul. 2, 2022, stating, "STN is the successor-in-interest to the Historical Schaghticoke Tribe."

⁷ See Office of Fed. Acknowledgment, Phase I Positive Proposed Finding for the Schaghticoke Indian Tribe (Jan. 22, 2026) (explaining that "third-party comments alleg[e] that the groups' differences stem from a leadership dispute or splintering of a single Schaghticoke entity").

⁸ 90 FR 61161.

⁹ 80 FR 37874.

information from both SIT and STN, consistent with the guidance found in an AS-IA memorandum issued May 23, 2008, relating to the emergence of splinter groups.¹⁰

Criterion 83.11(a) *Indian entity identification*

The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

Summary

The petitioner submitted evidence that the Schaghticoke have been identified as an American Indian entity on a substantially continuous basis since 1900. Subject to the disclaimer that appears at the beginning of this TA review letter, regarding ongoing analysis of SIT and STN's respective claims to represent the state-recognized Schaghticoke tribe, OFA has not identified any deficiencies that would prevent the petitioner from meeting criterion 83.11(a).

Evaluation

As a state-recognized tribe, for most of the twentieth century, the Schaghticoke directly interacted with, and was identified as an American Indian entity by, numerous State agencies and offices, including overseers, the Parks and Forest Commission, the Department of Welfare, and the Department of Environmental Protection, as well as State courts. During the same period, numerous newspaper accounts, books, and scholarly studies described the Schaghticoke as an American Indian entity.¹¹ These documents explicitly refer to the state-recognized Schaghticoke tribe, the Schaghticoke reservation, or both. When contemporaneous sources identify individual members of the American Indian entity in question, these individuals are frequently ancestors of current members of the petitioner or identifiable associates of current members of the petitioner.

¹⁰ 73 FR 30146; *see also* 80 FR 37874 (“[T]he final rule continues to allow for the approach of the 2008 Departmental guidance to address conflicting claims to leadership . . .”).

¹¹ *See for example*, “The Rattlesnake Club Makes a Good Haul,” *The New York Times*, May 21, 1906 (Exhibit A8); Connecticut General Assembly, *Acts and Laws, Made and Passed in and by the General Court or Assembly of the State of Connecticut* (Hartford: State of CT, 1915), 472 (Exhibit A13); “Schaghticoke Indians Ever Play Their Part in Kent,” *New Milford (CT) Times*, Oct. 28, 1939 (Exhibit A55); CT State Park and Forest Commission, *Report of the State Park and Forest Commission to the Governor for the Fiscal Term Ended June 30, 1947* (Hartford: State of CT, 1947), 30 (Exhibit A59); Perry W. Morton (U.S. Dept. of Justice) to Howard E. Houston (CT Welfare Dept.), letter dated Jul. 27, 1954 (Exhibit A73); all exhibits attached to Petition #401.

Supporting documentation from the early 1980s through the present identifies the petitioner, as “Schaghticoke Indian Tribe,” as an American Indian entity distinct from “Schaghticoke Indians of Kent, Connecticut, Inc.” and, later, the “Schaghticoke Tribal Nation.” The petitioner has been identified as an American Indian entity during this time in newspaper articles and documents pertaining to ongoing litigation in State and Federal court. In addition, the petitioner provided numerous internal documents from the early 1980s to the present, including council meeting minutes, membership lists, and tribal newsletters in which it identifies itself as an American Indian entity. Finally, the petitioner has been in regular communication directly with the Department since about 1997, both as an interested party during the evaluation of the STN (Petitioner #79) and as a petitioner in its own right, first as Petitioner #239 under a previous version of the acknowledgment regulations and presently as Petitioner #401. In all of its communications with the Department, the petitioner has consistently identified itself as the “Schaghticoke Indian Tribe.”

Criterion 83.11(b) *Community*

The petitioner comprises a distinct community and demonstrates that it existed as a community from 1900 until the present.

Summary

Criterion 83.11(b) states that the petitioner “may demonstrate that it meets this criterion at a given point in time by some combination of two or more of the following forms of evidence or by other evidence to show that a significant and meaningful portion of the petitioner’s members constituted a distinct community at a given point in time” and then lists various forms of evidence.¹² The evaluation discussed below is also subject to the disclaimer that appears at the beginning of this TA review letter, regarding ongoing analysis of SIT and STN’s respective claims to represent the state-recognized Schaghticoke tribe.

The petitioner has provided supporting documentation demonstrating “[t]he persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name” for the entire evaluation period, 1900–present. This serves as one acceptable form of evidence of community throughout this time period.

¹² 25 CFR 83.11(b)(1).

For the periods 1949–1990 and 2007–2011, evidence evaluated under criterion 83.11(c) may demonstrate that the petitioner has provided sufficient evidence to meet that criterion (see full discussion under that criterion below). As such, the evidence discussed under criterion 83.11(c) is also acceptable as evidence to meet criterion 83.11(b): “A demonstration of political influence under the criterion in § 83.11(c)(1) will be evidence for demonstrating distinct community for that same time period.”¹³ This may serve as a second acceptable form of evidence of community for the periods 1949–1990 and 2007–2011.

The petitioner has not sufficiently demonstrated that it existed as a distinct community from 1900 to 1949. Supporting documentation indicates that Schaghticoke individuals living on the reservation may have comprised a community but frequently does not describe “consistent interactions and significant social relationships” between claimed members living on the reservation and those living elsewhere. The petitioner should focus its response on “providing evidence of relationships of a reliable, statistically significant sample of known adult members” living both on and off the reservation during this period.¹⁴

The petitioner has also not sufficiently demonstrated that it existed as a distinct community from 1990 to the present. Supporting documentation submitted for this period mostly concerns the activities of the petitioner’s leadership but rarely identifies the participation of other claimed members. The petitioner may wish to focus its response on one or more of the acceptable forms of evidence enumerated in § 83.11(b)(1).

Evaluation

I. Evidence of Collective Identity

The petitioner provided sufficient evidence that the Schaghticoke were consistently identified both internally and by external observers as an American Indian entity, as discussed in the evaluation of criterion 83.11(a) above. Given the existence of this evidence for the entire evaluation period, 1900–present, the same evidence also provides evidence of “[t]he persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name.”¹⁵

¹³ 25 CFR 83.11(b)(1)(xi).

¹⁴ 25 CFR 83.11(b).

¹⁵ 25 CFR 83.11(b)(1)(viii).

II. Evidence of Political Activity

The petitioner has provided two or more forms of evidence of political influence or authority, sufficient for meeting criterion 83.11(c) for some periods of time, as discussed more fully in the evaluation of criterion 83.11(c) below. Accordingly, “[a] demonstration of political influence under the criterion in § 83.11(c)(1) will be evidence for demonstrating distinct community for that same time period,”¹⁶ as follows:

- For the period 1900–present, “Land set aside by a State for petitioner, or collective ancestors of the petitioner, that is actively used for that time period.”¹⁷
- For the period 1949–1990, “There is a continuous line of entity leaders and a means of selection or acquiescence by a significant number of the entity’s members.”¹⁸
- For the period 2007–2011, “There are internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions.”¹⁹

Pursuant to § 83.11(b)(1)(xi), a demonstration of political influence under § 83.11(c)(1)—which requires “some combination of two or more . . . forms of evidence . . . that the petitioner had political influence or authority over its members as an autonomous entity”—constitutes evidence of distinct community at a given point in time. Subject to the disclaimer[s] that appear at the beginning of this TA review letter, regarding ongoing analysis of SIT and STN’s respective claims to represent the state-recognized Schaghticoke tribe, the evidence of political influence listed immediately above, in conjunction with the evidence of community described farther above, indicates that the petitioner has sufficiently demonstrated distinct community for the periods 1949–1990 and 2007–2011.

III. Deficiencies That Prevent the Petitioner from Meeting Criterion 83.11(b)

For the period from 1900 through 1949, the petitioner discussed in its narrative, and provided supporting documentation of, a number of activities intended to demonstrate that it has “comprise[d] a distinct community,” meaning “an entity with consistent interactions and significant social relationships within its membership and whose members are differentiated

¹⁶ 25 CFR 83.11(b)(1)(xi).

¹⁷ 25 CFR 83.11(c)(1)(vii).

¹⁸ 25 CFR 83.11(c)(1)(viii).

¹⁹ 25 CFR 83.11(c)(1)(v).

from and distinct from nonmembers.”²⁰ These activities included, for example, the activities of the Rattlesnake Club, including its 1926 reunion; activities surrounding the various Schaghticoke burial grounds (and individuals buried within them); and pow-wows held in 1939, 1940, and 1941.

In addition to documentation of these and other activities, the petitioner also provided documentation relating to the supervision of the Schaghticoke individuals and/or the reservation by various State officials or agencies. At times this documentation provides detailed identification of those living on the reservation as well as those who lived off the reservation; at other times, this documentation provides little information about the individuals, even occasionally under-reporting or excluding those who lived off the reservation. These records, therefore, provide inconsistent documentation of who comprised the claimed community or the interactions or relationships among the members of the claimed community at these times.

Based on OFA’s review, the narrative discussion of activities and supporting documentation submitted to support the petitioner’s claims of distinct community for this earliest period are strongest with regard to the Schaghticoke individuals who lived on the reservation. It is not always clear, however, the degree to which those off-reservation participated in these activities.

In response to this Phase II TA review letter, the petitioner may wish to provide additional discussion and/or supporting documentation demonstrating that the Schaghticoke maintained “consistent interactions and significant social relationships” encompassing both on-reservation and off-reservation members from 1900 through 1949. If direct documentation of off-reservation participation in the specific activities already discussed is limited or non-existent, the petitioner may also provide any other documentation that it believes demonstrates the existence of interactions and social relationships among the on-reservation and off-reservation members.

For the period 1990 to the present, the petitioner primarily submitted documentation illustrating activities of the group’s leadership, including council meeting minutes, newsletters written by the leadership, and other—primarily political—activities of the Chairman and/or members of the governing body. Other members of the petitioner are rarely identified as participants in any of the documented activities. This supporting documentation does not demonstrate any of the enumerated forms of evidence or otherwise demonstrate that the petitioner has comprised a distinct community. In order to demonstrate that it has comprised a distinct community, the

²⁰ 25 CFR 83.11(b).

petitioner should “provid[e] evidence of relationships of a reliable, statistically significant sample of known adult members.”²¹

The petitioner may wish to review the forms of evidence enumerated under § 83.11(b)(1) and focus its response on describing how the supporting documentation demonstrates one or more of these forms of evidence for any given point or points in time between 1900 and 1949 or between 1990 and the present. In evaluating the evidence and documentation of distinct community, OFA will “[t]ake into account historical situations and time periods for which evidence is demonstrably limited or not available”²² and “[t]ake into account the limitations inherent in demonstrating historical existence of community.”²³ In addition, the petitioner’s response is not required to demonstrate that it “meet[s] these criteria at every point in time” but only that it demonstrates distinct community “on a substantially continuous basis.”²⁴

Criterion 83.11(c) *Political influence or authority*

The petitioner has maintained political influence or authority over its members as an autonomous entity from 1900 until the present.

Summary

Section 83.11(c)(1) states that the petitioner “may demonstrate that it meets this criterion by some combination of two or more of the following forms of evidence or by other evidence that the petitioner had political influence or authority over its members as an autonomous entity” and then lists various forms of evidence.²⁵ The evaluation discussed below is subject to the disclaimer that appears at the beginning of this TA review letter, regarding ongoing analysis of SIT and STN’s respective claims to represent the state-recognized Schaghticoke tribe.

For the entire evaluation period 1900–present, the Schaghticoke have demonstrated political influence or authority in the form of “Land set aside by a State for petitioner, or collective ancestors of the petitioner, that is actively used for that time period.”²⁶ This evidence is supported by documentation recording nearly continuous habitation and use by Schaghticoke

²¹ 25 CFR 83.11(b).

²² 25 CFR 83.10(b)(2).

²³ 25 CFR 83.10(b)(3).

²⁴ 25 CFR 83.10(a)(2).

²⁵ 25 CFR 83.11(c)(1).

²⁶ 25 CFR 83.11(c)(1)(vii).

individuals on the reservation, ongoing supervision and maintenance of the reservation by the State, and political activity initiated by the Schaghticoke in efforts to gain or maintain control of the reservation lands. This serves as one acceptable form of evidence of political influence or authority for this time period.

For the period 1949–1990, the petitioner has demonstrated “a continuous line of entity leaders and a means of selection or acquiescence by a significant number of the entity’s members.”²⁷ This serves as a second acceptable form of evidence of political influence or authority for this period.

For the period 2007–2011, the petitioner has demonstrated “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions.”²⁸ This serves as a second acceptable form of evidence of political influence or authority for this period.

For the period 1900–1949, the petitioner has not sufficiently demonstrated political influence or authority. The petitioner’s narrative and supporting documentation indicate that the Schaghticoke were led by informal leaders during this period. However, the petitioner has not demonstrated that these informal leaders maintained their political authority through some “means of selection or acquiescence by a significant number of the entity’s members.” Further, the narrative and supporting documentation does not indicate clearly whether the authority of these claimed informal leaders extended over members who did not live on the reservation.

For the periods 1990–2007 and 2011–present, the petitioner has not sufficiently demonstrated political influence or authority. While supporting documentation indicates that Alan Russell has served as the petitioner’s Chairman—and that he has acted in this regard in numerous ways—throughout these years, the petitioner has not documented the “means of selection or acquiescence by a significant number of the entity’s members.” The petitioner may wish to provide evidence of elections in which a significant number of its members have participated.

²⁷ 25 CFR 83.11(c)(1)(viii).

²⁸ 25 CFR 83.11(c)(1)(v).

Evaluation

I. Evidence relating to the Schaghticoke Reservation, 1900–present

For the period from 1900 through the present, the petitioner has provided evidence of significant political activity focused on control and maintenance of the state reservation in Kent, reflecting the presence of “[l]and set aside by a State for petitioner, or collective ancestors of the petitioner, that is actively used for that time period.”²⁹ The submitted documentation consists of the following: (a) documentation of near-continuous habitation on and use of the reservation by Schaghticoke families, albeit limited by the relatively low available habitable space on the reservation; (b) documentation of supervision by State overseers and agencies, including regular requests for and use of legislatively appropriated funds implying Schaghticoke requests for assistance; and (c) documentation of specific instances of Schaghticoke-initiated political activities intended to gain or maintain control of reservation resources. This documentation appears to qualify as evidence under § 83.11(c)(vii) on a substantially continuous basis—fluctuations in activity during some years notwithstanding—for the entire evaluation period.

From the historical (pre-1900) period to 1925, supervision of the Schaghticoke and/or the reservation was the responsibility of state-appointed overseers—during this period, primarily Martin B. Lane and his son Fred Lane—who acted as agents on behalf of the Schaghticoke.³⁰ In 1925 the State transferred responsibility over “any tribe of Indians residing in Litchfield county” (a reference to the Schaghticoke) to the State Parks and Forests Commission.³¹ During this time, the Commission filed annual reports to the State legislature, identifying Schaghticoke individuals who lived on the reservation, counting those who lived off the reservation, and identifying expenditures that required legislative appropriations from the “Schaghticoke Indian Reservation Fund” and “Schaghticoke Trust Fund.”³² In 1941 the State transferred responsibility over the

²⁹ 25 CFR 83.11(c)(1)(vii).

³⁰ Schaghticoke individuals sometimes petitioned the county government to appoint specific men overseers. *See for example*, the discussion of the historical Indian tribe in the Phase I Positive Proposed Finding (11–12). *See also*, Connecticut General Assembly, special acts for appropriations “to be paid to the overseer of the Schaghticoke tribe of Indians and used for the maintenance, support, care, and education of said Indians” for years 1915 (Exhibit A13), 1917, 1919, 1921, and 1923 (Exhibit A14); exhibits attached to Petition #401.

³¹ *Public Acts Passed by the General Assembly of the State of Connecticut in the Year 1925* (Hartford, CT: State of Connecticut, 1925), ch. 203, “An Act Appointing the State Park and Forest Commission as Overseer of Indians in Litchfield County,” § 1.

³² *See for example*, Connecticut State Park and Forest Commission reports for 1926, 1928, 1930, 1932, 1934, 1936, 1938, and 1940, and meeting minutes for Apr. 14, 1925; Jul. 19, 1933; Feb. 5, 1936; Mar. 11, 1936, as well as a typescript compilation, “Minutes of State Park & Forest Commission Meetings, 1925–1939.” *See also*, Connec-

Schaghticoke and their reservation to the State Welfare Commissioner, who primarily continued the practices of the Parks and Forest Commission.³³ These various periods of transition seem to coincide with specific political actions, most significantly in 1925 and in the 1940s following transfer to the Welfare Commissioner.³⁴

The following list highlights political activity initiated by the Schaghticoques themselves, exercising or attempting to exercise a measure of control over the reservation:

- In 1903–4, the New Milford Power Co. attempted to have more than 20 acres of reserved land condemned for the company’s use. Through the efforts of their agent and overseer Martin B. Lane, the “Schaghticook” Indians were able to protect a portion of this land holding their cemetery from the resulting sale. As a result of this intervention, the description of the land conveyed to the Power Co. was amended to exclude the cemetery lands.³⁵
- The petitioner describes correspondence between Julia (Coggswell) Batie and the U.S. Commissioner of Indian Affairs in 1925–26, “against Connecticut turning the Reservation into a State park.”³⁶ The petitioner did not provide the cited document, but OFA researchers were able to locate a copy of Julia Batie’s letter within the files for Petitioner #79. In her letter, dated November 17, 1925, Batie writes, “Am desirous of information conserning [sic] an Indian Reservation which is my Home and my Parents before me for generations July the 1[st] 1925, A Bill was passed and the Reservation Was turned over to the Conn. Park Association as a Public Park. What I would like to Know is this, by whose Authority, Should the Small bit of land Which I and a few others

ticut General Assembly, appropriations acts including “State aid for care of Schaghticoke Indians” for years 1935, 1937, 1939. All documents attached to Petition #401 as Exhibits A14, etc.

³³ SIT Petition Narrative, 9, 27. *See also*, Connecticut Office of the Commissioner of Welfare and the Public Welfare Council biennial reports for 1943, 1945, 1947; and Welfare Commissioner, “Summary of Indian Activities” report, dated Dec. 19, 1956; attached to Petition #401 as Exhibits A14, A-48, etc. *See also* Schaghticoke Indian Fund balance tables, annual from 1941 through 1962; attached to Petition #401 as part of Exhibit A59.

³⁴ Mary Guillette Soulsby, “Schaghticoke Tribe,” in *American Indians in Connecticut: Past to Present*, report prepared for the CT Indian Affairs Council, Nov. 1979; attached to Petition #401 as Exhibit A32. Page S8 reads, “This authority was transferred to the Welfare Department in 1941, with which the Schaghticoques soon developed stormy relations. The Welfare Department mismanaged the tribal funds of the Schaghticoques and ignored the requests and complaints of the tribe, failing to fulfill its responsibility to the Indians as the overseer of the tribe and representative of the State, the trustee of the reservation.”

³⁵ SIT Petition Narrative, 18–19, 65. *See* Litchfield Co., CT, Court of Common Pleas, Decree of Court, “[On The] petition of The New Milford Power Company vs. The lands of The Schaghticook Tribe of Indians,” “1st Tuesday of February A.D. 1904” [Feb. 2, 1904]; located by OFA Staff in files for Petitioner #79, attached to this letter as **Document 1**.

³⁶ SIT Petition Narrative, 8, 73; citing Exhibit B-46.

call Home be turned over to the Public Surely We are entitled to some place Which We can call home & be free from Intruders.”³⁷

- In 1949 a group of Schaghticoke, including both on-reservation and off-reservation residents, organized as “Legal and Enrolled Members of the Kent Tribe of Schaghticoke [sic].” Part of this organization process included the creation of a “Schaghticoke Indian Legal and Claims Committee,” whose primary function was the preparation and filing of a claim before the recently created Indian Claims Commission (ICC). The Committee, chaired by Franklin Bearce (“Swimming Eel”), consisted of enrolled members Earl Kilson, William Pan Russell, Theodore Cogswell, and Henrietta Peckham.³⁸ Their claim, assigned ICC Docket no. 112, was based primarily on the sale of their reservation land by the colonial and State governments of Connecticut.³⁹ The ICC’s “Order of Dismissal” on September 9, 1958, summarized the actions taken in this case.⁴⁰
- The “Legal Tribal Council” organized during this period also demonstrates internal political processes governing control of the reservation. In minutes from a July 10, 1949, meeting, for example, the Council discussed (1) the filing of “Indian claims,” (2) the removal of a non-Indian resident from the reservation, (3) requests for the State to “provide adequate housing . . . for Indians who are residing in Conn.,” and (4) a recommendation “that William Pan [Russell] be provided with house at reservation.” The minutes recorded that the meeting was attended by “Seventeen legal Schaticooke Indians in council assembled” who voted on various matters. The sign-in sheet for this meeting included not only the attendees, but also family members who may not have been physically present at the meeting; this became the first formal membership “roll.” Among

³⁷ Julia Cogswell Batie (New York City), letter to Indian Bureau, Interior Department, dated Nov. 17, 1925; located by OFA Staff in files for Petitioner #79, attached to this letter as **Document 2**.

³⁸ SIT Petition Narrative, 10, 78. *See*, “Tribal Council Buisness [sic] Meeting, ‘Kent Schaghticoke Tribe of Indians, Kent Reservation Connecticut, July 10th, 1949, In Council Assembled, Schaghticoke ‘Intort Claims’ and Other Tribal Buisness [sic], ‘Official Minuets,’” and “Legal and Enrolled Members of the Kent Schaghticoke Tribe of Indians, As Listed and Registered at the City of Hartford, State of Connecticut ‘As Overseers,’ ‘American Indian and English Names,’” Jul. 10, 1949; located by OFA Staff in files for Petitioner #79, attached to this letter as **Document 3**. *Also*, “Swimming Eel” [Franklin E. Bearce] to William Pan Russell, letter dated Jun. 29, 1949; attached to Petition #401 as Exhibit A-64. The letter, which almost entirely concerns the ICC claim drafted by Bearce, states, “we have already received word from some of our people that they will attend the council, we should elect a ‘Legal and Schaghticoke [sic] Indian Claims Committee’ of five adult Kent Schaghticokes to serve on this Committee[.]”

³⁹ SIT Petition Narrative, 10, 78. *See*, “The Kent Schaghticoke Tribe of Indians,” “Revised Schaghticoke Indian Claims,” dated Jul. 10, 1949, petition filed in *Legal and Enrolled Members of the Kent Tribe of Schaghticoke [sic] Indians, Etc. v. The United States of America*, Indian Claims Commission (ICC) Docket No. 112; located by OFA Staff in files for Petitioner #79, attached to this letter as **Document 4**.

⁴⁰ “Order Dismissing Petition,” *Legal and Enrolled Members of the Kent Tribe of Schaghticoke [sic] Indians, Etc. v. The United States of America*, ICC Docket No. 112; attached to Petition #401 as “Exhibit A32.”

those named are many of the same individuals who held leadership positions during the period from the 1970s through the 1990s (and in some cases into the present).⁴¹

- In the early 1970s, Irving Harris (then-Chief of the Schaghticoke) advocated for the creation of the Connecticut Indian Affairs Council (CIAC), as a means of returning a greater degree of sovereignty to “Connecticut Indians,”⁴² including the Schaghticoke, by removing them from the supervision of the State Welfare Department and, as one newspaper reported it, “keep non-Indians off the reservations, bolster Indian property rights, provide assistance for needy Indians, permit them to hunt and fish on reservations without licenses and mandate a survey of ‘the Indians’ plight’ in Connecticut.”⁴³
- In 1974 and 1975, the Schaghticoke Indians of Kent, CT, Inc., filed several lawsuits seeking to restore reservation lands that had previously been sold by the State of Connecticut.⁴⁴ In 1976 Irving Harris requested attorney David C. Crosby, Esq., to produce a memorandum of opinion concerning ownership of Indian reservation lands in the State of Connecticut.⁴⁵
- A May 24, 1979, letter to the Indian Affairs Coordinator from an attorney re: *The Schaghticoke Tribe of Indians vs. The Connecticut Light and Power Company* mentions Irving Harris, “the Chief of the Tribe,” and discusses “an exchange of deeds” between the tribe and the Power Co.,⁴⁶ seemingly as part of a negotiated settlement to the case. Though the petitioner did not submit extensive documentation related to the case itself, this case represents litigation taken by the Schaghticoke in pursuit of the restoration of lands previously sold out of the reservation lands by the State.
- In a letter to the Commissioner of Environmental Protection dated January 7, 1981, the CIAC wrote, “According to the Schaghticoke representative [Tribal chairman Maurice

⁴¹ “Legal and Enrolled Members of the Kent Schaghticoke Tribe of Indians, As Listed and Registered at the City of Hartford, State of Connecticut ‘As Overseers,’ ‘American Indian and English Names,’” Jul. 10, 1949.

⁴² “Schaghticoke Newsletter,” Feb. 1973; located by OFA staff in files for Petitioner #79, attached to this letter as **Document 5**.

⁴³ “Indians Want Their Own Board,” *Bridgeport (CT) Post*, Jan. 19, 1973; attached to the petition as “Exhibit B-70.” See also, Soulsby, “Schaghticoke Tribe,” in *American Indians in Connecticut: Past to Present*, Nov. 1979.

⁴⁴ SIT Petition Narrative, 80–81. See also, Irving A. Harris (“President-Chief,” Schaghticoke Indian Tribe), letter to John Shapard (Bureau of Indian Affairs), dated Mar. 19, 1979, “Re: Federal Recognition”; located in OFA administrative correspondence files for Petitioner #79, attached to this letter as **Document 6**. Also, Soulsby, “Schaghticoke Tribe,” in *American Indians in Connecticut: Past to Present*, p. S8.

⁴⁵ David C. Crosby, “Re: Title to Connecticut Reservation Lands,” report to CT Indian Affairs Council, Jun. 3, 1976; attached to Petition #401 as Exhibit A-64.

⁴⁶ Timothy R. Carmody to Mikki Aganstata (Indian Affairs Coordinator, CIAC), letter dated May 24, 1979, “Re: Schaghticoke Tribe of Indians vs. The Connecticut Light and Power Company”; attached to Petition #401 as Exhibit A149.

Lydem] very specific tribal regulations regarding the cutting and removal of wood on the reservation were established and sent out to tribal members.”⁴⁷

- A 1999 letter from Alan Russell to Richard Blumenthal, CT Attorney General, expresses concerns about “the Removal and Placement of Sludge at the Kent Sewer Treatment Plant,” noting that sludge “is being dumped on Lands that are under Litigation by the Schaghticoke Indian Tribe.”⁴⁸
- A 2004 news article containing an interview with Alan Russell, who described his “plans to continue his work near the pavilion of the Schaghticoke Reservation, clearing land for a garden, constructing a fireplace, fire pit and benches[.]” Specifically, Russell reported that “SIT members have considered the idea of building a few small greenhouses and perhaps a trading post on the reservation.” The article further reported, “If the land claim suits are won by the Schaghticoke, he said there would be room for additional housing but that is not currently a priority.”⁴⁹
- Council meeting minutes from September 2008 discuss “community Garden & its location, cost of seeds” and that the “Burial Ground needs new fenceing[.] Claude Van Valkenburg and myself [Alan Russell] Put fence in 1979. Very costly. Travis to get prices[.]”⁵⁰ These discussions demonstrate that the governing body was concerned with maintenance and development of the reservation land, delegating responsibilities among themselves.
- Council meeting minutes from August 2009 note that a “Discussion on land claims” concluded that the group “need[s] [an] attorney.” At the same meeting, the group organized a “Clean up Along Sch[aghticoke] Road,” with trash bags provided by Kent Land Trust, noting that “Sherry & Debbie can contact these People.”⁵¹
- In June 2010 the leadership of both SIT and the Schaghticoke Tribal Nation (STN) jointly served a non-member who had been residing on the reservation with an eviction notice. In August 2010 both parties jointly initiated court proceedings to enforce the eviction. During a post-judgment decision, on May 9, 2011, the court noted the leadership dispute (which will not be considered here) but found that “the plaintiffs collectively represented

⁴⁷ Connecticut Indian Affairs Council (CIAC) to Stanley Pac (Commissioner of Environmental Protection), letter dated Jan. 7, 1981; attached to Petition #401 as Exhibit A14.

⁴⁸ SIT Petition Narrative, 82. *See*, Alan Russell (Tribal Chairman, Schaghticoke Reservation) to Richard Blumenthal (Attorney General, CT), letter dated 1999; attached to Petition #401 as Exhibit B23.

⁴⁹ Bob Deakin, “Russell continues work on tribal lands,” unknown newspaper, ca. 2004 [mentions STN FD but not RFD]; attached to Petition #401 as Exhibit B34.

⁵⁰ “Council Meeting, Schaghticoke Indian Tribe,” minutes, Sep. 2008; attached to Petition #401 as Exhibit C125.

⁵¹ Council meeting minutes, dated “Aug. 2009”; attached to Petition #401 as Exhibit C128.

the individual members of the Schaghticoke Indians, and that it was those ‘individuals that have brought this summary process action, and have moved to evict [defendant].’”⁵²

The examples provided above demonstrate that the Schaghticoke consistently initiated organized, collective political actions on behalf of members to exercise control over the reservation lands, on a “substantially continuous basis.” Though evidence of direct political action is less available in the earliest years of the evaluation period, likely due to the relationship between Schaghticoke individuals and the State’s supervising agencies or officials, the group’s political action can often be inferred from the resulting State action, such as specifically noted repairs to homes, etc., as well as requested increases to appropriations, described in annual reports.

The Part 83 regulations require OFA to “[t]ake into account the limitations inherent in demonstrating historical existence of . . . political influence or authority.”⁵³ The regulations also state that “[f]luctuations in tribal activity during various years will not in themselves be a cause for denial of acknowledgment under these criteria.”⁵⁴ For these reasons, “[l]and set aside by a State for petitioner, or collective ancestors of the petitioner, that is actively used for that time period” is considered one acceptable form of evidence to demonstrate political influence or authority, covering the years 1900 through the present.⁵⁵

II. Evidence of a Continuous Line of Entity Leaders, 1949–1990

Section 83.11(c)(1)(viii) identifies “a continuous line of entity leaders and a means of selection or acquiescence by a significant number of the entity’s members” as a form of evidence through which a petitioner may demonstrate that it has “maintained political influence or authority over its members as an autonomous entity” for a given period of time.

In general, the democratic election of group leaders by members may serve as a “means of selection . . . by a significant number of the entity’s members” for purposes of demonstrating this form of evidence. In a letter to his “Uncle Charlie” dated March 22, 1973, Irving Harris discussed how the Schaghticoke elected its leaders:

⁵² *Schaghticoke Indian Tribe et al. v. Michael J. Rost*, Connecticut Appellate Court, docket no. AC 33374; 138 Conn. App. 204, 50 A.3d 411 (2012); located by OFA staff, attached to this letter as **Document 7**.

⁵³ 25 CFR 83.10(b)(3).

⁵⁴ 25 CFR 83.10(a)(2).

⁵⁵ 25 CFR 83.11(c)(1)(vii).

My Dad was an elected chief and so was I. . . . Our tribe is based on a democratic way of government and we do vote on all issues. We do have a voted council, and those who did not show up at our meeting have nothing to gripe about⁵⁶

The earliest evidence of formal elections for leadership being held by the Schaghticoke occurred at a meeting in 1949, in which 17 “Legal and Enrolled Members of the Kent Tribe of Schaghticoke [sic]” voted for the members of the “Schaghticoke Indian Legal and Claims Committee” to prepare a case for presentation before the Indian Claims Commission (ICC). The elected committee included Earl Kilson, William Pan Russell, Theodore Cogswell, and Henrietta Peckham. It should be noted that Russell was the father of SIT (Petitioner #401) Chairman Alan Russell and former Vice Chairman Gail (Russell) Harrison Donovan. On the enrolled membership list prepared as part of this meeting, Frank Cogswell’s name appears with the appellation, “Sachem,” denoting his leadership.⁵⁷ He appears to have been the last of the traditional informal leaders associated with the Schaghticoke and reservation. In a 2001 interview, Truman and Theodore Cogswell (sons of Theodore Cogswell who had been elected to the committee in 1949) recalled that “Earl Kilson made references . . . to Frank Cogswell” “[b]eing the chief.” “And this was . . . back in the 40’s. And our grandfather [William Cogswell] had died in 1942, so I’m wondering then it would – the chieftanship would go over to Frank.” In another part of the interview, they repeated, “As far as I can ascertain, there was in a sense that grandpa, William Truman Cogswell, was a chief. The chieftanship passed down to his brother, Frank Cogswell.”⁵⁸ The petitioner’s claims of informal leadership prior to 1949 will be addressed in greater detail below.

In addition, a 1939 letter from Franklin Bearce (“Swimming Eel”) to Dr. Frank Speck (an anthropologist who had previously visited the Schaghticoke reservation) refers to “Our Sachem

⁵⁶ SIT Petition Narrative, 12. *See*, Irving Harris to “Uncle Charlie,” letter dated Mar. 22, 1973; attached to Petition #401 as Exhibit B71.

⁵⁷ Mention of this meeting appears in SIT Petition Narrative, 10, 78. *See*, “Tribal Council Buisness [sic] Meeting, ‘Kent Schaghticoke Tribe of Indians, Kent Reservation Connecticut, July 10th, 1949, In Council Assembled, Schaghticoke ‘Intort Claims’ and Other Tribal Buisness, ‘Official Minuets;’” and “Legal and Enrolled Members of the Kent Schaghticoke Tribe of Indians, As Listed and Registered at the City of Hartford, State of Connecticut ‘As Overseers,’ ‘American Indian and English Names,’” Jul. 10, 1949; located by OFA Staff in files for Petitioner #79..

⁵⁸ SIT Petition Narrative, 73. *See*, “Cogswell Family Interview Given by Attorney Jeffrey Sienkiewicz Held at the Law Firm of Sienkiewicz & McKenna, P.C., 9 South Main Street, New Milford, Connecticut, on November 15, 2001,” transcript, 94–95; portions cited in Petition #401 as Exhibit B50 and B60 but not attached; located by OFA staff in files for Petitioner #79, attached to this letter as **Document 8**.

the Cocksure,”⁵⁹ likely a reference to Frank Coggsell, as evidenced by his involvement with the 1939 powwow organized by Bearce.⁶⁰ While this letter indicates that Frank Coggsell may have served in a leadership role since at least 1939, the letter does not sufficiently demonstrate that his leadership resulted from the selection or acquiescence by “a significant number of the entity’s members” prior to 1949. If the petitioner can demonstrate that “a significant number of the entity’s members” selected or acquiesced to Frank Coggsell’s leadership role prior to 1949, the evidence of a continuous line of entity leaders may extend to an earlier date than 1949.

Frank Coggsell died August 17, 1953.⁶¹ Following his death, the Schaghticoke continued to hold periodic elections for leaders and other governing body members:

- On October 24, 1954, at a “Regular Council Meeting” held at the “Schaghticoke Indian Reservation, Kent, Connecticut,” about 22 members in attendance voted to add 3 new members to the claims committee. Further, “Howard Harris was voted chief of tribe. Theodore Coggsell was voted rear Sagamore. . . . Mrs. Jean Renault was elected treasurer.”⁶²
- On May 7, 1963, with some corrections dated May 11, Franklin Bearce (“Swimming Eel”) prepared a “writ of multiple complaint” on behalf of the “Tribal Committee” of the “Kent Tribe of Schaghticoke Indians,” petitioning the “United States District Court of Record and Common Pleas” in New Haven, CT. The “writ” named the “Officers”: Theodore Coggsell, “High Sachim”; Herbert Johnson, “Front Sagamore”; Theodore W. Coggsell Jr., “Rear Sagamore”; Henrietta Peckham, Secretary; and Beatrice Arlene Coggsell, Treasurer. The document also named the “Tribal Committee” members, including Coggsell and Peckham as well as Julia Parmalee and Lenoria U. Thorpe, and attached a “Revised Tribal Enrollment List” that included many of the same families that had appeared on the 1949 list.⁶³ While the document does not record election results, it is

⁵⁹ SIT Petition Narrative, 75. See, Franklin Bearce (as “Elewaththum, Medicin [sic] Sagamore at Schaghticoke”) to Dr. Frank G. Speck (Gloucester, MA), letter dated “16 Suns 1939 Great Suns,” probably Aug. 16, 1939; attached to Petition #401 as Exhibit A49.

⁶⁰ SIT Petition Narrative, 75.

⁶¹ “U.S., Veterans Administration Master Index, 1917–1940,” online database, *Ancestry* (www.ancestry.com), entry for Frank Albert Coggsell, b. Apr. 17, 1869, military date Jan. 26, 1899, d. Aug. 17, 1953, res. Kent, CT.

⁶² SIT Petition Narrative, 78–79; citing Exhibit B59, not attached. See, “Schaghticoke [sic] Indian Reservation, Kent, Connecticut, October the 24th day 1954, Regular Council Meeting in High Council Assembled 12:00 Noon, ‘Official Minutes;’” located by OFA Staff in the files for Petitioner #79, attached to this letter as **Document 9A, 9B**.

⁶³ SIT Petition Narrative, 80. See, Franklin Bearce (as “Elewaththum Swimming Eel Bearce”) to “United States District Court of Record and Common Pleas, New Haven, Connecticut” petition, May 7 & 11, 1963, esp. “Exhibit No (5) The Kent Indians, Officers, Tribal Committee Members, Tally Sheet” and “Revised Tribal Enrollment List,

notable that Theodore Coggsell, who had been elected “Rear Sagamore” in 1954, was now identified as “High Sachim,” while Henrietta Peckham appeared as a member of the “Tribal Committee” in both 1949 and 1963.⁶⁴ This continuity, as well as the revised enrollment list, implies that the same procedures for electing leaders continued to be followed through this time.

- At some point between 1963 and 1973 Irving “Ernie” Harris was elected Chief. The petition narrative does not discuss the election, though it acknowledges his leadership during this time.⁶⁵ There is some confusion surrounding the circumstances of his election. A February 1973 “Schaghticoke Newsletter” announces the incorporation of the “Schaghticoke Indians of Kent, Connecticut, Inc.,” and the elections by “corporate members” of the “Council and Board of Directors”: President/Chief Ernie Harris, Vice President/Sagamore Claude Grinage, Secretary-Treasurer Claudette Bradley, and Directors Mabel Birch, Ruth Garby, Trudie Lamb, Catherine Velky, and Paul Velky Jr. on November 18, 1972. “Corporate members” are defined as “descendants at least 16 years of age.”⁶⁶ Several of these elected leaders continue to serve in leadership positions of SIT after 1979 (see below). In a 1975 court filing recounting the history of the group’s leaders, however, the council members at that time omitted the 1963 leaders named above, alternatively claiming that “The incumbent leader of the Schaghticoke Tribe is Chief Irving Harris He was first elected in 1968, succeeding his father, who was Chief from 1954 until his death in 1967.” This filing also identifies council members “elected in 1968”: James Hennessey, James Hennessey Jr., Mabel Birch, Paul Velky Jr., Arlene Birch, Catherine Velky, and Joseph Velky.⁶⁷ A letter by Irving Harris to a Supervisory Investigator of the Welfare Department dated August 8, 1968, reports that, “At a recent tribal meeting which was held at the Kent Reservation, August 4, 1968, our tribe elected seven Council Members. I was appointed the new Chief, succeeding my deceased father, by that Council.” This letter does not name any of the other elected

Kent Schaghticoke Indians, Connecticut” therein; located by OFA Staff in the files for Petitioner #79, attached to this letter as **Document 10**.

⁶⁴ Other elected officers from the 1949 and 1954 meetings were either deceased (such as William Russell, who died in 1955) or continued to appear in the 1963 enrollment list, indicating likely “acquiescence” to the 1963 leadership.

⁶⁵ See for example, SIT Petition Narrative, 80–81. Also, Bob Pratt, “Area Indians File Suit to Reclaim 600 Acres,” *Waterbury (CT) Republican*, Apr. 20, 1975; attached to Petition #401 as Exhibit A91. Also, Irving Harris to “Uncle Charlie,” letter dated Mar. 22, 1973; attached to Petition #401 as Exhibit B71.

⁶⁶ “Schaghticoke Newsletter,” Feb. 1973.

⁶⁷ “Plaintiffs’ Response to Defendants’ Interrogatories,” Oct. 17, 1975, in *Schaghticoke Tribe of Indians, et al., v. Kent School Corporation, Inc., et al.*, Civil Action H-75-125, U.S. District Court, District of Connecticut; located by OFA staff in files for Petitioner #79, attached to this letter as **Document 11**.

members.⁶⁸ Of the members identified in the 1975 filing as elected in 1968, including Irving Harris himself, only Mabel Birch (as “Mrs. Mable Birch Storm”) can be positively identified on the 1963 enrollment list.⁶⁹ However, a 1972 list of 51 “corporate members” includes at least 17 individuals who appear on the 1963 list.⁷⁰ The petitioner notes, regarding this membership list, “Irving Eliminated Russell’s & Kilson’s Living on the Rez.”⁷¹

In order to support a claim of continuous entity leadership, the petitioner should address this conflicting evidence of leadership between 1954 and 1972. Specifically, please explain and provide supporting documentation answering the following questions, to the extent possible:

- How long did Howard Harris (elected in 1954) serve as Chief?
 - When and under what circumstances was Theodore Coggsell elected “High Sachem”? How long did he serve in this role?
 - When and under what circumstances did Irving Harris become Chief before 1972?
- A letter dated December 24, 1979, from Tribal Secretary Trudie Lamb to Mikki Agnastata, Coordinator for CIAC, reports that the “Schaghticoke Tribe” held its “annual election” on December 9. The results of the election were Maurice Lydem as Tribal Chairman, Claude Grinage as Vice Chairman, Trudie Lamb as Secretary, Sue Lydem as recording Secretary, Kay Peck as Treasurer, and Claudette Bradley, Phillip Johnson, Gail Harrison, and Alan Russell as Directors.⁷²
- Meeting minutes dated April 18, 1981, discuss nominations and elections. Maurice Lydem resigned as Chairman and Trudie Lamb was nominated to serve the rest of his term. Other council members were also elected at this time. Election set for June 1982 for three new tribal council members to be elected.⁷³
- On September 15, 1984, following a detailed investigation, the Connecticut Indian Affairs Council (CIAC) issued a determination relating to the Schaghticoke

⁶⁸ Irving A. Harris to Mr. Bernard Kowalski (Supervisory Investigator, Div. of Resources, Welfare Dept., Hartford, CT), letter dated Aug. 8, 1968; located by OFA Staff in files for Petitioner #79, attached to this letter as **Document 12**.

⁶⁹ A second member, Arlene Birch, may also appear on the 1963 enrollment, but the identification is not certain. It is notable that the subject of Harris’s 1968 letter was the acquisition of a reservation home for Mabel Birch (*ibid.*).

⁷⁰ It is possible that some married women may appear on the earlier list using their maiden names.

⁷¹ Schaghticoke Indians of Kent, Connecticut, Inc., list of “corporate members,” 1972–73; attached to Petition #401 as Exhibit A87.

⁷² Trudie Ray Lamb to Mikki Agnastata, letter dated Dec. 24, 1979; located by OFA staff in files for Petitioner #79, attached to this letter as **Document 13**.

⁷³ Schaghticoke meeting minutes, dated April 18, 1981; attached to Petition #401 as Exhibit B-2.

representative to the CIAC. While the determination itself is concerned primarily with resolving the leadership dispute between SIT and STN—which will be subject to a future OFA analysis, as discussed above—it cites evidence concerning the Schaghticoke’s governing document and election procedures from 1980 to 1984 as well as the results of several elections during the same timeframe. Specifically, at the June 26, 1983, meeting, 29 Schaghticoke individuals elected a 9-member Tribal Council: Claudette Bradley, Claude Grinage, Gail Harrison, Irving Harris, Kay Pane, “Butch” Lydem, Sandra March, Neil Kilson, and Alan Russell. According to “established tribal practice,” at a July 17, 1983, council meeting, Alan Russell was elected Tribal Chairman by 8 of the 9 councilmembers.⁷⁴

- In 1989 the State of Connecticut (as intervening plaintiffs) appealed a case in which the Schaghticoke Indians of Kent, Connecticut, Inc., instituted a contract action against Keith Potter and Alan Russell (SIT Chairman), alleging that “a contract for the sale of timber between Potter, an independent logger, and Russell, a member of the Schaghticoke Indians, had resulted in substantial damage to the Schaghticoke reservation.” The court’s opinion in dismissing the State’s appeal noted that “The tribe, however, does not deny in its complaint that Russell is the tribal chief. The tribe alleges only that, as chief, Russell failed to obtain the consent and approval of the tribal counsel [*sic*] before entering into the contract with the defendant, Potter.”⁷⁵ This suggests “acquiescence” to Russell’s leadership at that time, even in light of the internal conflict.

Through the documentation described above, the petitioner has likely provided sufficient evidence of a “continuous line of entity leaders and a means of selection or acquiescence by a significant number of the entity’s members” from 1949 through 1990.⁷⁶ This constitutes a second form of acceptable evidence of political influence or authority for these years. For years in which named enrolled members voted in elections concerning leadership and other issues of importance to the Schaghticoke, this may also be considered “widespread knowledge, communication, or involvement in political processes by many of the entity’s members.”⁷⁷

In order to ensure that the petitioner is credited with acceptable evidence of political authority or influence for the entire period, please respond to this Phase II TA review letter with clarification

⁷⁴ SIT Petition Narrative, 30. *See*, CIAC, “Determination as to the Schaghticoke Representative to the Connecticut Indian Affairs Council (CIAC),” Sep. 15, 1984; attached to Petition #401 as Exhibit B5.

⁷⁵ *Schaghticoke Indians of Kent, Connecticut, Inc., et al. v. Keith Potter et al.*, Connecticut Appellate Court, docket no. 7919; 22 Conn. App. 229, 577 A.2d 719 (1990); located by OFA staff, attached to this letter as **Document 14**.

⁷⁶ 25 CFR 83.11(c)(1)(viii).

⁷⁷ 25 CFR 83.11(c)(1)(iii).

and documentation concerning the period between 1954 and 1972, as noted above. Further, if the petitioner can demonstrate that “a significant number of the entity’s members” selected or acquiesced to Frank Coggsell’s leadership as “Sachem” prior to 1949, the period during which selection or acquiescence of entity leaders has been sufficiently demonstrated may extend prior to 1949.

For the time period after 1990, the petitioner provided documentation in which claimed political leaders of the group were identified as taking certain political actions. These primarily indicate that Alan Russell continued to serve as Chairman of SIT throughout these years to the present, with a number of other members serving on the “Tribal Council” at various times.

Documentation includes internal communications (newsletters, meeting minutes, etc.), local newspaper items, and communication with various State and Federal agencies and officials (including OFA).

While it appears that Alan Russell has been recognized as Chairman by at least other members of the governing body throughout these years, in order for Russell’s leadership to qualify as evidence under § 83.11(c)(1)(viii), the petitioner should document the “means of selection or acquiescence by a significant number of the entity’s members.” In response to this Phase II TA review letter, the petitioner should provide copies of any meeting minutes or other documentation reflecting that “a significant number of the entity’s members” elected or otherwise acknowledged the group’s political leadership. If the petitioner is able to document this “means of selection or acquiescence,” then the time period for which this form of evidence is acceptable may be extended beyond 1990, covering all years for which supporting documentation is provided.

III. Internal conflict, 2007–2011

The petitioner provided documentation demonstrating that, from 2007 through 2011, an internal conflict between Chairman Alan Russell and Vice Chairman Gail Harrison Donovan—apparently concerning the group’s collective finances—led to a struggle over the leadership of SIT involving multiple members of the petitioner.

A letter dated October 25, 2007, from Alan Russell (Chairman) to Gail Harrison (Vice-Chairman) notes that “I do not plan to resign my seat as Chairman and want you to know I do everything in my power to ensure our reservation isn’t over developed by said backers. As chief it is my duty to make sure our best interest are severed [*sic*] and I will continue to keep our tribal members in mind when planning our future on Schaghticoke.” The letter also states, “Gail, Your Vice Chairman seat has been questioned over and over again by several members of the tribe

along with members of the Schaghticoke council. Said position is a conflict of interest and I along with many members of our tribe ask that you resign your seat A.S.A.P.”⁷⁸ Minutes from a “Council meeting via telephone” on November 15, 2007, show three members of the Tribal Council present, voting to remove Gail Harrison Donovan as Vice Chairman and elect Debbie Richards as Secretary and Sherry Furtado as Treasurer.⁷⁹ This dispute continued through 2009, when, on January 13, Alan wrote a letter to attorney Ed Gasser (who was representing Gail in court) advising that he was “a victim of fraud perpetuated by Gail.”⁸⁰

The documentation also illustrates how internal processes led to the resolution of this conflict. In minutes of a “Council Meeting” in June 2011, it is noted that “Gail Donovan, Janette Stoerzinger, Mike Rost, Bruce family showed up claiming leadership, John B. Hughes made it clear to [Judge] Dorsey that I [Alan Russell] was Tribal Chairman of SIT.”⁸¹ In September 2011, the internal conflict was resolved when Gail signed a notarized affidavit stating that she called a meeting to discuss the removal of Tribal Chairman Alan Russell, but was “unaware that the meeting was not in accordance with the Schaghticoke Indian Tribe Constitution and as such any votes taken were not valid.”⁸² Minutes from a September 7 council meeting summarized the resolution by recording that, as soon as Gail signed the affidavit, “she would be reinstated as Vice Chairman of the S.I.T.,” further noting that “[t]he affidavit was signed & notarized at 3:30 Sept 7 2011 at Kent town hall. Gail Harrison officially Vice Chairman on Sept 7 2011.”⁸³

This documentation of internal conflict submitted with the petition qualifies as evidence of “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions” and is an acceptable form of evidence of political influence or authority from 2007 through 2011.⁸⁴

⁷⁸ Alan Russell, letter to “Gail Harrison/Princess Laughing Brooke/Vice Chairman,” dated Oct. 25, 2007; attached to Petition #401 as Exhibit C123.

⁷⁹ SIT, “Council meeting via telephone” minutes, Nov. 15, 2007; attached to Petition #401 as Exhibit C124.

⁸⁰ Alan Russell to Ed Gasser, letter dated Jan. 13, 2009; attached to petition #401 as exhibit C-74.

⁸¹ SIT, “Council Meeting” minutes, Jun. 2011; attached to Petition #401 as Exhibit A32.

⁸² Gail Harrison Donovan affidavit, undated, ca. 2011; attached to Petition #401 as Exhibit G[C?]-136.

⁸³ Council meeting minutes, dated Sep. 7, 2011; attached to Petition #401 as Exhibit C-82.

⁸⁴ 25 CFR 83.11(c)(1)(v).

IV. Deficiencies That May Prevent the Petitioner from Meeting Criterion 83.11(c)

In addition to technical assistance provided in the above sections, explaining how the petitioner may strengthen its petition, OFA has identified the following deficiencies that may prevent it from meeting criterion 83.11(c).

A. 1900–49: Informal leadership

In a 1997 interview conducted by Lucianne Lavin, Trudie Lamb Richmond stated, “So, I was always told that he [William Coggsell] was a leader, as a matter of fact they even used the term ‘chief.’ Now when they use the term chief, I think it was a recognized title. A title, that *chief* meaning leader, *chief* meaning someone who had vision, a *chief* meaning someone who was willing to take certain responsibilities. And to lead, exactly that. So those were the types of things I was told, that he did this. That he was a leader at meetings, he was a leader at powwows, he was a leader at gatherings.”⁸⁵

As already noted above, it appears likely that Frank Coggsell was recognized as a “Sachem” in 1949 by the Schaghticoke enrolled that year; the petitioner has been advised to provide additional documentation for his leadership prior to that year. Before Frank, the petitioner claims that his older brother William (mentioned by both Trudie Ray Lamb and her cousins Truman and Theodore Coggsell, as cited above) served in this role: “William Coggsell was the Sachem of the Schaghticoke Tribe at this time [i.e. ca. 1930s], later followed by his younger brother Frank, who became the sachem/chief of the Tribe after William became ill with diabetes (he died in 1942).”⁸⁶

Prior to William, the petitioner claims, leadership was primarily vested in “Informal leadership includ[ing] Culture Keepers, teachers and protectors of tribal traditions, who passed those traditions down to younger generations, often through apprenticeships. These traditions included tribal crafts, but also tribal lore that involved special knowledge for a successful community.”⁸⁷ Claimed “culture keepers” included James Pan Harris (reported father of Howard Harris) and George Coggsell (father of William and Frank), both instrumental in the operation of the Schaghticoke Rattlesnake Club, and reportedly informal leaders from before 1900 through 1909 and 1923, their respective years of death. The petitioner submitted significant documentation supporting Harris’s and Coggsell’s participation in the Club, as well as some documentation

⁸⁵ “The Schaghticoke Rattlesnake Club,” partial narrative, internally paginated, p. 25, transcribing a portion of this interview; attached to Petition #401 as Exhibit A102.

⁸⁶ SIT Petition Narrative, 73.

⁸⁷ SIT Petition Narrative, 63.

reflecting Cogswell's other public-facing activities. Most of this documentation, however, consists of newspaper articles and other externally created sources that provide little evidence of the group's internal political processes during this period.

A separate issue also arises in the historical record during this early time period. From as early as 1939 (documented) and possibly earlier, and through at least 1963, a man named Franklin E. Bearce, also called "Swimming Eel," was intimately involved in Schaghticoke political activities, from organizing powwows to authoring Federal land claims.⁸⁸ In its narrative, the petitioner variously refers to Bearce as "a non-Schaghticoke,"⁸⁹ "the Tribe's non-Schaghticoke intermediary,"⁹⁰ and "a pan-Indian leader . . . much more experienced in dealing with federal and state officials than Schaghticoke . . . leadership."⁹¹ Bearce himself falsely claimed to be of Schaghticoke (and other indigenous) descent,⁹² adopting for himself titles such as "Medicin [sic] Sagamore at Schaghticoke" (1939).⁹³ Bearce also appears to have been elected "Tribal Chairman" by members by 1949, a title he used on internal and external communications through at least 1963,⁹⁴ apparently an administrative role. While the present petitioner clearly rejects any claim that Bearce was of Schaghticoke descent, it would be helpful for purposes of the Department's evaluation if the petitioner would include, in its discussion of political activity during this period, an explanation of how Bearce gained such a significant measure of influence over the group's political life, describing more completely the nature of the relationship between Bearce and the Schaghticoke. This additional discussion with supporting documentation could provide additional historical context informing OFA's review of the evidence of Schaghticoke political activity during the years of Bearce's active participation. Please also specify which of the forms of evidence enumerated under § 83.11(c)(1), if any, you believe this additional discussion and supporting documentation address.

In summary, in response to this Phase II TA review letter, for the period 1900–1949, the petitioner may wish to provide additional evidence of its leadership, whether informal or formal.

⁸⁸ See several references to Bearce's activities in the evidence cited above.

⁸⁹ SIT Petition Narrative, 74.

⁹⁰ SIT Petition Narrative, 75.

⁹¹ SIT Petition Narrative, 25.

⁹² He also claimed descent from numerous other New England tribes; all such claims of indigenous descent were thoroughly disproved by one of the preeminent genealogists of that time. See, Donald Lines Jacobus, "Austin Bearse and His Alleged Indian Connections," *The American Genealogist* 15 (1938): 111–18; attached to this letter as **Document 15**.

⁹³ Bearce to Speck, letter dated "16 Suns 1939 Great Suns," probably Aug. 16, 1939.

⁹⁴ Bearce to "United States District Court of Record and Common Pleas, New Haven, Connecticut," petition, May 7 & 11, 1963, esp. "Exhibit No (5) The Kent Indians, Officers, Tribal Committee Members, Tally Sheet" and "Revised Tribal Enrollment List, Kent Schaghticoke Indians, Connecticut" therein.

Especially important during this time period is discussion with supporting documentation of the “means of selection or acquiescence by a significant number of the entity’s members” for the claimed leaders. As in response to the recommendation provided under the evaluation of criterion 83.11(b), the petitioner should account for the participation of both members residing on the reservation and those residing elsewhere.

B. 1900–49, 1990–present: Other evidence

In addition to responding to the recommendations noted above relating to the informal leadership of the Schaghticoke Indians prior to 1949 and the elected leadership of SIT since 1990, please note that the petitioner is also welcome to provide a narrative explanation with supporting documentation of any of the other forms of evidence enumerated under § 83.11(c)(1).

Submission of any of these forms of evidence deemed acceptable under this section of the acknowledgment regulations, when combined with the acceptable evidence described above, may be sufficient to demonstrate political activity or influence for the documented time.

TA Review Summary

This TA review is not a Phase II Proposed Finding on criteria 83.11(a), (b), and (c). Rather, the purpose of a Phase II TA review is to notify a petitioner, prior to the issuance of a finding, of “any deficiencies that would prevent the petitioner” from meeting criteria 83.11(a)-(c).⁹⁵ As detailed in this letter, OFA identified evidentiary deficiencies that would prevent the petitioner from meeting the *Community* and *Political influence or authority* criteria under § 83.11(b)–(c).

This Phase II TA review discusses the deficiencies known to OFA at the time of review. However, the petitioner’s submission of additional information or clarification in response to the TA review or other materials might result in the discovery of additional deficiencies that OFA would have to address in the Phase II Proposed Finding. In addition, the petitioner should not assume it will meet these criteria by simply submitting additional information or clarification. The petitioner’s ability to cure the deficiencies will depend on the content of the submissions and OFA’s review. Finally, the petitioner should not assume OFA has made positive conclusions about claims and evidence not discussed in this letter.

⁹⁵ 25 CFR 83.26(b)(1).

Enclosed with this letter are several documents, cited herein, that the petitioner did not submit but that “OFA may consider in preparing the proposed finding.”⁹⁶ As part of its response to this letter, the petitioner also has an “opportunity to respond in writing to the . . . evidence provided.”⁹⁷

After reviewing this letter, you must submit a written response that (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review.⁹⁸

As noted above, the regulations do not impose any limit on the amount of time that the petitioner may take to respond to technical assistance, and the timetable for OFA’s Phase II review will be suspended while the Department awaits a response or additional information from the petitioner. Upon receipt of your response to this TA review, OFA will return to its review of the documented petition as soon as possible.⁹⁹

If you have any questions, please feel free to contact the Office of Federal Acknowledgment at (202) 513-7650, via email at Ofa_Info@bia.gov, or by mail at:

Department of the Interior
Office of the Assistant Secretary–Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB 1849 C Street NW
Washington, DC 20240

Sincerely,

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

Nikki Bass
Director, Office of Federal Acknowledgment

⁹⁶ 25 CFR 83.26(b)(2)(i).

⁹⁷ 25 CFR 83.26(b)(2)(ii).

⁹⁸ 25 CFR 83.26(b)(1)(i)–(iii).

⁹⁹ 25 CFR 83.23(a)(1).

cc: Individuals or entities that have requested to be kept informed