

Summary Under the Criteria and Evidence for
Final Determination against Federal Acknowledgment

of the

Golden Hill Paugussett Tribe

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

Approved: June 14, 2004
(date)

Auneh Martha
Principal Deputy Assistant Secretary - Indian Affairs

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Final Determination for the Golden Hill Paugussett Tribe

INTRODUCTION

Under delegated authority, the Secretary of the Department of the Interior (Department) ordered, through the Assistant Secretary-Indian Affairs (AS-IA), the Principal Deputy Assistant Secretary- Indian Affairs (PD AS-IA) “to execute all documents, including regulations and other *Federal Register* Notices, and perform all other duties relating to Federal recognition of native American tribes.” The PD AS-IA makes the determination regarding the petitioner’s status, as defined in the regulations as one of the duties delegated by the Secretary of the Interior to the AS-IA (209 Department Manual 8), and from the AS-IA to the PD AS-IA (Secretarial Order No. 3252). The Office of Federal Acknowledgment (OFA) prepared this Final Determination (FD) in response to the petition received by the AS-IA from the Golden Hill Paugussett (GHP), petitioner #81. The petitioner 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 Establishing that an American Indian Group Exists as an Indian Tribe.” The regulations establish procedures by which Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to this political relationship with the United States, the petitioner must submit evidence demonstrating that it meets all of the seven mandatory criteria set forth in 25 CFR Section 83.7. Failure to meet any one of the seven criteria will result in the Department’s determination that the group does not exist as an Indian tribe within the meaning of Federal law.

This determination is final and will become effective 90 days from the date of publication in the *Federal Register* (FR), unless a request for reconsideration is filed pursuant to 25 CFR 83.11 before the Interior Board of Indian Appeals (IBIA).

The evidence for the FD consisted of the documentation used in preparation of the Proposed Finding (PF), the petitioner’s comments on the PF, third party comments on the PF, and other pertinent material collected by the OFA staff as part of the verification and evaluation process.

This FD is the Department’s evaluation of the evidence based on the criteria and standards established in the regulations at 25 CFR Part 83, and the research standards in the fields of history, anthropology, and genealogy. The FD does not respond to the issues raised in each submission on a point-by-point basis, but as they relate to the criteria.

On July 28, 2003, the Branch of Acknowledgment and Research (BAR), the office in the Bureau of Indian Affairs (BIA) within the DOI responsible for administering the regulations, 25 CFR Part 83, became the Office of Federal Acknowledgment under the AS-IA. The duties and responsibilities of OFA remain the same as those of BAR, as do the requirements of the regulations. This report uses the term OFA to mean BAR when discussing activities before July 28, 2003.

Administrative History

The GHP petitioner submitted a letter of intent to the Department on April 13, 1982, to petition for Federal acknowledgment as an Indian tribe. The GHP petitioner worked on its petition for 11 years and submitted its documented petition on April 12, 1993. The Department placed the GHP petitioner on the "Ready, Waiting for Active Consideration" list on November 21, 1994. The Department originally processed the GHP petition under 25 CFR 83.10(e), which allows an evaluation on only one criterion if the petition and response to the technical assistance review indicates that there is little or no evidence to demonstrate that a group can meet the criteria in 83.7(e), (f), or (g).

The Department published a notice of the PF on June 8, 1995, in the FR that declined to acknowledge the GHP existed as an Indian tribe (60 FR 30430). The Department found the evidence clearly established the GHP did not meet the mandatory criterion 83.7(e), descent from a historical Indian tribe. Following an evaluation of the evidence submitted during the comment periods, the AS-IA issued a FD on September 16, 1996 (61 FR 50501). The AS-IA concluded the evidence did not establish a reasonable likelihood of the validity of the facts (see 25 CFR 83.6(d)) that the petitioner descended from a historical tribe. More specifically, the GHP did not demonstrate that William Sherman, the ancestor through whom the GHP claimed tribal descent, had ancestry either from the historical Golden Hill tribe or from any other identified historical Indian tribe.

The GHP petitioner filed a request for reconsideration of the FD with the IBIA on December 26, 1996, pursuant to 25 CFR 83.11(b)(2). Another group, the Golden Hill Paugeesukg Tribal Nation, also requested reconsideration, claiming to be the actual governing body of the petitioning group. On September 8, 1998, the IBIA affirmed the decision not to acknowledge the GHP as an Indian tribe, but referred five allegations of error to the Secretary (33 IBIA 4, 1998).

On December 22, 1998, the Secretary, without evaluating the merits, requested the AS-IA to address the five issues and provide a reconsidered determination in accordance with the regulations. The AS-IA recused himself from this decision, and, on May 24, 1999, the Deputy AS-IA issued reconsideration and an order to consider the GHP petition under all seven mandatory criteria of the acknowledgment regulations. The Deputy AS-IA also ordered active consideration of the petition suspended until the GHP petitioner made additional submissions, which it did, whereupon the Department resumed active consideration.

On April 3, 2001, the GHP petitioner filed a complaint pursuant to the Administrative Procedure Act requesting the court to compel the Department to establish a date by which it would issue a new PF under all seven mandatory criteria. The parties negotiated an agreement in December 2001, whereby the Department agreed to issue a PF on or before January 21, 2003, after which consideration of the petition would fall under the regulations. The Department began consideration of the evidence for the PF on July 22, 2002.

The Department published a notice of the PF in the FR on January 29, 2003, that declined to acknowledge the GHP petitioner existed as an Indian tribe (68 FR 4507). The Department found the petitioner did not meet mandatory criteria 83.7(b), (c), and (e).

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Neither the GHP petitioner nor any third parties requested a formal on-the-record technical assistance (TA) meeting under 83.10(j)(2). The OFA staff held an informal TA meeting with the GHP petitioner's researchers and attorneys on May 21, 2003, to review the status of the work and provide additional guidance, with a follow-up letter summarizing the meeting's main points (Fleming to Piper Jr. 8/5/2003).

The original schedule called for OFA to receive comments from the GHP petitioner and third parties on July 26, 2003, and for the GHP to respond to those comments by September 24, 2003. At the petitioner's request, the Department granted an extension of 180 days to the comment period until January 26, 2004 (Bird Bear to Piper Jr. 7/25/2003). The Department granted the request to allow the GHP petitioner's researchers additional time to complete their work.

The deadline for the GHP petitioner to submit any comments was March 26, 2004. The OFA received comments to the PF from the GHP petitioner and the State of Connecticut (State) on January 26, 2004. The OFA did not receive any response to the third-party comments from the GHP petitioner by the March 26, 2003, deadline. Review and analysis of the evidence and comments for this FD began on April 12, 2004.

On April 4, 2004, the Secretary of the Interior expanded the authority of the PD AS-IA to include the exercise of certain program and administrative authorities of the AS-IA, one of which included all duties relating to Federal acknowledgment of American Indian tribes (see Secretarial Order No. 3252, 4/9/2004). Thus, the PD AS-IA has issued this FD.

Impact of the February 2000 Directive on the Proposed Finding

On February 11, 2000, the Department published in the Federal Register notice of "Changes in the Internal Processing of Federal Acknowledgment Petitions (February 2000 Directive). The February 2000 Directive provided guidance to petitioners, third parties, the general public and the Department. In particular, the February 2000 Directive provided that the OFA staff was "not expected or required to locate new data in any substantial way" but rather should limit its research to that necessary to "verify and evaluate the materials presented by the petitioner and submitted by third parties" (65 FR 2/11/2000, 7052). The specific wording of the February 2000 Directive states:

The BIA's review of a petition shall be limited to evaluating the arguments presented by the petitioner and third parties and to determining whether the evidence submitted by the petitioner, or by third parties, demonstrates that the petitioner meets each of the criteria (65 FR 2/11/2000, 7052).

The February 2000 Directive also provides that the BIA "is expected to use its expertise and knowledge of sources to evaluate the accuracy and reliability of the submissions" (65 FR 2/11/2000, 7052-7053).

The OFA staff performed limited additional research for this FD. It examined easily accessible census records on microfilm from the National Archives, obtained some documents by mail from the Bridgeport, Connecticut, Public Library, and received additional membership questionnaires

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from the petitioner. In using these materials, the OFA staff was evaluating and verifying the petitioner's and interested parties' assertions, and was not doing research to rectify deficiencies in the GHP petitioner's evidence. The February 2000 Directive requires the Department's researchers to use their professional expertise to evaluate the evidence submitted, and to provide the PD AS-IA with the best possible information upon which to base a determination within the regulatory timeframes.

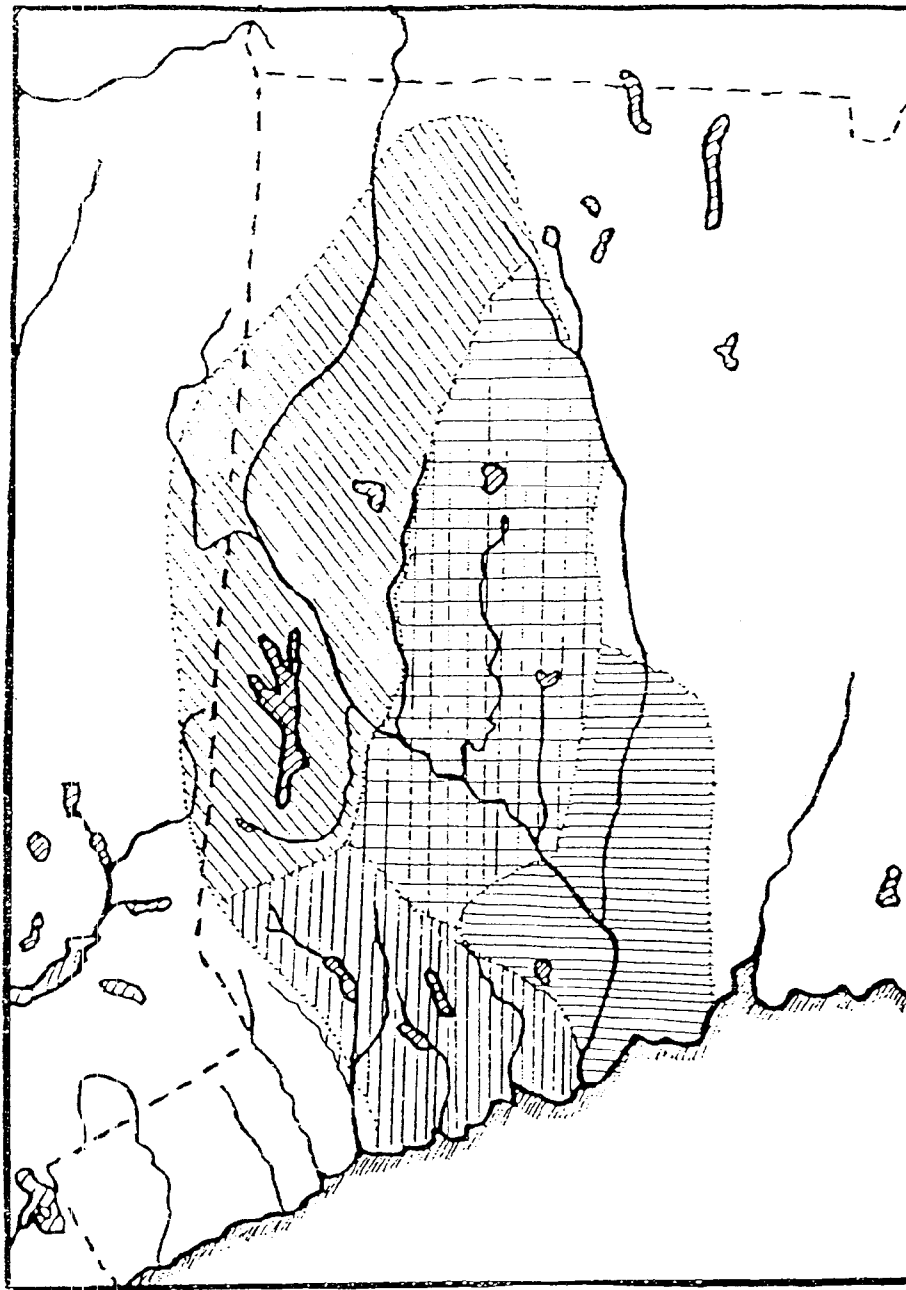
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Acronyms and Abbreviations

AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research (now OFA)
BIA	Bureau of Indian Affairs
CFR	<i>Code of Federal Regulations</i>
CIAC	Connecticut Indian Affairs Commission
CDEP	Connecticut Department of Environmental Protection
D&A	Description and Analysis
DOI	Department of the Interior
FD	Final Determination
FR	<i>Federal Register</i>
GHP	Golden Hill Paugussett
HEP	Historical Eastern Pequot
IBIA	Interior Board of Indian Appeals
OD	Obvious deficiencies letter issued by the OFA
OFA	Office of Federal Acknowledgment (formerly BAR)
PF	Proposed Finding
SPFC	Connecticut State Park and Forest Commission
STN	Schaghticoke Tribal Nation
TA	Technical assistance letter issued by the OFA
U. S.	United States

Standardized Spellings

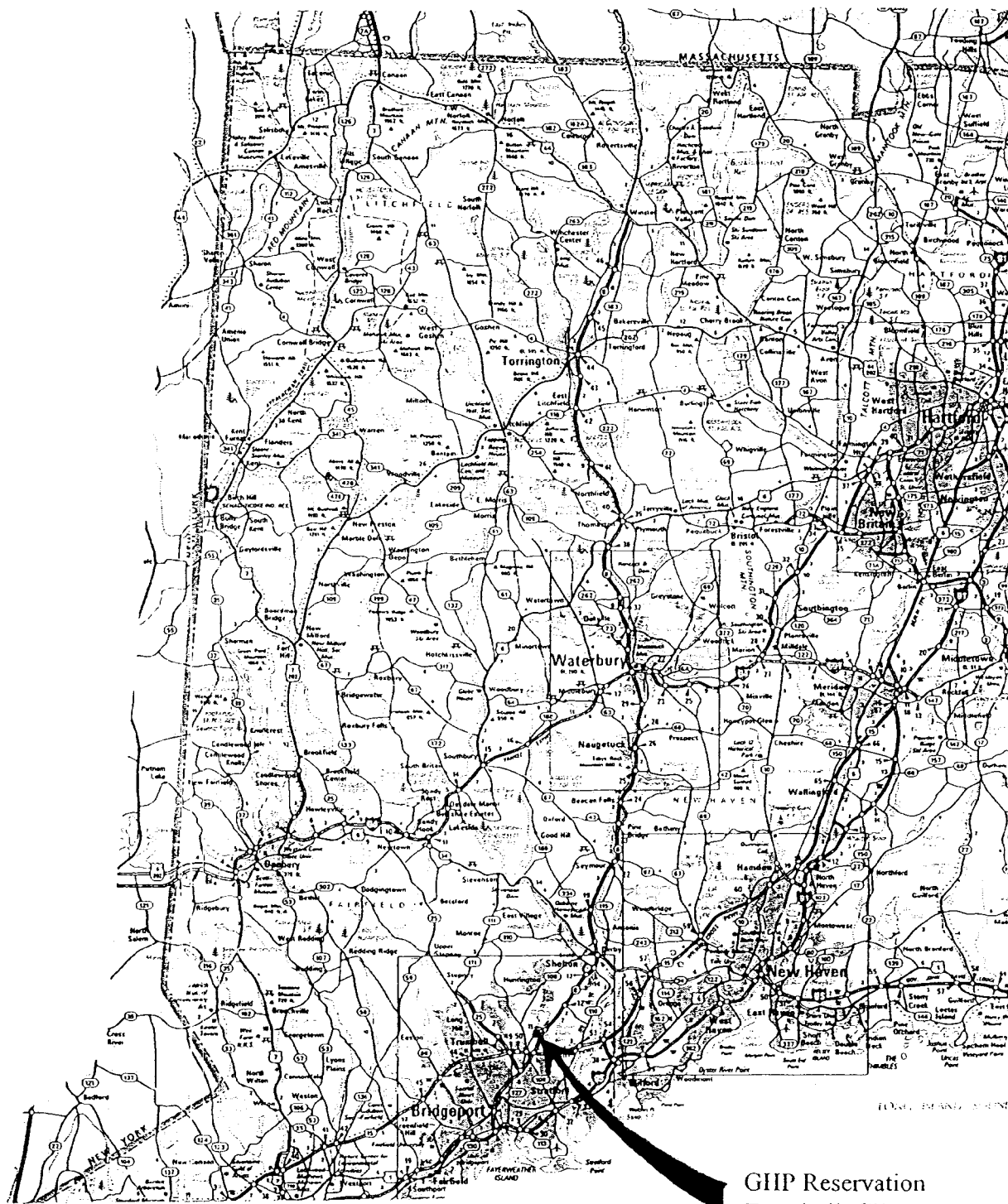
When discussing Indian tribes and bands, and names of individuals, this Final Determination (FD) uses the current standardized spellings. Where quoting specific historical documents, the FD spells these names as found in the original, unless noted otherwise.



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

The four Paugussett tribes and their territories about 1630

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



GHP Reservation
Trumbull, CT

Contemporary Map of Western Connecticut

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

STATE RECOGNITION AS EVIDENCE

Summary of the Proposed Finding

The PF concluded that the

State has recognized a Golden Hill entity from colonial times to the present. Within the general parameters of Connecticut's laws regarding State-recognized tribes, the specifics of its tribal dealings differed from group to group. The historical Golden Hill had a State reservation from colonial times to 1802. The State established the group's present 1/4 acre reservation, located in Trumbull, not the original reservation land area of Bridgeport, in 1933. From the early 1800's to the 1970's, however, the State did not identify or deal with specific leaders of the group.

While continuous State recognition with a continuous reservation from colonial times to the present can provide additional evidence to be weighed in combination with other specific evidence, State recognition in itself is not sufficient evidence to meet criteria 83.7(b) and (c). The particular relationship of the State to the GHP group, in combination with existing direct evidence for community and political process that is so limited, is not sufficient evidence to demonstrate that these two criteria are met (GHP PF 2003, Summary, 7-8).

The precedent for using continuous State recognition with a continuous reservation since colonial times to provide additional evidence to weigh in combination with other specific evidence comes from the Eastern Pequot (EP) and Paucatuck Eastern Pequot (PEP) Final Determination. That FD stated the

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

The EP and PEP FD also concluded that the continuous

State relationship with a reservation is not evidence sufficient in itself to meet the criteria. It is not a substitute for direct evidence at a given point in time or over a period of time. Instead this longstanding State relationship and reservation are additional evidence which, when added to the existing evidence, demonstrates

that the criteria are met at specific periods in time. This is consistent with the approach taken in the regulations that in most circumstances a combination of evidence is used to demonstrate that a criterion is met (EP FD 2002, 14; PEP FD 2002, 16).

In the PF, the evidence from the particular State relationship with the GHP when combined with the very limited direct evidence for criteria 83.7(b) and (c) did not provide sufficient evidence for the extended periods in which evidence of community and political authority was lacking. In the GHP petitioner's case, these periods were from 1823 to the present for community and 1802 to the present for political influence. In addition, the GHP lacked a reservation provided for and maintained by the State from 1802 to 1933. A historical overview that provides most of the details of the State's relationship with the Golden Hill entity can be found in Appendix A.

Since the PF, the Department issued the FD in Schaghticoke Tribal Nation (STN). In the STN FD, the Department found that when a petitioner, with State recognition from colonial times to the present with a State reservation, met criterion 83.7(b), that the State relationship was sufficient evidence for criterion 83.7(c) for limited periods of time.

Review of the Comments on State Recognition as Evidence

The State of Connecticut

Connecticut argued that State recognition "cannot be used to make up for the overwhelming evidentiary deficiencies in the GHP petition" (State Comments 2004, Narrative, 21). As the PF concluded, the evidence of the particular relationship of Connecticut to the GHP *when combined* with the very limited direct evidence for community and political process was not sufficient evidence to demonstrate that the GHP petitioner met criteria 83.7(b) and (c) (GHP PF 2003, Summary, 8).

Connecticut further contended that the PF "properly did not use State recognition as additional evidence to supplement the petitioner's woefully inadequate relationship, citing the lack of a continuous state relationship as the reason" (State Comments 2004, Narrative, 21). This claim misstated the PF's conclusions. The PF affirmed that Connecticut did in fact recognize a Golden Hill entity since colonial times, but found the particulars of its relationship differed significantly from other recognized State groups like the historical Eastern Pequot (HEP). Significantly, the GHP lacked a State reservation from 1802 to 1933.¹ Also, it lacked recognized leaders from the early 1800's to the early 1970's. Overall, the available information indicates that Connecticut's relationship with the GHP, following the sale of the original reservation in 1802, and especially after 1823, was sporadic and for a long time (ca. 1850 to ca. 1973) limited to interaction with a few individuals who were mostly part of one small family (GHP PF 2003, Summary, 7-8). Contrary to the Connecticut's claim, the PF did combine the evidence of the State relationship with the limited direct evidence for community and political influence. The resulting combination, however, did not demonstrate the petitioner had met criteria 83.7(b) and (c).

¹The quarter-acre reservation the State established for the Golden Hill in 1933 was in Trumbull, Connecticut, rather than in Bridgeport, the site of the original reservation established in 1639.

Connecticut also argued that State recognition should apply only to criterion 83.7(a), and “cannot be used as additional evidence for criteria (b) and (c) legally or factually” (State Comments 2004, Narrative, 21). The Department has addressed and rejected that argument in other findings (see EP FD 2002, 47-79; STN FD 2004, 14-16), and rejects it here for the reasons articulated in those decisions and in the GHP PF.

The GHP Petitioner

The GHP petitioner comments to the PF stated that “despite the group’s longstanding continuous state recognition,” the PF gave “little weight to the extensive evidence presented . . . of state recognition” (GHP Comments 2004, Vol. 1, Ex. 1, 5). This statement is incorrect. The PF concluded the State had “recognized a Golden Hill entity from colonial times to the present.” Yet, it also stressed that within the “general parameters of Connecticut’s laws regarding State-recognized tribes,” the specifics of its dealings with the Golden Hill differed from other Indian groups as described above.

The PF also affirmed that while “continuous State recognition with a continuous reservation from colonial times to the present can provide additional evidence to be weighed in combination with other specific evidence, State recognition in itself is not sufficient evidence to meet criteria 83.7(b) and (c)” (GHP PF 2003, Summary, 7-8). The PF combined the limited evidence from the “particular relationship” of the State and the GHP with the existing but limited direct evidence for community and political authority. The result of this combined evidence proved insufficient to demonstrate the petitioner had met the two criteria (GHP PF 2003, Summary, 7-8).

Under criterion 83.7(b), the GHP petitioner argued that State recognition created a “sharp ‘social distinction’ which is specifically listed as evidence relevant to criterion (b), existence as a distinct community” (GHP Comments 2004, Vol. 1, Ex. 1, 6). The Department disagrees. The evidence from the State relationship does not demonstrate the existence of such a distinct community as required by the regulations. From the 1850’s to the 1970’s, for example, the evidence shows only a few individuals, many from one extended family of claimed but not demonstrated Golden Hill ancestry, had contacts with the State. Furthermore, the evidence does not indicate the State’s relationship with the Golden Hill included any dealings with a “Turkey Hill” group, the majority of the current petitioner, as claimed by the petitioner. Community requires consistent interaction and significant social relationships within the group as well as being differentiated from and identified as distinct from non-members (25 CFR 83.1). The State relationship here is not evidence that the petitioner, as presently composed, was distinct, or that it was a group with significant interactions within itself.

For criterion 83.7(c), the GHP petitioner contended the State “in recognizing a tribe, not just individual Indians, obviously believed there was a community exercising some form of political authority or influence” (GHP Comments 2004, Vol. 1, Ex. 1, 6). Simply because a State recognized an Indian group, the Department does not assume that the group existed on a substantially continuous basis and was exerting the type of political influence required under the regulations. Rather, the Department examines the evidence from the State relationship and other direct evidence to determine if a social and political entity actually did exist and what was the

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character of its relationship with the State. Whereas a continuous State relationship from colonial times to the present with a reservation is sufficient evidence for criterion 83.7(c) for limited periods when the petitioner has met criterion 83.7(b), as in STN, in the GHP petitioner's case, the available evidence does not demonstrate such an entity existed since the early 1800's.

Elsewhere, the GHP petitioner maintains the State's recognition of "political authority" is "direct evidence that such authority or influence actually existed" (GHP Comments 2004, Vol. I, Ex. 1, 6). In GHP's case, the combination of the limited evidence of the State relationship with the limited existing direct evidence of political influence did not show an Indian entity exercising political authority since 1802.

Whether a State's continuous recognition of a tribe and the resulting political relationship constitute evidence sufficient to satisfy the requirements of section 83.7(c) depends on the specific facts presented by the petitioner. Here the petitioner has enjoyed a continuous relationship with the State from colonial times to the present. The historical Golden Hill tribe first occupied one reservation set aside by the State in 1639, which was sold in 1802. GHP later occupied another reservation set aside by the State in 1933, which was first given to the State by William Sherman in 1886. Overseers have been appointed by the State to manage Golden Hill accounts.

The existence of a continuous State relationship can constitute evidence because it is at its core a recognition that a group exists as a political entity. But the nature of the State's recognition is as important as the historical, factual basis of a petition submitted by a group.

Here, the continuous State relationship with the GHP is not as vigorous as the relationships documented in the FD's for the historical EP and STN. Here also, the documentary evidence is not sufficient for a significantly longer period of time than in either the historical EP or STN case. In fact, there is little evidence of political influence since 1802 or social community since 1823 to the present. Without more evidence of social and or political influence, a finding that the continuous State relationship itself is sufficient to satisfy criterion 83.7(c) from 1802 to the present, a period of 202 years cannot be supported.

This is not to say that a continuous State relationship cannot be evidence in itself for criterion 83.7(c). As in STN, where significant documentary records acted as evidentiary bookends, the State's relationship can be sufficient evidence of the petitioning group's political existence when criterion 83.7(b) is met. Thus, the State's continuous recognition of a group can mean that the group is a political entity. However, at some point, a political entity must exist and function on its own, through its membership. Where an entity exercises political influence some autonomous political activity over its members must exist.

In the case of GHP, there is scant evidence of autonomous political influence over its members after 1802. Without more substantial evidence of political activity since then, the continuous State relationship cannot substitute.

The GHP also suggested that criterion 83.7(e)

explicitly lists official state records as evidence of descent from a historical Indian tribe. This criterion requires that the petitioner's membership consist of individuals who descend from a historical tribe. Included on the list of the types of evidence which may be relied upon in determining a petitioner's membership are official state records identifying present members, or ancestors of present members, as being descendants of a historical Indian tribe. Recognition by the state legislature as a historical Indian tribe by statute, and certification of its current tribal leadership and membership by a state agency pursuant to such statute is specifically listed as relevant to criterion 83.7(e) (GHP Comments 2004, Vol. I, Ex. 1, 6).

In actuality, the Federal acknowledgment regulations state that "evidence acceptable to the Secretary" under criterion 83.7(e) can include but is not limited to "State, Federal, or other official records or evidence identifying present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity" (25 CFR 83.7(e)(1)(ii)). When presented with such evidence, the Department examines the evidence and compares it with other existing evidence to determine its accuracy, and if it demonstrates the petitioner's descent from a historical tribe.

Moreover, contrary to GHP's claims, the regulations do not "specifically" list "recognition by the State legislature as a historical Indian tribe by statute, and certification of its current tribal leadership and membership by a state agency pursuant to such statute" as evidence acceptable to the Secretary under criterion 83.7(e). Such evidence does not automatically demonstrate descent from a historical tribe or tribes for the membership of the current petitioner. The Department analyzes and compares it with other evidence of descent from the historical tribe to determine its accuracy. An official list from historical times and the circumstances of its creation likely carries more weight than a recent document. The Secretary, thus may accept an overseer's list, but may reject a State's recent certification.

The GHP petitioner claimed that the GHP PF "generally" dismissed the State's recognition of the group, and points to the longer discussions of the State relationship in the EP FD (31 pages) and in the STN PF (9 pages) as evidence (GHP Comments 2004, Vol. I, Ex. 1, 7). This statement is incorrect. The GHP PF included as an appendix a four-page historical overview describing the particulars of the State's relationship with the GHP (GHP PF 2003, D&A, Appendix A, A1-A4). The EP FD contained a longer discussion of the State relationship because it also described the broader structure of the State's legal involvement with groups other than the historical EP. It was unnecessary to duplicate much of that discussion in the GHP PF. In addition, the EP FD and STN FD involved considerably more evidence from the State relationship because of the particular circumstances of those groups, both of which had a continuous State reservation and a well-defined continuously existing community. As stated before, the Golden Hill group did not have a State reservation from 1802 and 1933, and the State largely dealt with only a handful of individuals from one small extended family from the 1850's to the 1970's. These facts diminished significantly the quantity and the quality of the additional evidence generated by the

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State relationship (see Appendix A in this FD for an overview of the State relationship with the Golden Hill entity) with the GHP when compared with the historical EP and the STN. Most important, the PF combined evidence of the limited State relationship with the other limited direct evidence, and still concluded it was insufficient to meet either criterion 83.7(b) or (c).

The GHP petitioner also charged that the PF misstated and overstated some “conclusions” in the historical overview (GHP Comments 2004, Vol. I, Ex. 1, 7). This statement is inaccurate. The historical overview only defined the general context of the State’s relationship with the GHP, and reached appropriate conclusions when justified by the available evidence. The PF further encouraged the petitioner to provide more evidence to fill in the evidentiary gaps regarding the State relationship and more direct evidence for criteria 83.7(b) and (c).

The historical overview, nevertheless, reached certain conclusions based on the available evidence at the time. As stated before, the GHP group had no reservation from 1802 to 1933, and the new reservation created in 1933 was located in a different town from the historical location of the original Golden Hill reservation. The State’s dealings with the group were sporadic and when they did occur limited mostly to a few individuals from one small extended family from the 1850’s to the early 1970’s.

The GHP petitioner moreover asserted that the historical overview attempted “to distinguish” between the EP and STN and GHP findings “by discounting the weight given to the non-citizenship status of the Golden Hill Indians living on the state reservation.” It claims the overview did so when it concluded that only two persons of claimed but not demonstrated Golden Hill descent “qualified” to live on the Golden Hill reservation from 1933 to 1974 (GHP Comments 2004, Vol. I, Ex. 1, 7). In fact, the overview never mentioned the historical EP or STN groups. It said only the following on citizenship status:

As part of the 1973 legislation, Connecticut gave Indian groups under its control, including the Golden Hill, State citizenship. Before that time, the lack of State citizenship presumably marked those Native Americans who resided on the State reservations as a distinct category of people at least in a legal sense from the rest of Connecticut society, although many of them probably functioned in some aspects as citizens anyway. However, in the case of the Golden Hill after 1823, non-citizenship probably had a largely indeterminate impact only on the two persons, George Sherman and Edward Sherman, who resided on the State-recognized Trumbull reservation from 1933 to 1974 (GHP PF 2003, D&A, Appendix A, A3).

This conclusion was reasonable because the available evidence provided little insight into how the lack of State citizenship impacted any individual, on or off reservation, who were identified as Golden Hill Indians in State documents after the historical group ceased to exist as an entity in 1823. Without such evidence, any analysis of that impact, whether positive or negative, remains indeterminate. For example, between 1823 and 1973, the State only dealt with a few individuals it identified as Golden Hill, none of whom lived on a reservation or were part of a recognizable Indian group exercising political authority. These dealings mainly involved sporadic sales and purchases of individual land or disputes over residency on the post-1933 Trumbull reservation

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that provided scant information about the effect of non-State citizenship for the Golden Hill involved. This evidence did not reveal any “State-sanctioned” discrimination against the few non-reservation Golden Hill mentioned in State records before the 1970’s. How the lack of State citizenship affected the two individuals living on the GHP reservation from 1933 to 1973 is also unclear. The available evidence did not disclose any pattern of “State-sanctioned” discrimination against them when living on or venturing off the reservation. As the PF stated, no evidence of significant discrimination towards the Golden Hill occurred until the 1970’s, after Connecticut’s Indians had obtained State citizenship (GHP PF 2003, D&A, 71). Therefore, the use of the words “presumably” and “indeterminate” to describe the impact of non-citizenship on the Golden Hill was justified (see also EP FD 2002, 61-64).

Final Determination’s Conclusions on State Recognition as Evidence

The PF stated the evidence from the State relationship with the GHP when combined with the limited direct evidence of community and political influence was insufficient for the petitioner to meet criteria 83.7(b) and (c). For criterion 83.7(b), the available evidence did not demonstrate community since at any point in time since 1823. For criterion 83.7(c), it did not demonstrate political authority since 1802. Evidence submitted in comments to the PF for the FD did not change that conclusion.

Connecticut’s particular relationship with the Golden Hill differed substantially from that maintained with the historical EP (see FD Appendix A). Unlike the historical EP, which had a continuous reservation and recognized leaders who dealt with the State, the Golden Hill had no reservation from 1802 to 1933, and lacked recognized leaders from the early 1800’s to the early 1970’s. From around 1850 to around 1973, the State interacted only a few individuals identified as Golden Hill who came mainly from one extended family called Sherman, who had not demonstrated descent from the historical tribe. Between 1994 and 1999, when the petitioner went through the expedited Federal acknowledgment process, the then current members of the GHP all claimed ancestry from one person—William Sherman. The petitioner has been unable to demonstrate with evidence acceptable to the Department that William Sherman had ancestry from the historical Golden Hill entity as it existed in 1823. This suggests that the State has for some time, possibly since the late 19th century, recognized as a Golden Hill entity a group of people who do not actually descend from the historical Golden Hill tribe. Most important, 63 percent of the current membership, the so-called Tinney line, claims descent from the historical Turkey Hill Indians, a group which ceased to exist around 1825-1826, and which the State never recognized as part of the State-recognized Golden Hill entity. Consequently, the State’s relationship with the Golden Hill simply provided more limited and less additional evidence than was the case with the historical EP. When combined with the limited evidence of community and political influence, the GHP petitioner did not meet either criterion.

In the STN FD, the Department reevaluated its position on continuous State recognition with a continuous reservation. The STN FD concluded that the

Department’s reevaluated position is that the historically continuous existence of a community recognized throughout its history as a political community by the State and occupying a distinct territory set aside by the State (the reservation),

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provides sufficient evidence for continuity of political influence within the community, even though direct evidence of political influence is absent for two historical time periods. This conclusion applies only because it has been demonstrated that the Schaghticoke have existed continuously as a community (within the meaning of criterion 83.7(c)) and because of the specific nature of their continuous relationship with the State. Further, political influence was demonstrated by direct evidence for very substantial historical periods before and after the two historical periods. Finally, there is no evidence to indicate that the tribe ceased to exist as a political entity during these two periods (STN FD 2004, 120).

These circumstances do not apply to the GHP petitioner. First, based on the available evidence, the GHP petitioner has not demonstrated that it existed continuously as a community since 1823. Second, the evidence does not show political influence since 1802. Third, the GHP also did not have a distinct territory (a reservation) set aside by the State from 1802 to 1933. Therefore, the evidence of State recognition is insufficient to demonstrate criterion 83.7(c). Moreover, the GHP has not provided evidence acceptable to the Department to demonstrate descent from a historical tribe (see the discussion under criterion 83.7(e)).

The EP FD and STN FD precedent also required there be a continuous, active relationship since colonial times between the Colony/State and a specific Indian group treated as a distinct political community (EP FD 2002, 14; PEP FD 2002, 16; STN FD 2004, 120). In GHP's case since 1999, it is not evident that the GHP petitioner as presently constituted actually evolved from the group the State believed, mistakenly or not, to be the Golden Hill. Before 1999, the GHP petitioner claimed its membership descended wholly from the historical Golden Hill. In 1999, the GHP radically changed the composition of the group by adding new members, called the Tinney line, now the predominant portion (63 percent) of the group, who it claimed descended from a historical Turkey Hill entity. Before that year, the available evidence does not show that these individuals had consistent interactions and significant social relationships with the State-recognized Golden Hill portion of the group or its claimed antecedents.

The State's relationship with the historical Golden Hill, as illustrated in official documents, did not include any historical Turkey Hill entity. The colonial (and later State) authorities viewed and identified the historical Turkey Hill group, which ceased to exist as an entity in 1825-1826, as separate from any Golden Hill group it may have recognized. The available evidence does not demonstrate a continuous relationship existed between the State and a historical Turkey Hill Indian entity after 1825-1826. The GHP petitioner, however, maintains the two groups were always one (GHP Comments 2004, Narrative, 4; see criterion 83.7(b) for more discussion of the historical tribe issue). The available evidence, particularly from the State relationship, does not support this claim. In addition, the regulations do not apply to the acknowledgment of associations, organizations, corporations, or groups of any character formed in recent times (83.3(c)), as it appears that the GHP and its Turkey Hill claimants have been since 1999. Finally, the GHP petitioner has been unable to demonstrate with evidence acceptable to the Department that the predominant portion of the membership claiming descent from the historical Turkey Hill Indians actually descends from that entity.

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In its 2004 comments, the GHP petitioner also contends that a 19th century African-American community in Bridgeport's south end, called "Little Liberia" or "Ethiope," was actually a "Paugussett" community composed of individuals it claims were members of a combined State-recognized Golden Hill and Turkey Hill group. The available evidence does not support this contention either.

This FD, therefore, affirms the conclusion of the PF that the GHP petitioner has not provided sufficient evidence to meet criteria 83.7(b) and (c). Regarding State recognition, the particular relationship of the State to the GHP group was very limited. The analysis in the STN FD regarding State recognition does not apply to the GHP petitioner, because it did not demonstrate continuous community since 1823, did not continuously occupy a State reservation, and did not demonstrate political influence and authority since 1802. Using the analysis of the State relationship used in the HEP FD, when the very limited evidence of the State relationship with GHP is combined with the very limited direct evidence for community and political process, the petitioner does not meet either criterion 83.7(b) or 83.7(c).

SUMMARY EVALUATION UNDER THE CRITERIA

Summary of the Proposed Finding on the Seven Mandatory Criteria

The Acting Assistant Secretary issued a PF on January 21, 2003, stating the GHP petitioner did not meet all seven mandatory criteria. Specifically, the petitioner did not meet criteria 25 CFR 83.7 (b), (c), or (e). In accordance with the regulations set forth in 25 CFR 83.10(m), failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law. The petitioner did not demonstrate a distinct community since historical contact as required by criterion 83.7(b). It did not show political influence or authority since historical contact as required under criterion 83.7(c). The petitioner did not demonstrate descent from the historical tribe or tribes that had combined and functioned as a single autonomous political entity as required by criterion 83.7(e). Therefore, GHP did not meet the requirements for a government-to-government relationship with the United States.

The available evidence did establish that external observers had identified the GHP petitioner as an Indian entity since 1900 as called for by criterion 83.7(a). The PF stated, however, that these identifications only applied to that portion of the petitioner that comprised the State-recognized Golden Hill. The petitioner had provided a governing document as prescribed by criterion 83.7(d). It had a membership composed principally of persons who were not members of an acknowledged Indian tribe as stipulated by criterion 83.7(f). Finally, the petitioner had not been the subject of legislation terminating or forbidding the Federal relationship as called for under criterion 83.7(g). This FD summarizes specific findings in the PF as an introduction to each of the mandatory criteria in the Summary under the Criteria.

Summary of the Final Determination on the Seven Mandatory Criteria

This FD affirms the PF's conclusion on six of the seven mandatory criteria, but has reevaluated the conclusion on criterion 83.7(a) and determined that the GHP petitioner has not demonstrated that external observers have identified the group as a whole on a substantially continuous basis since 1900. The PD AS-IA found the available evidence indicates the petitioner has not demonstrated it meets the requirements of criteria 83.7 (a), (b), (c), and (e). Therefore, the GHP petitioner has not met the seven mandatory requirements for a government-to-government relationship with the United States.

The following summary under the criteria for the FD is the Department's evaluation of all of the evidence in the administrative record to date.

Criterion 83.7(a) requires that

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

Summary of the Proposed Finding

The PF concluded that from

1900 to the present, the petitioner's claimed antecedent group, generally called the "Golden Hill Indians" until the mid-1970's, and the "Golden Hill Paugussett" since that time, has regularly been identified as an Indian entity. The available identifications apply to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner's current membership claims descent. The available identifications do not pertain to the portion of the group, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. For criteria 83.7(b) and 83.7(c), the available record does not demonstrate that a Golden Hill group and a Turkey Hill group ever combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observer at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900 (GHP PF 2003, Summary, 10).

Summary of the Comments on the Proposed Finding

The GHP petitioner disagreed with the PF's conclusions on criterion 83.7(a) regarding the portion of the group, added in 1999, which claims descent from a Turkey Hill entity. It stated that new

evidence conclusively demonstrates that the Turkey Hill Indians are part of the Golden Hill Paugussett Indian Nation and were one tribe from colonial times to present. Therefore, it is appropriate to find that the identifications already recognizing the Golden Hill Paugussetts pursuant to 25 CFR 83.7(a) should be extended to include that segment of petitioner's group claiming descent from the Indians who resided at Turkey Hill (GHP Comments 2004, Narrative, 4).

The State did not make extensive comments regarding the PF's conclusions on criterion 83.7(a). In footnote 28 of its comments, the State declared that as "presently constituted as including the

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Turkey Hill descendants, the petitioner would also fail criterion (a), identification as American Indian entity. There is no evidence of identification of a joint Golden Hill-Turkey Hill entity” (State Comments 2004, Narrative, 25).

Analysis of the Comments

The GHP petitioner has not submitted new identifications demonstrating that external observers identified a Golden Hill group and a Turkey Hill group as the same entity since 1900. The available evidence indicates external sources from 1900 to 1998 identified only the State-recognized Golden Hill entity, which comprises only a small portion (approximately 33 percent)² of the petitioner’s current membership. Before 1999, the GHP did not have any members claiming descent from a Turkey Hill entity, and the evidence does not demonstrate external observers identified any such people as part of the State-recognized Golden Hill group.

Additional evidence from the State has strengthened the PF’s conclusion that the historical Golden Hill and the historical Turkey Hill were separate groups. Court documents from 1909-1910 show the “Turkey Hill Indians” identified in an 1871 land sale, from which approximately 63 percent of the petitioning group, the Tinney line, claims descent, were actually a small family of individuals descended from an Indian named John Howd, a man who was not identified in his lifetime as a Turkey Hill Indian. This family had not maintained consistent interaction and significant relationships with an Indian entity since the late 18th century, and had only a minor connection with the historical Turkey Hill through one marriage in the 1820’s. The evidence does not indicate they had lived on the original Turkey Hill reservation located in Orange, Connecticut, sold by the State with tribal approval in 1825-1826.

Although individual descendants may be living today, the available evidence shows the historical Turkey Hill ceased to exist as a social and political entity around 1825-1826. The State did not afterwards recognize or maintain a continuous relationship with a Turkey Hill entity. Various individuals later identified as Turkey Hill Indians in State documents were only identified as Indian descendants. The records did not actually identify these individuals as part of a then existing Turkey Hill entity. The State documents showed no significant interaction between individuals identified by the State as Golden Hill and those identified as Turkey Hill. The same documents further indicated no significant interaction between the historical Turkey Hill Indians and the John Howd descendants during the 19th and 20th centuries. Most important, the petitioner has not demonstrated the portion of its current members claiming descent from a Turkey Hill entity has ancestry from either the historical Turkey Hill or the John Howd descendants. For a fuller discussion of the historical Turkey Hill, see criterion 83.7(b); for a fuller discussion of descent from the historical tribe see criterion 83.7(e).

The documentation the GHP petitioner submitted in its comments on the PF does not support its claim that new evidence demonstrates the Turkey Hill Indians were “part of the Golden Hill Paugussett Indian Nation and were one tribe from colonial times to the present.” To demonstrate the Golden Hill and Turkey Hill groups “shared the same political entity since time immemorial,” the GHP petitioner now claimed the “Paugussett [petitioner’s term for the lower

²This portion includes the claimed Sherman-Piper-Baldwin, Sherman-Bosley, and Sherman-Burnie family lines. See criterion 83.7(e) for more details.

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Housatonic River tribes of Connecticut] were a very large tribe that was part of the Greater Wappinger Confederacy” during the colonial period (GHP Comments 2004, Narrative, 4-5). A fuller analysis invalidating this claim appears under criterion 83.7(b). The available evidence does not demonstrate the existence of this confederacy.

The GHP petitioner also contended that the PF’s conclusion that the historical Golden Hill and Turkey Hill were separate groups was “based on an improper conclusion drawn from an inconsequential fact, namely that colonial and state authorities had established two separate reservations in two separate counties” (GHP Comments 2004, Narrative, 5). This statement is incorrect. After a thorough analysis of the available evidence, the PF determined the State’s relationship with the Golden Hill did not include any Turkey Hill group. See the discussion on the Turkey Hill Indians in criterion 83.7(b) for full details of this issue.

The GHP petitioner further claimed to have discovered a community formed in the Bridgeport’s south end in 1821 that was a “tribal society comprised of Indians from both the Golden Hill and Turkey Hill reservation” (GHP Comments 2004, Narrative, 6). This FD examines that claim more fully under criterion 83.7(b). External observers did not identify this community in the available evidence either as an Indian entity or as part of a Golden Hill entity at any time.

The GHP petitioner stated because of the above claims there is “no need to examine whether those tribal members who descend from the Turkey Hill reservation were ever identified as a separate American Indian entity on a substantially continuous basis” (GHP Comments 2004, Narrative, 7). This statement is an inaccurate interpretation of the Federal acknowledgment regulations. Criterion 83.7(a) requires that external observers have identified the petitioner as an American Indian entity on a substantially continuous basis since 1900. The available identifications for the PF and the FD are of a State-recognized Golden Hill entity only. They do not identify a combined Turkey Hill and Golden Hill group. Finally, the evidence does not show external sources even identified a separate Turkey Hill entity on a substantially continuous basis since 1900.

The GHP petitioner contended as well that the Department’s “task with the respect to the application of 83.7(a) is lessened substantially as a result of the continuous recognition of the Golden Hill tribe of the state of Connecticut” (GHP Comments 2004, Narrative, 8). This statement is incorrect. The Department’s requirements have not changed in any manner for criterion 83.7(a) because of the State’s continuous recognition of the Golden Hill. It is still necessary for the evidence to show that external observers have identified the petitioner as an American Indian entity on a substantially continuous basis since 1900 regardless of the nature of the State relationship.

Final Determination’s Conclusions on Criterion 83.7(a)

The PF concluded from “1900 to the present, the petitioner’s claimed antecedent group, generally called the “Golden Hill Indians” until the mid-1970’s, and the “Golden Hill Paugussett” since that time,” had been identified as an American Indian entity. However, it also declared the identifications applied only “to a historical, State-recognized, Golden Hill entity, from which a portion of the petitioner’s current membership” claimed descent. Those

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identifications did not “pertain to the portion of the group, added in 1999” that claimed “descent from a historical Turkey Hill entity,” which the petitioner maintains was always a part of the historical Golden Hill (GHP PF 2003, Summary, 10).

The GHP was found to meet criterion 83.7(a) in the PF despite the majority of its membership claiming descent from a separate historical entity, because the available identifications applied to the State-recognized Golden Hill entity.³ The GHP petitioner has not shown that the portion of the membership claiming descent from the Turkey Hill were part of the State-recognized entity, and, therefore, the identifications do not apply to the GHP petitioner as it has been composed since 1999, or as it claims it was composed at all times between 1900 and the present.

In GHP’s case, the PF strongly encouraged the GHP petitioner to submit additional evidence that might demonstrate consistent interaction, significant social relationships, and political amalgamation between the Turkey Hill and Golden Hill groups. If the petitioner had done so, it may have been possible to consider identifications of a GHP entity as identifications of the current petitioner.⁴ The evidence submitted for the FD, however, has not demonstrated the necessary social interaction and political amalgamation (see criteria 83.7(b) and (c) for more detail), or that the individuals now claiming descent from the Turkey Hill Indians were identified as a part of the State-recognized Golden Hill entity since 1900. Indeed, evidence submitted by the State concerning some individuals it identified as Turkey Hill descendants in the 20th century has only strengthened the conclusion that the Golden Hill and Turkey Hill were separate entities. The available evidence also indicates that the historical Turkey Hill group ceased to exist as an entity around 1825-1826. After that time, the State did not continuously recognize or maintain a continuous relationship with a Turkey Hill entity, or with any other American Indian entity antecedent to the Terney line.

As stated in the PF, since 1900 one of the GHP petitioner’s antecedent groups, generally called the “Golden Hill Indians” until the mid-1970’s, and the “Golden Hill Paugussett” since that time, has regularly been identified as an Indian entity. Yet, these available identifications apply only

³The number of identifications before 1933 was quite thin. Three of the four identifications were re-codifications (1902, 1918, and 1930) of a State statute relating to the Golden Hill originally passed in 1876. The PF accepted as a reasonable likelihood, absent a showing to the contrary, that these re-codifications were a reference to a Golden Hill entity located in and around Fairfield County from which a portion of the current petitioner is comprised. The petitioner and third parties were encouraged to respond to this conclusion by submitting additional evidence or arguments relating to these identifications during the comment period on the PF, because such supplementary evidence might have created a different record and a more complete factual basis for the FD. The GHP petitioner was also informed that it would be in its interest to provide further evidence that external observers identified it as an Indian entity between 1900 and 1929. Neither the petitioner nor the State has provided new arguments or evidence regarding those State statutes or new identifications as requested for that period. None of the statutes passed between 1902 and 1930 involved any Turkey Hill entity (see GHP PF 2003, Summary, 10-12).

⁴See, for example, the Cowlitz FD 2002, Summary, 9. This FD shows the case of two tribes consistently identified as separate entities before the process of amalgamation, but then together as one amalgamated entity after the process.

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to a State-recognized Golden Hill entity, which comprises a small portion of the GHP petitioner's current membership (GHP PF 2003, Summary, 10).⁵

The available identifications do not pertain to the now predominant part (63 percent) of the group, added in 1999, which claims descent only from a historical Turkey Hill entity, and which the GHP petitioner now contends was always a part of a Golden Hill entity. The available evidence does not show that external observers identified a separate Turkey Hill entity, or a Turkey Hill group that had amalgamated with the State-recognized Golden Hill entity, on a substantially continuous basis since 1900. More specifically, there is no available evidence that external sources identified the Tinney line, added to the GHP group in 1999, as part of the State-recognized Golden Hill entity between 1900 and 1998. Evidence submitted for both the PF and FD does not show that the Tinney line had consistent interactions and significant social relationships with the State-recognized Golden Hill entity before 1999.

All of the above facts necessitate a reevaluation of the evidence for the PF's conclusion for criterion 83.7(a). The GHP petitioner has not demonstrated that the external identifications of a State-recognized entity applied to the GHP petitioner's components as a whole on a substantially continuous basis since 1900. It has not shown that the identifications of the State-recognized Golden Hill entity applied to the Tinney line or to a combined Golden Hill and Turkey Hill entity, or that such an entity existed. Thus, this FD reevaluates the conclusion of the PF, and now finds that the GHP petitioner does not meet the requirements of criterion 83.7(a).

⁵It must be pointed out, however, that this segment of the GHP petitioner's membership has not demonstrated with sufficient evidence acceptable to the Department that it actually descends from the historical Golden Hill tribe, as it existed in 1823.

Criterion 83.7(b) requires that

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

Summary of the Proposed Finding

The PF concluded that only the portion of the GHP petitioner's membership claiming descent from the historical Golden Hill Indians, and not the portion claiming descent from the historical Turkey Hill, met criterion 83.7(b) up to 1823, when the State-appointed overseer took the last known census of the historical group. For the time since, GHP did not provide sufficient evidence to establish that a predominant portion of the group had comprised a distinct, continuous community. Between 1824 and around 1850, the historical group lost its social cohesion and ceased to exist as a distinct community. For the period roughly from 1850 to 1973, the available evidence indicated the group was little more than a small, single family composed of individuals who claimed but have not demonstrated to be descended from the historical Golden Hill group.⁶ For the period since 1973, when the group expanded somewhat in membership, GHP did not provide sufficient evidence that a predominant portion of its membership had social interaction. Most evidence of social community for the modern period seemed limited to a small group of members, at times only a handful of individuals, who were or are closely related (GHP PF 2003, Summary, 6-7). Therefore, the GHP petitioner did not meet criterion 83.7(b). This FD affirms the PF's conclusions as described below.

Proposed Finding's Conclusions on the Definition of the Historical Tribe

On the question of the historical tribe, the PF concluded that during

first sustained contact with non-Indians in the 1630's, the tribes of Connecticut referred to today as the Paugussetts inhabited the area of the lower Housatonic River. They consisted of four separate historical tribes: the Potatuck, Weantinock, the Paugussett proper, a portion of which later became the historical

⁶This fact is crucial to the GHP petition. The acknowledgment regulations require the petitioner to show that "substantial social relationships and/or social interaction are maintained widely within the membership, i.e. that members are more than simply a collection of Indian descendants, and that the membership is socially distinct from non-Indians" (59 FR 9286). The Miami FD asserted that to "meet the requirements of the regulations, the petitioner must be more than a group of descendants with common tribal ancestry who have little or no social interaction with each other. . . . Interaction should be broadly distributed among the membership. Thus, a petitioner should show that there is significant interaction and/or social relationships not just within immediate families or among close kinsmen, but across kin group lines and other social subdivisions" (Miami FD 1992, 5). The Muwekma FD also concluded that the "patterns of interaction among the group's members was limited to a very small group of individuals and significant portions of the current membership were not involved. Without evidence of broad interaction among not only close and distant relatives but also non-related or distantly related individuals . . . the petitioner does not meet criterion 83.7(b)" (Muwekma FD 2002, 24).

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Turkey Hill Indians, and the Pequannock, some of which later evolved into the historical Golden Hill Indians (GHP PF 2003, Summary, 17).

It further asserted that the petitioner

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

Moreover, no firm evidence in the record exists of consistent interactions and significant social relationships between the historical Turkey Hill and Golden Hill groups after the establishment of their reservations in the 1600's. The petitioner will need to submit evidence that demonstrates such interactions and relationships. Nor does the documentary record demonstrate the historical Golden Hill exercised any political influence or authority over the historical Turkey Hill group, or vice versa. The available evidence does not demonstrate the two groups functioned as a single autonomous political entity. Such evidence of political amalgamation needs to be submitted. Therefore, the existence of separate social community among the historical Turkey Hill Indians does not demonstrate criterion 83.7(b) for the historical Golden Hill entity during the 17th and 18th centuries (GHP PF 2003, Summary, 17-18).

For the historical Golden Hill, the PF concluded it ceased to exercise political influence in 1802, and to exist as a community in 1823. This FD affirms the PF's conclusion. The petitioner has not submitted evidence to demonstrate consistent interactions and significant social relationships between the historical Turkey Hill and Golden Hill groups after the establishment of their separate reservations in the 1600's. Nor has it submitted evidence to show political amalgamation between the groups after the creation of those reservations.

State and Petitioner Comments on the Issue of the Historical Tribe

State of Connecticut

Connecticut disputed the PF's conclusion that the historical Golden Hill ceased to exist as a community in 1823. It contended the group no longer existed about "half a century earlier" when the Golden Hill had "dwindled to but a few family members" (State Comments 2004, Narrative, 4).

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The FD disagrees with this statement. Like the State, the PF also concluded that by the 1760's, the historical Golden Hill tribe at the Bridgeport reservation had dwindled to just two families and their members. Yet, colonial documents also indicated the tribe at that time probably consisted of seven adults, including absentees from the reservation, who still considered themselves as having rights to the land, and some children (GHP PF 2003, Summary, 20). At the turn of the 18th century, the group may have had 20 people from 5 families (GHP PF 2003, Summary, 21). This small group, whose numbers steadily declined, continued to petition the colonial and State authorities to protect its land base until it sold the reservation in 1802. After the 1760's, Connecticut assigned overseers to supervise the group. These guardians remained involved in the daily lives of the Golden Hill until around the 1820's. As late as 1823, the State conducted a census of the group. The PF acknowledged the numbers and social cohesion of the historical Golden Hill did rapidly diminish between the 1760's and 1820's. However, the various petitions, and colonial and State records, from that period provided sufficient evidence of social community for the historical Golden Hill (GHP PF 2003, Summary, 21). The last significant evidence of political influence for the group occurred in 1802, when tribal members agreed to sell their reservation.

On the historical tribe issue, the State generally agreed with the PF's conclusions. It stated the Golden Hill and Turkey Hill Indians "never comprised a single community or political entity, either historically or presently" (State Comments 2004, Narrative, 24-25). This FD addresses this issue in a following section.

The GHP Petitioner

The GHP petitioner disagreed with the PF's conclusions on the historical tribe. It asserted the "OFA erred in finding that the Indians residing at Golden Hill and Turkey Hill were separate political and legal entities" (GHP Comments 2004, Narrative, 11). The petitioner maintains the "reality is a picture of closely spaced tribal members, living along clan or family lines, all within a few miles of each other. While some members moved among the several communities, the surrounding community continued to recognize them as all belonging to one Tribe" (GHP Comments 2004, Narrative, 11). As major evidence for this claim, the GHP petitioner has submitted two reports, "The Paugussetts: One Polity, One Tribe since Time Immemorial" by Blair Rudes and Regina Stupic, and "Survival of the Paugussett Tribe" by Charles W. Brilvitch (GHP Comments 2004, Vol. I, Exs. 2-3).

In GHP's comments, the petitioner argued that during the colonial period the

Paugussetts were a very large Tribe that was part of the Greater Wappinger Confederacy, which operated on both sides of the Hudson River and extended to the Connecticut River. Paugussett territory extended throughout a large area of the Naugatuck/Housatonic river region and the southern coast of Long Island, with an ill-defined northern boundary. Their residential and hunting grounds may have extended north well past modern Waterbury, and along the Housatonic River to the New Milford area, then toward New York, Massachusetts, or Berkshire area (GHP Comments 2004, Vol. I, Ex. 2, 38).

The 2004 GHP comments marked the first time the petitioner has made an argument that its claimed antecedents belonged to this alleged confederacy. According to GHP, the Pequannock, from which the historical Golden Hill evolved, and the Paugussett proper, from which the Turkey Hill evolved, were actually villages that were part of this one tribe called the “Paugussett.” The “Paugussett” tribe “participated” in the larger “social and political unit” they claim to be the “Greater Wappinger Confederacy” (GHP Comments 2004, Vol. I, Ex. 2, 38-39).

With respect to the its report, the GHP petitioner claimed it demonstrates the “existence of a village [in Bridgeport’s south end], founded in 1821, which reveals a tribal society comprised of Indians from both the Golden Hill and Turkey Hill Reservation” (GHP Comments 2004, Narrative, 6). The report, GHP claimed, “not only shows the close connection between those members from Golden Hill and Turkey Hill in the founding of the long-standing community of Ethiopie (later, Liberia), but also demonstrated the continued existence of that distinct community throughout the much of the Nineteenth century” (GHP Comments 2004, Narrative, 12). The FD discusses these various claims in the following sections.

Petitioner’s Changing Definition of the Historical Tribe and its Territory

The GHP petitioner claimed that the

Golden Hill Paugussett Indian Tribe has repeatedly argued in its petition for federal acknowledgment that the ancestors of the present-day membership—the Pequannocks, who in the first half of the seventeenth century were assigned the Golden Hill Reservation, and the Paugussetts, who in the second half of the seventeenth century were assigned to Coram Hill and Turkey Hill Reservations—were part of a single political entity which the tribe has labeled the Paugussett tribe and the Paugussett Nation in previous submissions in connection with the acknowledgment process (GHP Comments 2004, Vol. I, Ex. 2, 1).

The GHP petitioner contended the Department has “consistently responded” to their arguments by stating there is no evidence of a single political entity. This statement is incorrect. In fact, the 2003 PF was the Department’s first and only detailed response to the petitioner’s description of the historical tribe. The Department, as described in the administrative history, originally processed the GHP petition under 25 CFR 83.10(e), which permits an evaluation on only one criterion if the petition and response to the technical assistance review indicates that there is little or no evidence to demonstrate that a group can meet the criteria in 83.7(e), (f), or (g). Because of that expedited process, which ended with a Reconsidered FD in May 1999, the Department did not specifically address the question of the historical tribe until the 2003 PF. Moreover, the GHP petitioner did not claim descent from a Turkey Hill entity until October 1999.

A review of its various submissions since 1993 shows the GHP petitioner has substantially modified its view of the historical tribe, the relationship between the Golden Hill and the Turkey Hill groups, and the membership requirements of descent from the historical tribe. In addition, the petitioner has dramatically augmented its concept of the aboriginal territory of the historical tribe.

April 12, 1993 Submission

In its first submission, received on April 12, 1993, before the issuance of a TA letter, the GHP declared its “members are descendants of the Pequonnock tribe of the Paugussett nation, which historically inhabited the lower Housatonic River area” (GHP Narrative 4/12/1993, Part I, 3). To reach this conclusion, the petitioner relied heavily on Franz L. Wojciechowski’s ethno-history of the Paugussett tribes, which it defined as an “important secondary source” (GHP Narrative 4/12/1993, Part 1, 5).⁷ According to the GHP, Wojciechowski’s 1985 study on these Indian groups had gathered and evaluated “relevant 17th and early 18th century land deeds and court decisions relating to the tribe,” and identified “the boundaries of the tribe’s traditional territory.” It described his 1992 study on the tribes as “the climax of Mr. Wojciechowski’s nearly three decades of research into the tribe and its sister entities.” Through his efforts, the GHP petitioner claimed Wojciechowski had “carefully synthesized the information available from primary sources into a cohesive Narrative.” This particular study had examined “his predecessors’ works and, when necessary,” corrected “erroneous histories” (GHP Narrative 4/12/1993, Part I, 5-6).

The GHP, citing Wojciechowski, stated that in the 17th century “the Pequonnock Indians now known as the Golden Hill Pequonnock Tribe were part of the Paugussett Nation. The Paugussett confederacy was comprised of *four distinct tribes: the Pequonnock, the Potatuck, the Weantinock and the Paugussett proper*. . . . The Paugussett tribes lived in the lower Housatonic Valley. They were closely related by language, history, and bloodline. The Paugussetts are part of the large nation of Algonquian Nation” (GHP Narrative 4/12/1993, II: 1; emphasis added).

This argument mirrors the conclusions of the GHP PF. It is unclear, however, from what source the GHP petitioner obtained the idea of a “Paugussett Confederacy.” Wojciechowski never mentioned a Paugussett confederacy in his 1985 or 1992 study. According to him, the “closely related Indian tribes of the lower Housatonic River valley are nowadays usually collectively referred to as ‘Paugussett’” (Wojciechowski 1985 and 1992, 39). During the early historical period, however, settlers applied this term to “only one of these tribes, namely the tribe that had its headquarters at ‘Pagaset,’ a place at the junction of the Housatonic and Naugatuck Rivers near present-day Derby.” Since using the term “Paugussett” to describe all the “tribes collectively” and “one individual tribe” might have caused confusion for his readers, Wojciechowski elected to refer to all the tribes collectively as the “Paugussett Nation,” and to the tribe that had its headquarters in Derby during the colonial period as the “Paugussett proper” (Wojciechowski 1985 and 1992, 39).

⁷Actually, Wojciechowski’s work is more than just a secondary source. The author did extensive research in colonial deeds and government records, for which he provided extensive transcripts. In fact, about 156 of the book’s 286 pages are devoted to transcripts of primary colonial documents. The study is less strong for the post-colonial period, because it relies on fewer primary documents. The GHP petitioner’s researchers make much of the fact that the PF cited Wojciechowski “no less than 60 times” (GHP Comments 2004, Vol. 1, Ex. 2, 39). Actually, a rough analysis of the citations dealing with the colonial period reveals the PF cited Wojciechowski’s textual analysis about 53 times, although a number of citations were to the same pages. The PF referred to 56 transcripts of primary documents from the Wojciechowski study. It also cited about 15 other secondary sources and about 78 other primary documents, most of the latter supplied by the petitioner (See GHP PF 2003, D&A, 22-32, 79-83).

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Outside observers did not use the term “Paugussett” to describe the Golden Hill until the 1850’s when DeForest incorrectly concluded that the Pequannock⁸ had been a “subdivision” of the Paugussett proper (Wojciechowski 1992, 66). In its records, the State did not use “Paugussett” to identify the Golden Hill group until the 1970’s, when the GHP petitioner changed its name from Golden Hill Indians to Golden Hill Paugussett. Currently, the GHP petitioner employs the term “Golden Hill Paugussett” in such a broad fashion as to include individuals and territory in Fairfield, New Haven, and Litchfield Counties in Connecticut, and even parts of New York State. State documents, however, consistently identified the historical Golden Hill group as located in Fairfield County.

While thus using the term “Paugussett Nation,” Wojciechowski never intended to imply a political confederacy existed among the lower Housatonic tribes, even though they shared cultural and linguistic ties. In 2001, he explained:

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

Rather than a confederacy, Wojciechowski identified four separate historical tribes: the Potatuck, Weantinock, the Paugussett proper, from which the historical Turkey Hill Indians evolved, and the Pequannock, from which the historical Golden Hill Indians emerged (Wojciechowski 1992, 39-48).

In the 1993 submission, the GHP petitioner, citing Wojciechowski, claimed their aboriginal territory included “Stratford, Trumbull, Bridgeport and Fairfield, and extended northward into Monroe and Shelton,” all part of Fairfield County, Connecticut.⁹ The GHP petitioner, quoting Wojciechowski, further maintained the Pequannocks were “a separate tribe on equal footing with the Paugussett proper” (GHP Narrative 4/12/1993, Part II, 3). The submission contained no discussion of a political amalgamation between the Pequannock and Paugussett proper or any other tribes. The petitioner did not mention a Turkey Hill entity that might have been part of the petitioning group or the historical Golden Hill. In fact, the GHP petitioner contended its members “descended from the Pequannock Indians, one of the blood-related tribes which comprised the Paugussett Confederacy” who were “concentrated in today’s Fairfield County” (GHP Narrative 4/12/1993, Part IV, 2). Elsewhere, the GHP petitioner indicated the “tribe’s

⁸External sources generally used the term Pequannock until around the 1740’s. Thereafter, the records began to refer more frequently to the group as the “Golden Hill Indians” or “tribe,” or “the Indians living at Golden Hill,” while the term Pequannock gradually faded into disuse by the late 18th century. In 1852, the historian DeForest mistakenly claimed the tribe was only a subdivision of the Paugussett, so they were sometimes identified afterwards as both “Golden Hill” and “Paugussett” (Wojciechowski 1992, 66; Conn. Documents 5/19/1659; Schenck 1889, 2).

⁹Wojciechowski actually defined the Pequannock territory as including the “area west of the Housatonic, bounded by the present-day towns of Newtown and Danbury in the north, and the Fairfield-Norwalk border area in the west, with the exception the territory covered by Shelton, eastern Monroe, northeastern Trumbull, and northern Stratford, which belonged to the Paugussett proper” (Wojciechowski 1992, 44).

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leaders have, from earliest recorded time, been descended from a single family,” which in 1993 was the Sherman family (GHP Narrative 4/12/1993, Part IV, 78).

In its original 1993 petition, the GHP petitioner declared that to become a member, a person had to prove descent “from a Tribal member who had lived on the Golden Hill reservation” (GHP Narrative 4/12/1993, Part IV, 88). Since only one State reservation existed for the Golden Hill before 1802, and only one after 1933, this limited membership to a well-defined set of people. This membership criterion echoed the group’s membership rules of 1973 that limited membership to individuals “directly related” to Indian recorded as Golden Hill Indians by the State (see criterion 33.7(d) for more details). As part of the April 1993 submission, the group also provided its current membership list along with two older ones previously submitted to the State. No Tinney family line or other individuals claiming descent from a Turkey Hill group appeared on the lists. The then current membership list contained the names of 37 individuals from an extended family, all supposedly descended from William Sherman, whom the petitioner claims was of Golden Hill descent.

June 10, 1993 Submission

On June 10, 1993, the Department received another submission from the GHP petitioner, also before the issuance of a TA letter. When defining the historical tribe, this submission closely paralleled the one from April 1993. The petitioner stated:

In the seventeenth century, the Golden Hill Paugussett tribe—known as the Pequannock Indians—was part of what is known as the Paugussett nation, which *was comprised of four distinct tribes*: the Paugussett proper, the Pequannock, the Potatuck, and the Weantinock. Anthropologist Franz Wojciechowski and historian Samuel Orcutt—both of whom have done extensive scholarly research on the history of the Golden Hill Paugussett tribe—have identified the several village groups that comprised the Pequannock tribe specifically in the seventeenth century. These Golden Hill Paugussett, or Pequannock, villages were located in Sasqua, Uncaway, Aspetuck, and Cupheag—local seventeenth century names for *specific areas in what are now the Bridgeport, Stratford, Trumbull, and Fairfield areas* of Connecticut (GHP Narrative 6/10/1993, 5; emphasis added).

When identifying the colonial period’s historical tribe, the petitioner repeatedly referred to the “Pequannock” tribe (GHP Narrative 6/10/1993, 6-14). The petitioner did not mention a political amalgamation between the Pequannock and the Paugussett proper, nor discuss the Turkey Hill Indians.

April 1, 1994 Submission

In this submission, the GHP petitioner responded to the Department’s first TA letter. Regarding the historical tribe, the petitioner claimed the “majority of the Paugussett tribe, although scattered about by vanishing land, displacement, and other circumstances beyond their control, still inhabit[ed] its ancestral territory in the Housatonic River area of Southern Connecticut” (GHP Narrative 4/1/1994, 3). The petitioner, citing Wojciechowski, stated the “Paugussett

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Nation in the seventeenth century *consisted of four distinct groups, each with its own territory: the 'Paugussett proper,' the 'Pequannock,' the 'Potatuck,' and the 'Weantinock.'* Together, these groups extended across what we now know as western Connecticut” (GHP Narrative 4/1/1994, 7; emphasis added). According to the petitioner, both Wojciechowski and historian Samuel Orcutt had asserted the Pequannock territory as “occupied the areas known the as Sasqua, Uncaway, Aspetuck and Cupheag” which today make up “Bridgeport, Stratford, Trumbull, and Fairfield,” and “extended northward into Redding and eastward into Monroe and Shelton” (GHP Narrative 4/1/994, 8).

The GHP petitioner, however, modified its former endorsement of Wojciechowski’s scholarship. Now GHP claimed the four distinct Paugussett tribes Wojciechowski had described were actually “distinct village groups” that composed “one tribe and one people, speaking the same language and sharing the same cultural traditions”(GHP Narrative 4/1/1994, 9).¹⁰ After making this claim, however, the petitioner proceeded to give a description of the historical tribe focusing almost solely on the Pequannock and Golden Hill group associated with the Bridgeport reservation sold in 1802 (GHP Narrative 4/1/1994, 9-38). There was little specific discussion of the Turkey Hill group save for a reference to a Turkey Hill Indian named Molly Hatchet and her basket making, and two mentions of the group’s name in a listing of land sales (GHP Narrative 4/1/1994, 38, 49). For much of the 19th and 20th centuries, the history dealt mainly with William Sherman and his descendants (GHP Narrative 4/1/1994, 50-118).

December 27, 1996 Submission

This submission was part of the GHP petitioner’s request to IBIA for reconsideration after having not met criterion 83.7(e) through the expedited acknowledgement process. At the time, the AS-IA had concluded the evidence was not sufficient to establish a reasonable likelihood of the validity of the facts that the GHP petitioner descended from a historic tribe, or that William Sherman, the ancestor through whom the GHP claimed tribal descent, had ancestry either from the historical Golden Hill tribe or from any other identified historical Indian tribe. In this submission, the petitioner, citing Wojceichowski, described the “Paugussetts” during the colonial period as generally inhabiting “Bridgeport, Stratford, Trumbull, and Fairfield,” with land extending “northward” into “Redding and eastward into Monroe and Shelton.” Thus, as late as December 1996, the petitioner still placed the aboriginal territory within Fairfield County (GHP Narrative 12/27/1996, 5).

In this 1996 submission, the GHP petitioner first mentioned the possible Indian descent of the “Tinney” family line, later added to the group in 1999. The group stated it was “in the process of developing the genealogy of members of the Tinney family, a family the tribe believes also descends from the historic Paugussett tribe.” Supposedly, the Tinneys were “believed to be descendants of John Howd.” The petitioner then made several conjectures about the family’s descent. The only connection it could then make between the Tinney family line and the historic Golden Hill was that William Sherman mentioned in his diary visiting a George Freeman in 1873 and 1877, which suggested a “link between the Shermans and the Howd descendants” (GHP Narrative 12/27/1996, 27-28, 92-93). The available evidence, however, does not

¹⁰The PF also acknowledged the tribes of the lower Housatonic River shared a similar language and culture, but the available evidence did not demonstrate any political amalgamation.

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demonstrate any consistent interaction or significant social relationships between the Tinney family line and the Golden Hill group.

The GHP petitioner stated the reasoning for pursuing this possible genealogical link. According to GHP, the effort was “undertaken in response to BIA’s invalid attempt to apply the ‘one ancestor rule’ to the tribe” during the expedited process that culminated in a negative FD on criterion 83.7(e) in September 1996 (GHP Narrative 12/2/7/1996, 93). This statement indicates the petitioner was considering adding the Tinney family line to its membership not because of its social and political interaction with the then current members of the GHP, but in response to a negative determination by the Department.

The GHP petitioner’s claim that the Department made an “invalid attempt to apply the so-called “one-ancestor rule” is also inaccurate. In the 1999 Reconsideration of the Golden Hill FD, the Deputy AS-IA noted that the

proposed finding and final determination concerning the Golden Hill was not intended to be an adoption of a blanket “one-ancestor” rule as asserted by the petitioner. Indeed the Department recognizes that there may be instances where descent from a tribe may properly derive from one ancestor.

As to the claim of improper reliance on an “one-ancestor rule,” because of the decision delineated above under Issue One, further analysis of the discussion in the Golden Hill proposed finding and final determination concerning the so-called “one-ancestor rule” is immaterial and unnecessary (GHP RFD 1999, 8).

In a footnote, the Deputy AS-IA listed the “instances” in which the one ancestor rule might apply:

Some examples would include cases where an individual and his/her children were documented to have lived in tribal relations, but the remainder of the tribe was decimated through some catastrophic event; or case where an individual and his/her children continued living in tribal relations, but where, in the course of time, a combination of patterned outmarriage and differential fertility (lack of descendants in some of the historical tribe’s family lines) resulted in a contemporary petitioner whose members all stem from his descendants (GHP RFD 1999, 8).

None of these circumstances applied to the GHP petitioner.

October 1, 1999 Submission

This GHP submission was a supplement to the documented petition, provided about four months after the 1999 Reconsidered FD, and about two and one half years before the group’s petition returned to active consideration. It constituted the petitioner’s first incorporation of the “Tinney family line” into its genealogy and history. The GHP petitioner sought to explain the late addition of this family line by claiming it “had originally included these members in its initial

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Petition for Federal acknowledgment,” but had “later removed these members at BAR’s suggestion until further evidence respecting their genealogy could be developed” (GHP Narrative 10/1/1999, 26). This statement contradicted the GHP petitioner’s submission of December 27, 1996. In the earlier submission, the GHP petitioner clearly stated it had “begun the process of developing the genealogy” of the Tinney family line on its initiative, and had not yet finished the necessary research (GHP Narrative 12/27/1996, 27-28). There is no evidence OFA ever suggested the removal of the “Tinney family” line from the group’s membership or knew of its existence before December 1996.

The GHP petitioner also argued for the inclusion of the Tinney family line based on the proximity of what it called “the Golden Hill and Derby Paugussett communities,” the latter from which the Tinney line presumably descended. At the same time, however, it maintained, correctly, that Connecticut “routinely described” the Golden Hill group in statutes from the 19th century as being “located” in Fairfield County (GHP Narrative 10/1/1999, 27-28).¹¹ Indeed, as several statutes from 1876 to 1930 indicate, the State did describe the Golden Hill as being from Fairfield County (Connecticut Documents 6/19/1876, 1888; Connecticut Legislative Materials 1902, 1918, 1930). The town of Derby, however, is located in New Haven County. Those statutes did not identify a “Derby Paugussett” or the Turkey Hill group from New Haven County as part of the Golden Hill group from Fairfield County.

When discussing criterion 83.7(e), the GHP petitioner claimed the “fact that all the present members of the tribe can show descent from members of the Golden Hill and Derby communities of Paugussetts is emblematic of the fact that these communities have always been members of the tribe” (GHP Narrative 10/1/1999, 174). This statement is incorrect in several regards. First, simple descent of individuals from an Indian tribe, criterion 83.7(e), does not constitute social or political interaction, criteria 83.7(b) and (c) respectively, between two Indian groups under the Federal acknowledgment regulations. Second, the petitioner has not actually demonstrated its members descend from a historical tribe or tribes that combined. Third, the portion of the petitioner claiming ancestry from a Turkey Hill entity was not part of the group before 1999. Fourth, the evidence does not demonstrate the portion of the group claiming descent from the Golden Hill has had consistent interaction or significant social relationships with the portion claiming descent from the Turkey Hill.

June 14, 2002 Submission

This GHP submission was in response to the State’s 2001 comments on the GHP petition. This submission generally made the same argument as the 1999 submission that the “Derby and Golden Hill Paugussett Communities” were always “one tribe” (GHP Narrative 6/14/2002, 8). The GHP petitioner did not specifically describe the geographical boundaries of the aboriginal territory of the “one tribe” in this narrative.

¹¹The GHP petitioner asserted: “Moreover, the tribe’s sense of its homeland has always been recognized by the non-Indian community. When Connecticut passed statutes explicitly respecting the tribe in the 19th century, the statutes routinely described the tribe as being located in Fairfield [County] Connecticut. This recognition of the tribe’s specific traditional homeland by non-Indian society continues to today. For example, on March 14, 1996, the new Bridgeport Chamber of commerce wrote to the Assistant Secretary of Indian Affairs urging her to acknowledge the tribe base on its ‘long history in our area.’ The Chamber of Commerce continued: ‘The Paugussetts were once a proud and independent people that populated what is now the Bridgeport area’” (GHP Narrative 10/1/1999, 27-28).

Summary Analysis of the Petitioner's Submissions

The above shows the evolution of the GHP petitioner's definition of the claimed historical tribe, its purported aboriginal territory, and its own membership in the petition process. In the early stages, the GHP petitioner maintained the claimed historical tribe was a small, State-recognized Golden Hill group located in Fairfield County that had a reservation in Bridgeport until 1802 and in Trumbull since 1933. This group had evolved from the Pequannock, one of four distinct tribes, the other three being the Paugussett proper, the Weantinock, and the Potatuck, associated with the lower Housatonic River Indians now commonly referred to as the "Paugussett" tribes. The Pequannock territory was mostly limited to Fairfield County. Originally, the petitioner claimed its small group of members, all part of one extended family, descended from William Sherman, the ancestor through whom the GHP claimed tribal descent. Over the last eleven years, the GHP has altered these claims dramatically. By 1999, the petitioner was contending the tribes of the lower Housatonic River had become no more than village groupings within one tribe known as the "Paugussett Nation" or "Confederacy." In that year, the petitioner also added a previously unrelated family line, the Tinneys, with claimed descent from a separate Indian group, the Turkey Hill Indians of New Haven County. In addition, the petitioner now maintained the Tinney family line and the historical Turkey Hill had always been part of the Golden Hill group. By 2004, the petitioner's membership eligibility had expanded from descendants of a "Tribal member who had lived on the Golden Hill reservation" (GHP Narrative 4/12/1993, Part IV, 88) to include descendants of people "identified historically as a Golden Hill, Naugatuck, Paugussett, Pequannock, Potatuck, or Turkey Hill Indian" (GHP Comments 2004, Vol. VII, Ex. 3, 3). Connecticut, however, acknowledged only the Golden Hill Indians as part the State recognized entity.

In its 2004 comments to the PF, the GHP now contends the historical Golden Hill and the historical Turkey Hill were part of an alleged "Greater Wappinger Confederacy" during the colonial period. Under this theory, the historical tribe's aboriginal territory has grown from a small area of Fairfield County to embrace most of southwestern Connecticut and parts of New York State and possibly even Massachusetts (GHP Comments 2004, Vol. I, Ex. 2, 38; Vol. VII, Ex. 3, 2). Such dramatic and unsubstantiated changes, occurring over a period of just ten years, suggest the petitioner lacks an accurate and consistent understanding of its history, aboriginal territory, and membership.

Historical Analysis and Conclusion Regarding the "Greater Wappinger Confederacy" Thesis

The GHP petitioner's researchers now claim the lower Housatonic River tribes were part of a "Greater Wappinger Confederacy" during the colonial period. They advance this argument in the "Paugussetts: One Polity, One Tribe Since Time Immemorial," by Blair Rudes and Regina Stupic (GHP Comments 2004, Vol. I, Ex. 2). The GHP contended that the purported membership of the tribes in this alleged confederacy confirms that the historical Golden Hill Indians of Fairfield County, which evolved from the Pequannock tribe, and the historical Turkey Hill Indians of New Haven County, which evolved from the Paugussett proper, were one entity. The PF concluded these two groups ceased to exist as social and political entities in the early 19th century and were never one entity.

The GHP petitioner devoted almost half its report to criticizing the work of Franz L. Wojciechowski, who dismissed the idea of a “Wappinger Confederacy” containing the lower Housatonic tribes as a myth. It is necessary, therefore, to quote Wojciechowski’s argument at length:

Until quite recently, the Paugussett tribes of the lower Housatonic River valley were regarded in the scholarly literature as a subdivision of the so-called “Wappinger Confederacy.” This view, first advanced by Rutenber in his book on “The Indian tribes of Hudson’s River” in 1872, acquired almost dogmatic qualities after its incorporation into such standard reference works as the “Handbook of American Indians North of Mexico” and “The Indian tribes of North America.”

The “Wappinger Confederacy,” according to Rutenber, consisted of a group of closely related eastern Algonquian tribes, who spoke a language that was identical (or closely related) to Mahican. Their territory extended along Long Island Sound, from the Hudson River in the west to the Connecticut River in the east. In the north, their territory bounded on that of the Mahican Indians.

After almost a century of uncritical assent, Goddard [in 1971] sharply challenged this conception of Rutenber. The data he presented effectively destroyed the myth of a Mahican speaking Wappinger Confederacy in the coastal area between the Hudson and Connecticut Rivers (Wojciechowski 1992, 11).

While the GHP petitioner often seemed to be arguing that Wojciechowski is the sole critic of the “Wappinger Confederacy” theory, several other well-respected scholars since the 1970’s have also dismissed it. In the Smithsonian’s 1978 *Handbook of North American Indians*, Volume 15, Dean Snow, in his discussion of the pre-history period of the East Coast tribes, stated:

Prior to Goddard’s linguistic investigations, there was some confusion regarding the ethnic boundaries in the lower Hudson drainage. Most older sources state that there was a boundary running down the middle of the river, separating the Munsee on the West from the “Wappinger” on the east, who were supposed to occupy territory as far east as Connecticut. Goddard has shown that the Munsee occupied all the lower Hudson drainage and that Quiripi-Unquachog was the dialect spoken in the lower Connecticut and Housatonic drainages as well as on Long island. There appears to have been no Wappinger Confederacy. These new findings fit well with the archeology and what is known of Algonquian territory (Snow 1978, 64).

In the same volume, Bert Salwen in his discussion of southern New England groups in the early period asserted:

Although some of the sociopolitical groups . . . were quite loosely structured, all had some measure of functional reality, at least after the beginning of European settlement. There were other units, in the interior and on the western Connecticut

coast, that seem to have normally functioned as almost completely independent communities, without lasting political ties to any of their neighbors. Names like Nipmuck, Pocumtuck, and Mattabesec sometimes appear in the literature as designations for “large” tribes or “confederacies, but this usage does not seem to fit the seventeenth-century situation. At best, some of these names may reflect linguistic or cultural homogeneity, but the scarcity of evidence makes even linguistic identifications difficult in most cases.

According to Goddard, some of the local small groups in southwestern Connecticut between the Connecticut and Housatonic valleys (Quiripi, Naugatuck, Schaghticoke) and possibly the people opposite them on Long island spoke Quiripi-Unquachog, a southern New England language. This conclusion and the lack of any positive evidence effectively destroy the idea of a great Delaware speaking Wappinger-Mattabesec confederacy stretching from the Hudson to the Connecticut. The boundary between the Munsee Delaware and Quiripi-Unquachog was probably somewhere between the Housatonic and present Connecticut border (Salwen 1978, 173).

In the same volume, Ives Goddard proposed:

There is no evidence that a “Wappinger Confederacy” [citing Rutenber in 1872, Mooney in 1910, Speck in 1928] under this or any other name extended from the Hudson to the Connecticut [citing his 1971 work] (Goddard 1978, 238).

Other than its report, the GHP petitioner did not reference or submit any recent article by a well-known scholar that deals specifically with the alleged existence of a “Wappinger Confederacy.”

The GHP report also contained several methodological inconsistencies. For one, it maintained that the Dutch colonists were a source of information for the existence of this “Wappinger Confederacy.” Yet, as evidence of this claim the report generally quoted English sources from the 19th century and 20th centuries that are interpretations of what the Dutch might have said or believed (GHP Comments 2004, Vol. I, Ex. 2, 16-19). Primary sources from the Dutch colonists are, of course, rare (Wojciechowski 1992, 8). Much of the report also relied on a linguistic argument for this confederacy’s existence. While certain tribes within a region may have shared similar languages or even cultures, as the authors claim, that is not evidence in itself of the existence of a political confederacy. The report actually provided little significant evidence to substantiate its claims of a political alliance; rather it depended on fragments of isolated information, frequently non-political in nature, often widely separated by time, location, and even specific historical actors, to support its existence.

Most important, the report discussed very few people identified as Golden hill or Turkey Hill, even though the PF specifically requested the petitioner show evidence of consistent interaction and significant social relationships between the two groups after the State established their separate reservations in the 17th century. Such evidence of consistent interaction between the two specific entities is crucial to the GHP’s argument that the historical Golden Hill and the historical Turkey Hill were one entity. For example, GHP devoted several pages discussing land

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sales related to a Pequannock Indian named Chickens (Chickins). Yet, Chickens was sachem of the Lonetown reservation in Redding, Connecticut, part of western Fairfield County. After selling his land in that area in the mid-1700's, he and his small band migrated to and eventually merged with the Schaghticoke Indians. The available evidence, particularly deeds, involving Chickens did not demonstrate he had significant interaction with either the Golden Hill of eastern Fairfield County or the Turkey Hill of New Haven County (GHP Comments 2004, 24-27; Wojciechowski 1992, 67, 91, 200 (Ex. 37), 250 (Ex. 13); see also STN PF 2002, 48-53).

The GHP report's only reference to an Indian directly associated with a Golden Hill Indian occurred when the researchers stated that at "least one Golden Hill Indian, the wife of Montauk, brother of John Shoran, moved to Tunxis and remarried a Tunxis native after her husband's death" in the early 17th century (GHP Comments 2004, 14). Supposedly, this assertion helps to demonstrate the Paugussetts were "involved" with a confederacy. Yet, this woman was allegedly a Tunxis or Connecticut River Indian from Farmington, who had married a Golden Hill Indian and returned to her tribal territory after his death. A single marriage of this kind would not constitute good supporting evidence of the existence of a political confederacy. Nor does it demonstrate significant interaction between the Turkey Hill and Golden Hill.

Another difficulty with the GHP petitioner's thesis is the timeline of the "confederacy," or, as they depict, several "confederacies." They give no actual dates for when the "Wappinger Confederacy" existed, or when the "Paugussett tribes" supposedly joined it. As best as can be surmised, the "Paugussett" tribes were apparently first part of something called the Mattabesec Confederacy from about 1630 to 1680. From that latter date to the early 1700's, they ostensibly became part of something called the "Greater Wappinger Mattabesec Confederacy." They next joined another alleged confederacy called the "Pan-Indian Wappinger-Narragansett Confederacy," presumably sometime after the early 1700's, although no significant evidence or analysis for this alliance appears in the report (GHP Comments 2004, Vol. I, Ex. 2, 5, 28-38). Most important, all these confederacies purportedly occurred during the time, the 1630's to the 1730's, when the lower Housatonic River Indians were being conquered and dispersed by the English settlers, deprived of their land, decimated by disease, and placed on separate reservations.

It is illustrative of this cultural decline to examine the history of just two of the lower Housatonic River tribes during the colonial period, the Paugussett proper, from which the Turkey Hill evolved, and the Pequannock, from which the Golden Hill evolved. In the former case, colonization of Paugussett proper lands began in earnest in 1639, when English settlers purchased the town of Milford. By the mid-1660's, most of their territory south of the confluence of the Housatonic and Naugatuck Rivers had been taken by the colonists through a variety of land sales (Wojciechowski 1992, 55). By 1710, the tribe had been largely reduced to two main reservations, established in 1680, consisting of about 100 acres each—Coram Hill in the area of colonial Stratford which is present-day Shelton, and Turkey Hill in the portion of colonial Milford which represents the modern town of Orange. Another small reservation called Naugatuck existed in the section of colonial Derby that is now the eastern part of the town of Seymour (Wojciechowski 1992, 56-57). By 1710, with disease, migration, or land encroachment exacting their toll, the overall Paugussett proper population had fallen to 25 families or 150 people. The Turkey Hill reservation had decreased to only 8 or 10 families (Wojciechowski

1992, 56-57). The tribe apparently held together as a viable political unit until 1731, when Kockapatana, the sachem died. Connecticut eventually appointed agents or guardians to manage the remnants of the group. The Coram Hill community gradually decreased and colonists acquired the reservation in 1735. Between 1785 and 1790, most inhabitants of the Naugatuck community migrated to the Schaghticoke community near Kent, which had mainly evolved from elements of the Weantinock and Potatuck. A smattering of families continued a tenuous existence in the present-day Seymour area until the early 1830's, when an epidemic struck and killed most of them (Wojciechowski 1992, 57-58). A few families remained at the Turkey Hill Reservation until 1825-1826 when the State sold most of the reservation land with the group's consent.

The Pequannock, at first sustained contact, numbered about 1,500. The first 100 years of English settlement provoked a sharp decline in their population. One estimate in 1703 suggested the population at Golden Hill had fallen to about 100 people. If one added a smaller community at Redding, the overall Pequannock population might have equaled 150. A recollection from 1761, however, described about 20 to 25 "wigwams" at Golden Hill in 1710 along with two or three other settlements having a few similar dwellings elsewhere in Stratford. Wojciechowski estimated from this recollection that the overall Pequannock population stood at 250. By 1725, the population at Golden Hill had decreased to 40. By the 1730's, the number of Golden Hill living on the reservation had declined to only four families. Around 1750, at least some of the Pequannock Indians at Redding migrated to the Kent area, where they obtained fee simple land adjacent to the Schaghticoke tribe, which had evolved originally from elements of the Weantinock and Potatuck (Wojciechowski 1992, 67). The Potatuck and the Weantinock experienced similar land and population declines during that time (Wojciechowski 1992, 77-78, 84-85).

Given such calamitous reductions in territory and population during these times, it is unlikely the tribes of the lower Housatonic River could have been part of the alleged, ever-expanding confederacies claimed by the petitioner's researchers. Most important, the Connecticut colonial and State documents dealing with these groups never mentioned any confederacy or confederacies. It is highly improbable Connecticut could or would have overlooked such a dangerous threat to its security among its Indian groups, or that those groups could have hidden the existence of these alliances from colonial officials.¹²

The GHP petitioner's report also contradicts other theories on the historical tribe recently submitted by the GHP petitioner's researchers. In May 2002, Charles Brilvitch, Blair Rudes, and Regna Darnell, wrote an article entitled "Tribal Identity and Structure of the Paugussett Indian Nation." In the article, they argued that the "Paugussett" were one "nation" but used Franz L. Wojciechowski's terminology to segregate them into four historic sub-groups—the Paugussett proper, the Pequannock, the Potatuck, and the Weantinock. The authors contended the "Paugussett" response to contact was to organize into small family bands, clans, or "local

¹²Connecticut generally responded quickly against even the possibility of such alliances. In fact, the conquest of the lower Housatonic River tribes began when the Pequannocks inadvertently found themselves fighting alongside the Pequot in 1637 (see GEP PF 2003, D&A, 27). In addition, when the Weantinock and Potatuck, both lower Housatonic River tribes, considered taking up arms against settlers in 1725, the colony quickly put an end to their plans and imposed overseer control upon them (Wojciechowski 1992, 79, 89).

community affiliations” such as the “Golden Hill, Coram Hill, or Turkey Hill” (GHP Comments 2004, Vol. I, Ex. 13, 20-21). The authors made no mention of a “Wappinger Confederacy” (or of a Paugussett community in Bridgeport’s south end which the petitioner now maintains existed in the 19th century). It is unclear how this group of people that was allegedly reorganizing along local lines due to “population loss and land pressure from settlers” was also able to merge into a series of expanding confederacies as now claimed by the petitioner’s researchers (GHP Comments 2004, Vol. I, Ex. 13, 20).

In 1995, Blair Rudes submitted a report entitled “Holding Ground along the Housatonic: Paugussett Land Loss and Population Decline from 1639 to 1899,” which he published almost verbatim in 1999 in the *Papers of the Thirtieth Algonquian Conference*. Rudes relied extensively in this study on the works of Franz L. Wojciechowski, a scholar whose findings he and Stupic now strongly criticize, to describe “Paugussett” land losses for well over 250 years. Rudes divided the “Paugussetts” of the earliest contact period into four distinct and “politically autonomous” groups, which “spoke a common language, had essentially the same culture, and intermarried.” Starting with Wojciechowski’s analysis of the pre-contact boundaries of the Paugussett territory, which he now discounts, Rudes proceeded to describe the severe extent of land loss among these groups (Rudes 1995; Rudes 1999; GHP Comments 2004, Vol. I, Ex. 2, 8-16). Again, it is unclear how these groups could have supposedly belonged to a series of expanding confederacies, none of which Rudes mentioned in this article, given the extent of these territorial losses.

In 1995, Regna Darnell also submitted a GHP petition report on Algonquian socio-political organization during the colonial period. She published a revised and an expanded version of this report in 1998 as part of the *Papers of the Twenty Ninth Algonquian Conference* (Darnell 1995, 1998). Darnell also adopted Franz L. Wojciechowski’s usage and terminology to identify the structure of the “Paugussett” tribes after first contact. She claimed that not “long into the contact period, population loss and land pressure from settlers resulted in a shift of affiliation from the historic four groups (the Paugussett proper, Pequannock, Potatuck, and Weantinock) to local community affiliations (e.g., Schaghticoke, Golden Hill, Turkey Hill, Coram Hill)” (Darnell 1995, viii-ix; Darnell 1998, 101-102). Darnell asserted that “tribal associations were lost by the 17th century,” as these groups supposedly evolved into smaller local entities (Darnell 1995, viii-ix; Darnell 1998, 101-102). The GHP petitioner’s researcher never described the existence of a “Wappinger Confederacy,” among these groups, and again it is difficult to imagine how small Indian communities under such population pressure and land loss could have been part of such an alliance.

Conclusion of the Analysis of the “Wappinger Confederacy Thesis”

The available evidence does not demonstrate that a “Wappinger Confederacy” containing the lower Housatonic River tribes existed during the colonial period. Nor does the evidence indicate these tribes were part of a “Paugussett” confederacy or single nation or tribe. The evidence presented for the existence of this confederacy does not demonstrate the existence of significant social and political interaction between the historical Golden Hill and the historical Turkey Hill during the colonial period following the creation of their separate reservations in the 17th century.

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

Moreover, no significant evidence in the record exists of consistent interactions and significant social relationships between the historical Turkey Hill and the historical Golden Hill communities after the establishment of their reservations. Nor does the documentary record indicate the historical Golden Hill exercised any political influence or authority over the historical Turkey Hill group, or vice versa. The available evidence does not show the two groups functioned as a single autonomous political entity. Therefore, the existence of separate social community among the historical Turkey Hill Indians does not demonstrate community (criterion 83.7(b)) or political authority (criterion 83.7(c)) for the Golden Hill entity during the 17th and 18th centuries.

Historical Analysis and Conclusion Regarding the Evolution of the Historical Turkey Hill Group, 1790-1910.

The PF concluded the following about the Turkey Hill Indians:

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

A few families remained at the Turkey Hill Reservation until 1825-1826 when most of the land, about 90 acres, was sold. The last seven or so acres were sold in 1871, upon the petition of five individuals, described as the "sole survivors" of the tribe. According to the petition, no members of the "said tribe" had resided on the land "for more than twenty years," and its sale was expected to generate an annual income for the group when invested. While scattered descendants of the Turkey Hill Indians later survived in Connecticut, the evidence does not

demonstrate the group existed in any viable sense as an entity after this transaction, and there was no State relationship with the Turkey Hill Indians after this date. The record contains no data concerning administration of the money generated by the 1871 sale (GHP PF 2003, D&A, 25-26).

An examination of the available evidence submitted for the FD along with that of the PF now indicates the historical Turkey Hill Indian group ceased to exist socially around 1825 or 1826. After that time, the State mainly dealt only sporadically with a few people identified as Turkey Hill descendants and did not maintain a continuous relationship with a Turkey Hill entity. The State sold the remainder of the original Turkey Hill reservation in 1826, and afterwards the State never maintained a reservation for a Turkey Hill entity. Evidence submitted by the State has also clarified the administration of the money generated by the 1871 sale of land belonging to a small family of Turkey Hill descendants, and the subsequent history of the individuals involved in the transaction. It is now clear that the 1871 land sale did not involve any State reservation land as originally stated in the PF. Rather, the sale involved only land belonging to five individuals identified as Turkey Hill descendants.

The State-Recognized Turkey Hill Indians at the Original State Reservation in Orange, Connecticut

In May 1680, the Connecticut General Court issued a resolve answering the complaints of Ackenack, "sachem of Milford and Pauigesuck," that he needed land due to the continuing encroachment of settlers on his territory. Under the resolve, the General Court not only agreed to set aside 100 acres of land for Ackenach, but also clearly indicated it viewed these Paugussett proper Indians of Milford as a different entity from the Pequannock Indians of colonial Stratford located at the Golden Hill reservation in present-day Bridgeport (Wojciechowski 1992, Ex. 26, 126-127). The 100 acres became the Turkey Hill reservation. The August 1680 deed for the reservation described the arrangement this way:

We whose names are hereunto subscribed being appointed by the General Court to lay out in Milford bounds one hundred acres of land for the Indians' improvement, we have this present day laid out the said hundred acres on the east side of the Stratford River, being bounded on the west with Stratford River, north with the brook called the Two Mile Brook and divides between Milford and Derby, and south with another brook called the Turkey Hill Brook, and near the north we run not far from the Two Miles Brook, from the river called the Stratford River, easterly, one hundred and sixty rods, and there marked a white oak and set a straight range which is to run to the Two Miles Brook northerly, and a straight range southerly to the brook called the Turkey Brook, meet highways allowed (Wojciechowski 1992, Ex. 27, 127; spelling modernized).

As the deed shows, the 100 acres of the original Turkey Hill Reservation were along the boundary of colonial Milford and Derby in present-day Orange, Connecticut, very near the areas called Turkey Hill Brook and Two Miles Brook. This area today constitutes the border of the modern towns of Derby and Orange, which the Two Miles Brook transverses.

The Turkey Hill reservation was one of three reservations Connecticut established for the Paugussett proper Indians. Wojciechowski described the Turkey Hill reservation and the others in this manner:

The Paugussett [proper] territory by 1710 had been reduced to a few, mostly small reservations: Coram Hill in the part of colonial Stratford which constitutes now the town of Shelton, Turkey Hill in that part of colonial Milford which is now the town of Orange, and Naugatuck ('Nau-ko-tunk') in the part of colonial Derby which is now the eastern part of Seymour (Wojciechowski 1992, 56-57).

Encroachments upon the Turkey Hill settlement continued into the latter part of the 18th century (Wojciechowski 1992, 58). In 1791, three citizens of Milford (part of which became Orange in 1822) petitioned the Connecticut General Assembly to investigate conditions on the reservation, and appoint an overseer for the Turkey Hill Indians. Outsiders were cutting down valuable timber and taking land illegally. The Connecticut General Assembly responded by appointing a three-man committee to survey the land and investigate the encroachments. It authorized the committee to sell some of the land if needed for the support of the "small number of Indians" living on the 100 acres, although there is no evidence that it did. The Connecticut General Assembly also appointed an overseer to supervise the tribe. The petition did not mention any specific Indians and nothing in it showed any interaction between the historical Turkey Hill Indians of New Haven County and the historical Golden Hill Indians of Fairfield County in Bridgeport, both of which had separate overseers (State Comments 2004, Ex. 41).

The available evidence included sporadic records from Turkey Hill overseers for 1811 to 1839. Most of the overseers' entries gave only an accounting of the funds available to the remaining Indians, particularly after the sale of their reservation in 1825-1826. The overseers rarely mentioned specific individuals in the records, and did not provide a description of a community or a group. The last available entry was in 1839 when the overseer stated there was \$23.52 remaining in the Turkey Hill account. After 1839, the only times in the available evidence that the State appointed individual overseers for people identified as Turkey Hill descendants or heirs was in 1871 to arrange a Derby land sale, and in 1909 to administer funds in a bank account belonging to two men. The overseers' records from 1811 to 1839 described no interaction between the historical Turkey Hill and the historical Golden Hill (State Comments 2004, Ex. 44; GHP PF 2003, D&A, 125-126).

In May 1818, the Connecticut General Assembly issued the report of another committee appointed to investigate conditions among the Turkey Hill Indians of Milford. The committee estimated the reservation land was worth \$2,500. It counted 15 people living in three houses on the reservation, mainly making a living by farming. According to the committee, five other individuals lived elsewhere. The report, however, identified no Indians by name. The committee advised against selling the land because it doubted that the sale would garner enough money for the group's long-term support. It depicted the Indians as "industrious and frugal," and believed they would be better able to support themselves through farming, despite continued encroachment by outsiders. Nothing in these documents showed interaction between these historical Turkey Hill Indians and the historical Golden Hill in Bridgeport (State Comments 2004, Ex. 42).

Five years later (1823), Leman Stone of Derby, Turkey Hill overseer in Milford (now Orange) petitioned the Connecticut General Assembly to sell the reservation to pay off the Indians' debts. Stone wrote "that by recent deaths the number of said Indians" had become "considerably reduced & several of them are wanderers in different places so that at present there" was "but one family on the land consisting of one squaw very old, her son & wife & 5 children." He did not give the names of any Indians. According to Stone, the land had become "poor" and almost "destitute" of "lumber, fire wood, and fences." He claimed the Indians were in debt, sick, and in need of money, and suggested selling the land for their support. In response, the Connecticut General Assembly set up another committee to investigate the Indians. Robert Fairchild, committee chairman, reported in May 1823 that the reservation had about 100 acres for a family of eight who were unidentified. Fairchild agreed with Stone's estimate of the Indians' condition and recommended selling the land (State Comments 2004, Ex. 43). Nothing in these documents showed social interaction between these Indians and the historical Golden Hill group.

Stone sold the land in April 1825 for \$801, which he placed in a fund for the Indians' support. He reserved about 12 acres of the most valuable land, containing three houses, for the few remaining Indians. In his report of the transaction, Stone declared the tribe had "diminished fast within a few years." There "may" have been "twenty five more or less in all, about fifteen are residents and wanderers at large." Nothing in this document showed social interaction between these Indians and the historical Golden Hill (State Comments 2004, Ex. 45).

In May 1827, Stone informed the Connecticut General Assembly he had sold another 12 acres of the Turkey Hill reservation in June 1826 for \$360. He did so because the Indians' debts had been mounting, and he lacked adequate funds for their support. Stone reported that "since that time [of the land sale in 1825] the situation of this Indian tribe" had "naturally changed insomuch that it was judged advisable to sell the residue of said lands" for the Indians. However, he reserved one acre of land for "Roswell Homer and his family" (State Comments 2004, Ex. 46). Stone portrayed conditions on the reservation in the following manner:

The expenses attending this agency hitherto have considerably exceeded the interest of the funds which effect has been caused—viz by Joseph Richardson an Indian of this tribe who owned a house with a family of children and a very aged grandmother [presumably Molly Hatchet].¹³ This Joseph's criminal conduct had put him in prison and he had no way to escape New Gate but by the forfeiture of his bond and to this end he sold his house to secure his bondsman—which sale turned out of doors this helpless family—which induced the necessity of building a small residence for them adjoining that of said Homer for it appeared that no other provision could be made for them. . . . (State Comments 2004, Ex. 46).

According to Stone, the Orange selectmen could do little for the Indians. The funds were "exhausted" due to the erection of the one building, and bills for the sicknesses and funerals of John Hatchet and Roswell Homer. Stone claimed that \$700 in interest remained in the fund for

¹³Orcutt reported Molly Hatchet, an Indian and basket maker, as being from Derby, after DeForest reported Hatchet as a Turkey Hill surname in 1852 (Orcutt 1886, 43). There is no evidence that John Hatchet Towsey, listed on the 1823 "Census de Golden Hill," was a descendant of Molly Hatchet, or that William Sherman was a descendant of Molly Hatchet.

“settlement” with the county court. Since his July 1827 overseer’s report noted only \$111 in the fund, Stone may have used most of the money from the sale to settle the Indians’ debts with the county. Stone also pleaded with the Connecticut General Assembly to provide money thereafter to the Indians only “in case of special urgency or otherwise great relief.” In response, the Connecticut General Assembly appointed another committee to investigate Stone’s claims. This committee approved Stone’s land sale *ex post facto*, as did the Connecticut General Assembly after accepting its report (State Comments 2004, Ex. 46). These land sale records did not demonstrate any social interaction between the Turkey Hill and a Golden Hill group.

The historical Turkey Hill ceased to exist as an Indian entity following these events. Afterwards, the State dealt only with individuals identified as Turkey Hill descendants, and did not maintain a continuous relationship with an Indian community. It never again established a reservation for the historical Turkey Hill group. By May 1840, the Homer family members associated with the previous land sale had been reduced to just two, Garry and Roxy Homer, under the care of the Orange selectmen. In that year, the selectmen unsuccessfully petitioned the Connecticut General Assembly for reimbursement for care of these two Indians. They described the “late Turkey Hill tribe of Indians” as having been “broken up and disbursed” except for these men. Apparently, any money from the previous land sales was gone (State Comments 2004, Ex. 47). One year later, the selectmen again sought repayment from the Connecticut General Assembly, but this time only for the care of Garry Homer, whom they described as “poor,” with a “significant infirmity,” and lacking a legal residence (State Comments 2004, Ex 48). These records did not demonstrate any social interaction between the Turkey Hill and the historical Golden Hill.

The Howd Descendants

A predominant portion (63 percent) of the petitioner’s members, added in 1999, claimed descent from a group of Indians allegedly descended from an Indian named John Howd (sometimes Howde or Howdee). The name of his grandfather, also called John Howd, first appeared, along with the names of other Indians, on a Paugussett property deed in 1731 selling land “by the name of the Indian Hill in Derby,” located on “the east side of the Naugatuck River, near the place called the Falls” (Wojciechowski 1992, Ex. 41, 146-147). The older John Howd was born around 1710 and died between 1763 and 1792. His son probably died in the Derby or Ansonia area in 1806 at about age 70 (GHP PF 2003, D&A, 125-126; GHP Comments 2004, Supp. Vol. IIA, Ex 6, 8). State and county officials did not identify these Indians in the available evidence as Turkey Hill until 1871. Before then, they generally designated them as John Howd’s descendants or as Indians from Derby, New Haven County, Connecticut (GHP PF 2003, D&A, 125-126).

The available evidence indicated John Howd was not originally associated with the Turkey Hill Indians of Orange, but with the Paugussett proper Indians that the State had placed on the Naugatuck reservation in the part of colonial Derby now in the eastern part of the town of Seymour (Wojciechowski 1992, 56-57). This northern section of Derby was also called Chusetown or Humphreysville before it became the separate town of Seymour in 1850. The available evidence indicated that Naugatuck Indians ceased to exist as an independent entity when most of them migrated to the Indian settlement at Schaghticoke between 1785 and 1790. According to Wojciechowski, this “exodus” occurred “under the leadership of Joseph Chuse, a

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Weantinock who had come to live among the Nau-ka-tunk Indians in the late 1730's and had acquired a position of leadership there" (Wojciechowski 1992, 57).

The descendants of John Howd retained some land in this area until the early 1800's. In May 1810, a few individuals, Phillip Moses (sometimes Freeman) and Hester Freeman (sometimes Frank) of Derby, and Eli Seymour and his wife Mary of New Haven, petitioned the Connecticut General Assembly to sell 12 acres of the land in Derby. The petition classified Phillip, Hester, and Mary as the "only surviving descendants of John Howdee an Indian late of Derby" who had inherited through him a "piece of land at or near Humphreysville" in north Derby (present-day Seymour). This land was not reservation or tribal land recognized by the State but land belonging one Indian's descendants. Apparently, the land had become "wholly useless" to the inhabitants after the town laid out a road through it in 1800. The Connecticut General Assembly approved the request and appointed Joseph Riggs of Derby to sell the land (State Comments 2004, Ex. 50) with the support of the Derby selectmen (State Comments 2004, Ex. 51).

Riggs sold a portion of the property, just over two acres, belonging to "Moses, Hester & Mary and [the] other Indian proprietors," in September 1812 (State Comments 2004, Ex. 54). That same month, he sold two other portions, totaling six and one half acres (State Comments 2004, Ex. 54). With some of the proceeds, Riggs purchased four and three quarter acres in Derby in June 1813 on behalf of Phillip Moses, Hester Frank, and the children of the late Mary Seymour (State Comments 2004, Ex. 54). None of the documents outlining these transactions described these individuals as Turkey Hill Indians nor did they show social interaction between them and the historical Turkey Hill or the historical Golden Hill.

Riggs had hoped to invest the balance of the proceeds in some other fashion but died before doing so. In May 1823, the Connecticut General Assembly authorized John Beach to invest the remainder (\$160), which he did by purchasing one four-and-quarter-acre plot and a second two-acre parcel in New Haven. This transaction occurred in October 1825. A third of the investment each went to Phillip Moses or his legal representatives, Hester Frank or her legal representatives, and the late Mary Seymour's heirs. At the time, Mary Seymour's heirs, presumably only her husband, Eli Seymour, lived in New Haven, while Phillip Moses and Hester Frank lived in Derby. Thus, it appears that Beach procured the land in New Haven largely to accommodate Seymour's possible heirs (State Comments 2004, Ex. 49). None of these documents described these individuals as Turkey Hill Indians nor did they demonstrate any interaction between them and a group identified as Turkey Hill or Golden Hill.

On April 16, 1840, several Indians petitioned the Connecticut General Assembly to sell the two pieces of New Haven property. The land was not part of any tribal or reservation property recognized by the State. The petition described the petitioners as "Mehatable Moses (widow of Phillip Moses an Indian late of the Town of Derby in the county of New Haven now deceased) Joel Freeman and Nancy his wife, Roswell Moses [and] Henry Moses." These individuals were essentially closely related family members living in Derby.¹⁴ Nancy Freeman, Roswell Moses, and Henry Moses were the children of the late Phillip Moses, and, the only living people in the

¹⁴According to the petition, Mary Seymour and Hester Frank, two of the other family members associated with the 1810 petition had died and left no children (State Comments 2004, Ex. 49). It is not clear what happened to Eli Seymour, but he might have died by this time also.

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petition identified as Indians (State Comments 2004, Ex. 49). These five petitioners affixed their signatures or marks to the document.

Other evidence (see following sections of criterion 83.7(b)) shows Henry Moses (sometimes listed as having the first name Harry or the last name Phillips) had married a woman named Nancy P. Richardson sometime in the 1820's. Nancy was the daughter of Joseph Richardson, a Turkey Hill Indian presumably from the Hatchet family line, whose mother or grandmother may have been Molly Hatchet. This marriage was the only significant connection between John Howd's descendants and the Turkey Hill descendants in the available evidence. The petition documents did not describe Joel Freeman, the husband of Nancy Moses as Indian but as one of the "heirs at law" to the property. He was apparently the non-Indian spouse of Nancy Freeman. Nancy Freeman, sister-in-law of Nancy P. Richardson, was not a Turkey Hill Indian (State Comments 2004, Ex. 49). Subsequent census records showed a woman named Nancy Freeman and a man named Roswell J. Freeman lived together in Derby until the 1870's. There is no documentary evidence to indicate that the "J" stood for Joel, but the census enumerated this man as living with Nancy [Moses] Freeman in Derby for over 30 years (see following sections of criterion 83.7(b) for a more detailed discussion of these relations).

Four other individuals, James Jennings and Laura Jennings, Levi Alling and Avis Alling, who were not identified as petitioners, also affixed their signatures or marks to the document. In its petition response of May 26, 1840, the Connecticut General Assembly designated all the petition signers "as the only heirs at law" of Phillip Moses, Hester Frank, and Mary Seymour, the original owners of the New Haven property (State Comments 2004, Ex. 49). A portion of the current GHP petitioner, added in 1999, claims Turkey Hill descent indirectly through Levi Alling and Avis Alling. The available evidence does not demonstrate that descent, and these individuals were identified only as heirs at law of Phillip Moses, Hester Frank, and Mary Seymour, not as Indian or Turkey Hill Indians (State Comments 2004, Ex. 49).

The 1840 petitioners wished to sell the New Haven properties, described as "isolated" and "of little value," to acquire land in Derby, closer to where they lived. After creating a committee to investigate, the Connecticut General Assembly passed a resolution in May 1840 granting their wishes. It appointed Watrous C. Wakelee as agent, who sold the New Haven property and with the proceeds bought land in north Derby (State Comments 2004, Ex. 49; CTAG Brief 9/17/2001, Exs. 109 and 125).

None of the documents involving the 1840 transactions identified these individuals as Turkey Hill Indians. They did not show any consistent interactions or significant social relationships between John Howd's descendants and a group recorded in State documents as Turkey Hill. It is important to note that during the 1840 transactions, the town of Orange was seeking reimbursement from the Connecticut General Assembly for two indigents, Gary and Roxy Homer, listed as Turkey Hill Indians. There is no available evidence to demonstrate that John Howd's descendants knew or assisted this individual or his relatives in any manner. Nor did these documents reveal significant social or political interaction between the Howd descendants and a group identified as Golden Hill.

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The next event involving the Howd descendants and government officials occurred on April 15, 1871. On that day, five individuals, Roswell Moses, Eliza Franklin, Lavinia Breckenridge, Elizabeth Moses, and Georgianna Moses of Derby petitioned the Superior Court of New Haven County to sell “a certain piece of land located in said town of Derby.” The land was located at “a place called Turkey Hill, and in quantity about seven acres, which said land lies in and is enclosed by land known as the Whitney farm, and now owned by Sidney A. Downs of Derby” (State Comments 2004, Ex. 52 and Ex. 54). The 1871 petition described the individuals as belonging to and being “descendants and members of the tribe of Indians, formerly located in the town of Derby, and known as the Turkey Hill Indians” (State Comments 2004, Ex. 52 and Ex. 54). The PF mistakenly identified this land as the remainder of the Turkey Hill reservation in Orange. An analysis of the evidence submitted for the PF and this FD indicates that this property was actually land belonging to John Howd’s heirs. It was not part of the original Turkey Hill reservation.

It is unclear why the Superior Court of New Haven County officials listed these John Howd descendants as belonging to the Turkey Hill. The available evidence, as stated before, demonstrates the historical Turkey Hill Indians were located in Orange (formerly part of colonial Milford) and not Derby as the 1871 petition states. In addition, State and county officials had never before identified the Howd descendants as Turkey Hill in the available evidence. It is possible the 1871 petition classified these five individuals as Turkey Hill because they lived in a section of south Derby that residents had later called Turkey Hill due to its proximity to the original reservation located just across the border in Orange.¹⁵ It also appears that the

¹⁵In Orcutt and Beardsley’s 1880 history of Derby, the authors declared: “Just above Two-Mile brook, on the Whitney farm was also an Indian settlement, established there many years after the one at the spot originally called Turkey Hill. This latter place is the one more familiarly known at the present time, and for some years past, as Turkey Hill” (Orcutt and Beardsley 1880, p. liii).

In 1882, Orcutt in the *Indians of the Housatonic and Naugatuck Valleys* expressed the following about the portion of Derby known as Turkey Hill:

The place more recently known as Turkey Hill is a little way up the river from the mouth of Two Mile brook [north of the original 1680 reservation in Orange], in which place there was an Indian burying place, a few graves, and where is still the sight of the last home of Molly Hatchet, the last of the tribe there, so far as known (Orcutt 1882, 13).

He goes on to say about the original reservation:

This reservation was set apart by the town of Milford as the home of the Milford Indians who had remained in the south part of that town when Ansantaway removed into Derby, at or near the Narrows on the east side of the Housatonic. And since Ansantaway removed thither nearly twenty years before Milford appropriated this one hundred acres, it is doubtful if the Indians ever resided on any one part of the one hundred acres; they resided north of it in the town of Derby upon land owned by Maj. Ebenezer Johnson, who appears never to have disturbed them. Upon this land, they continued about one hundred and eighty years until the last of Molly Hatchet’s children disappeared (Orcutt 1882, 14).

Orcutt’s claim that no Indians lived on the Orange reservation is incorrect. There are deeds from the late 1790’s and early 1800’s clearly showing individuals identified as Turkey Hill Indians still occupying and asking to sell portions the original 1680 reservation in Milford/Orange. Leman Stone did build a house for Molly Hatchet in 1826, but it was in Orange on the last acre of the reservation reserved for the use of the Indians after its sale. It is possible that

association to “Turkey Hill” may have been based on the fact that two of the petitioners, Elizabeth and Georgianna Moses, were the only surviving children of Henry Moses, a John Howd descendant, and Nancy P. Richardson, a Turkey Hill descendant. The other three petitioners, Roswell Moses, Eliza Franklin, and Lavinia Breckenridge, had no identifiable genealogical ties in the record to the Turkey Hill. A portion of the current GHP petitioner’s membership claims Turkey Hill descent through individuals allegedly related to Eliza Franklin. Whatever the reason, the Superior Court of New Haven County officials, mistakenly or not, did categorize all of the petitioners as “descendants and members of the tribe of Indians, formerly located in the Town of Derby, and known as the Turkey Hill Indians.” Court officials, however, did not identify an actual community of Turkey Hill Indians nor did they describe any consistent interaction or significant relationships between the petitioners and a Golden Hill group.

The 1871 petition also reported “no one of said tribe resides on the same [land] and has not for more than twenty years last past.” Proceeds from the land sale were slated to be “divided between the members of said tribe and invested by the overseer” to their “advantage” (State Comments 2004, Ex. 52 and 54). The court appointed Watrous Wakelee to supervise this transaction, the first individual overseer appointed for anyone identified in the available evidence as a Turkey Hill Indian since 1839. In its May 1871 session, the court approved the land sale and division of its proceeds “in proportion” to the “individual members.” It also confirmed that no one had lived on the land in over 20 years and that these Indians were the “sole survivors” of the “tribe.” Wakelee informed the court on September 17, 1871, that he had sold¹⁶ the vacant land for \$1,000 (minus \$40 dollars for expenses).¹⁷ From the proceeds, Wakelee deposited \$720 in the Derby Savings Bank and invested the remaining \$240 in New Haven real estate. For the PF, there was no available evidence indicating how Wakelee divided the money among the surviving recipients. This marked the last time Wakelee acted on behalf of anyone identified as Turkey Hill.

The available evidence indicates the county did not appoint another overseer for anyone identified as Turkey Hill until 1909. On May 22 of that year, Nathan Phillips of New Haven, described as a “member of the tribe of Turkey Hill Indians, which tribe resides in this county,” petitioned the Superior Court of New Haven County. He urged the court to appoint an overseer because the “tribe” had “money and property” needing the “care of an overseer” (Petition of

some other Paugussett proper Indians also lived just across the border in Derby, possibly on the property of Major Johnson, whose name appeared on several deeds in the Derby area in the late 17th and early 18th centuries purchasing lands from Indians in the area (Wojciechowski 1992, Exs. 31-39, 132-141). John Howd and his early descendants originally lived in the northern section of colonial Derby at the Naugatuck reservation in what later became the eastern part of the town of Seymour.

¹⁶The deed recorded the sale date as June 19, 1871. Bank records from legal proceedings in 1909-1910 involving the transaction, however, indicate that Wakelee deposited the money from the sale in several savings accounts in a local bank on April 27, 1871. Given the available evidence, no explanation is possible regarding these discrepancies (GHP Petition 10/1/1999, Ex. 519; State Comments 2004, Ex. 54).

¹⁷It is unclear if the land sold in 1871 was the 1813 land purchased by Joseph Riggs or the 1840 land that Wakelee purchased for the Howd descendants. The 1813 purchase was for about four acres that may have been in south Derby. The 1840 purchase was for about eight acres in an area described as the north end of Derby; the 1871 sale was for about seven acres and described as being near the Whitney farm which would very likely put it in the south of Derby near Orange.

Nathan Phillips 5/22/1909, State Comments 2004, Ex. 53). Shortly before his filing, Nathan and his brother, Thomas Phillips, had discovered they had a joint account in a local bank with funds derived from the 1871 land sale. The exact details of how the brothers learned of the account are unclear, but a lawyer named E. Harriman may have encouraged them to request an overseer's services to recover the funds, which now totaled over \$1,000 in principal and interest (Harriman to Phillips 5/21/1909, 6/2/1909, State Comments 2004, Ex. 54). The court designated the petition *In re the Tribe of Turkey Hill Indians*.

Six days later, the court appointed A. McClellan Mathewson (sometimes Matthewson) of New Haven overseer of "said tribe of Turkey Hill Indians" (Order Appointing an Overseer 5/28/1909, State Comments 2004, Ex. 53). In a letter to Nathan Phillips, dated June 2, 1909, Harriman announced that Mathewson, a city judge, had obtained the post at his insistence to "secure the money in the Derby Savings Bank." Claiming that Watrous Wakelee should have deposited the money in the tribe's name in 1871, Harriman pressed Nathan Phillips and his brother to sign a letter authorizing the money's transfer to the new overseer (Harriman to Nathan Phillips 6/2/1909, State Comments 2004, Ex. 54). At the time, Harriman was also Mathewson's lawyer. The brothers apparently did not sign this document (Harriman to Nathan Phillips 6/11/1909, State Comments 2004, Ex. 54).

Mathewson, on June 7, 1909, possibly after conferring with Harriman, informed the Superior Court of New Haven County that he had conducted an investigation and discovered that Wakelee had sold land for the tribe in 1871 for \$1,000 and had never "accounted" for the money. Armed with these "findings," he asked permission to begin legal proceedings against the Wakelee estate to "recover" the money for the tribe (Application of the Overseer 6/7/1909, State Comments 2004, Ex.53).¹⁸ As evidence uncovered in the case later revealed, Mathewson's allegations were untrue. That evidence would confirm that Wakelee had sold the land and distributed the proceeds to the people associated with the 1871 sale as he had claimed.

¹⁸Four days after Mathewson's request, Harriman wrote Nathan Phillips to persuade him to transfer the money in the Derby Savings Bank to the overseer. He advised Phillips he was under no "obligation to do so," if he believed the money "belonged" to him "individually," a fact not mentioned in his earlier correspondence. Harriman then informed Phillips the bank simply wanted to ensure that the money went to the rightful owner. Harriman did not mention in this letter that he had already filed suit for Mathewson to obtain the money, and it is unclear if Nathan Phillips knew of that event (Harriman to Nathan Phillips 6/11/1909, State Comments 2004, Ex. 54).

On June 26, 1909, Harriman dispatched a letter to a Mr. Donovan in which he announced that he was now the attorney for the Derby Savings Bank, meaning that Harriman at one time or another represented all three contending parties in this legal action. Donovan apparently was now the lawyer for the Phillips brothers (an attorney named Holden actually represented them in court). Harriman explained that if the brothers wished to "assert title to this fund as against the tribe," there was "nothing for the bank to do but to bring an interpleader suit for the purpose of determining the title to this land" (Harriman to Donovan 6/26/1909, State Comments 2004, Ex. 54). Three months later, the bank did bring suit, although Harriman was no longer its lawyer once the case went to court. On October 12, 1909, Harriman wrote another letter to Donovan in which he asked if there were "any reason why a judgment of interpleader should not be entered at once," for the parties to set up a claim to the funds. In fact, the bank had already entered such a plea on September 21, 1909 (Harriman to Donovan 10/12/1909, State Comments 2004, Ex. 54).

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About one month after Mathewson submitted his request to “recover” the money for the “tribe,” he and Harriman, filed suit in the Superior Court of New Haven County against the heirs of the Wakelee family to recover the \$960 they claimed Watrous Wakelee had failed to invest in the name of the “tribe.” In the suit, Mathewson did not reveal he was simultaneously trying to obtain \$1,000 from the bank account of the Phillips brothers, which he also claimed belonged to the “tribe.” Indeed, the available evidence for this suit shows that he did not mention the Phillips brothers or their money at all. The defendant’s lawyer argued that Wakelee had used none of the money from the original land sale for his own purposes. The court dismissed Mathewson’s claim in November 1909 as insufficient and charged him \$36 in court costs. That same month Mathewson appealed the decision (*Mathewson v. Wakelee et al.* 1909, State Comments 2004, Ex. 54).

This Mathewson suit against the Wakelee estate was the only evidence available for the PF concerning the legal actions involving the “Turkey Hill tribe” in 1909-1910. In June 2002, the petitioner interpreted the suit in the following manner:

After his appointment as Overseer of the Turkey Hill Paugussett community, Matthewson filed papers in the Connecticut Supreme Court of Errors that tell the story of the Turkey Hill community following Wakelee’s sale of their land in 1871. In that same year, Wakelee reported to the court that he had received \$960 from the sale, which he claimed he had invested for the Tribe in a savings account and real estate. However, according to Matthewson, this report was false. In fact, Wakelee had never invested the money for the Tribe’s benefit, but apparently kept it for himself (GHP Narrative 6/14/2002, 5).

New evidence from the State indicates these conclusions were premature. The legal actions of 1909-1910 regarding the “Turkey Hill Indians” did not involve any entity described as a “Turkey Hill Paugussett Community.” Rather they concerned, as the following account shows, two individuals identified as descendants of a Turkey Hill group that had ceased to exist long before. Moreover, Mathewson’s actions as overseer on behalf of Nathan and Thomas Phillips now seem less than altruistic. The evidence also indicates that Wakelee was not guilty of embezzlement.

On September 21, 1909, the Derby Savings Bank interpleaded in the legal action involving Mathewson and the Phillips brothers. The bank reported that an unknown person had deposited the original money (\$170) in a joint account for the Phillips “on or before” April 27, 1871. The bank made no claim to the money but wanted to “deliver it to such person as the court shall direct.” According to the bank, both Mathewson and the Phillips brothers were threatening to sue to obtain the money. It wanted the court to release it from all liabilities regarding the money, after it had reached a decision and reimbursed it for legal fees and disbursement from the fund (*Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54).

Thomas Phillips answered the bank’s pleading in early November. He denied having threatened to sue the bank, and claimed the funds in the account belonged to him and his brother. Thomas Phillips also alleged Mathewson had become overseer without his knowledge (Answer of the Defendant, Thomas Phillips, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54). Most important, he declared the following:

[T]here is no tribe or Turkey Hill Indians now existing, and has not been any such tribe since the year 1871, and that all of the tribal property belonging to said tribe was in or about the year 1871 divided among the surviving members of said tribe in pursuance of an order of this court made at its May term (Answer of the Defendant, Thomas Phillips, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54).

Next Nathan Phillips submitted a statement in late February 1910 laying out the facts, as he knew them. He claimed in March 1871, Wakelee became overseer for the “Turkey Hill Tribe of Indians.” In April 1871, the group

consisted of Roswell Moses, (alias Roswell Phillips) and the descendants of his two brothers, Harry Phillips, (or Moses) and Scott Phillips, (or Moses). The descendants of said Harry Phillips were his daughters, Elizabeth and Georgianna Moses, and his grand-sons, Nathan and Thomas Phillips. The descendants of Scott Phillips, (or Moses) were his daughters, Eliza Franklin, and Lavinia Breckenridge (Statement of Claims of the Defendant, Nathan Phillips, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54).

According to Nathan Phillips, Wakelee sold the property in Derby belonging to these individuals on the authority of the Superior Court of New Haven County and obtained \$1,000 for investment. He deducted \$40 for disbursements and deposited in the Derby Savings Bank: \$230 for Elcazer Peck, trustee for Eliza Franklin; \$160 for Zenas Platt, trustee for Elizabeth Moses; \$160 for Zenas Platt, trustee for Georgianna Moses; \$160 in an already existing joint account for Nathan and Thomas Phillips, without benefit of trustee; and \$200 for Lavinia Breckenridge, without benefit of trustee. The remaining money he invested in New Haven real estate (of which no accounting exists) (Statement of Claims of the Defendant, Nathan Phillips, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54).

It is unclear from the available evidence why some individuals had trustees to supervise their money and some did not. Both Nathan and Thomas Phillips were children at the time. Their joint account totaled \$170.41 in April 1871. The brothers, who apparently knew nothing about the account, never made claim for the money before 1909, and neither did anyone else. According to bank statements included as part of the case’s evidence, the account for Georgianna Moses still existed in January 1910 and held \$87.61; the account for Elizabeth Moses had been fully withdrawn by March 1893; the one for Eliza Franklin by July 1871; the one for Lavinia Breckenridge by March 1895. The Phillips brothers’ account, as of January 1910, stood at \$1075.56 (Bank Account Statements, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54).

Thomas Phillips submitted another statement on February 28, 1910, similar to the one of his brother three days earlier. He added the following:

[T]here is no tribe of Turkey Hill Indians now existing and has not been any such tribe since about the year 1871, and that all the property belonging to said tribe, so

called, was on or about the year 1871 divided among the surviving members of the said tribe in pursuance of an order of this court. . . (Statement of Claims of the Defendant, Thomas Phillips, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

He also reported:

Said Indians and said Turkey Hill Indians have never existed or lived as a tribe since prior to 1871; have owned no tribal property; but they, and their descendants were and are citizens of the State of Connecticut (Statement of Claims of the Defendant, Thomas Phillips, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

His statement further claims the land sold in 1871 was “never tribal property of the Turkey Hill Indians, but was land that descended to them from their ancestor John Howdee as an Indian” (Statement of Claims of the Defendant, Thomas Phillips, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

Thomas Phillips provided another detailed statement in June 1910 to the court. According to this account, Nathan and he were 12 and 14 respectively when Wakelee deposited the money from the 1871 land sale in the bank accounts. Roswell Moses had allegedly died¹⁹ without issue during the proceedings; so, Wakelee divided the money among the descendants of his two brothers, Harry and Scott. Harry’s descendants were his daughters, Elizabeth and Georgianna Moses, and his grandsons, Nathan and Thomas Phillips. Scott’s descendants were Eliza Franklin and Lavinia Breckendridge. Both Thomas and Nathan Phillips were bound out for service at an early age after their father died or disappeared during the Civil War. Besides Nathan and Thomas Phillips, the only survivor associated with the 1871 land sale petition was their 75-year old aunt, Georgianna Moses (Brief of Defendant, Thomas Phillips, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

Thomas Phillips also noted:

It appears from the [1871] petition that none of the Indians had resided on the land in question for more than twenty years prior to 1871, and from testimony that the tribe was dispersed and scattered some living in Huntington in Fairfield county; some in Woodbury in Litchfield County; one in New Haven; and others in Derby, Orange, Milford and Ansonia; and that the members of said tribe never resided together in one place as a tribe; nor did they reside on any tribal property (Brief of Defendant, Thomas Phillips, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

His statement presented these individuals “as living as ordinary citizens in the State of Connecticut in their station in life.” In addition, it stressed that the 1871 land was not tribal land

¹⁹Roswell Moses actually died in 1876. He had five children, three of whom died well before 1871. Two others died in 1878 and 1886. The available evidence provides no answer to why the surviving two children received no funds from the 1871 land sale.

but property belonging to them as John Howd's descendants. According to Phillips, the State had never made any claim to the money in their account and neither had any other beneficiaries before 1909 (Brief of Defendant, Thomas Phillips, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

To uncover the facts, the Superior Court of New Haven County established a one-man committee, composed of James Kingsley Blake, to investigate. Blake issued his report on September 26, 1910. For the most, his account of the money distribution from the 1871 land sale echoed that of the Phillips brothers. Blake also supplied a detailed history and genealogy of the people involved in that transaction (see criterion 83.7(e)). According to Blake, Thomas Phillips was born on February 6, 1857, and his brother, Nathan, on October 20, 1858, to Robert Phillips (Moses) of Orange. After their parents died in 1862, Nathan Phillips was bound out to William B. Smith of Milford, and Thomas to Clark Platt of Orange. Subsequently Nathan Phillips lived and worked in Derby and New Haven, Connecticut except for a brief period at sea. Thomas Phillips lived at various times in Woodbury, Derby, Milford, and Oxford, Connecticut. Nathan Phillips and he had no other siblings, and were Turkey Hill descendants through their father. Apparently, all the individuals associated with the 1871 land sale, except for the Phillips brothers and their aunt, Georgianna Moses, had died. After reviewing the evidence, Blake recommended that the court transfer the money in the Derby Savings Bank to Nathan and Thomas Phillips as rightful owners of the funds (Report and Finding of James Kingsley Blake, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

One day later, Mathewson submitted a remonstrance objecting to Blake's finding. He complained that he was entitled to the proceeds of the 1871 land sale as overseer of the Turkey Hill group (Remonstrance of the Defendant, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54). On October 28, 1910, Judge Reed (the same judge as *In Re the Tribe of Turkey Hill of Indians*) objected to the committee's finding to return the money to the Phillips brothers. His mainly argued that the money was the product of a sale of land, and therefore it still belonged to the group, or more precisely to the overseer. Yet, while the judge seemed to be siding with the overseer, he also qualified:

What the overseer shall do with it [the money] is not now before the Court. It seems to me, however, that it does not follow that because he is entitled to the possession of it that he should apply it to the benefit of any of the members of said tribe other than the defendants Thomas and Nathan, or their descendants.

He then quoted from the original 1871 court instructions to Wakelee that the money be divided "in proportion" among the individuals of the tribe. Reed declared that "under this order the overseer apparently distributed to such member of the his, her or their share in severalty." Since all the others of the 1871 land sale petition had gotten their shares, they were not entitled to the brother's shares. Therefore, while the overseer may have been "entitled to the possession of the fund," he had to "use the same as the statute provided, for the best interest of these Indians, these defendants, and their descendants" (Memorandum on Decision on Remonstrance, *Derby Savings Bank 1909-1910*, State Comments 2004, Ex. 54).

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Judge Reed issued his final judgment *in Derby Savings Bank* case on November 4, 1910. He directed that the overseer receive 160/170 of the original deposit and interest in the savings account. Nathan and Thomas Phillips were entitled to 10/170. The bank was to receive \$50 in legal fees and costs, plus \$18.81 for some kind of tax. Mathewson had occurred legal expenses of \$100, while the Phillips had incurred costs of \$218.99. The judge ordered the fees paid out of the account (Final Judgment, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54). Nathan and Thomas Phillips appealed this decision on November 12, 1910, and asked the court to turn over the remaining money to them (Notice of Appeal, *Derby Savings Bank* 1909-1910, State Comments 2004, Ex. 54).

Two weeks later, Judge Reed acceded to the brothers' wishes as part of *In Re the Tribe of Turkey Hill Indians*. He provided Mathewson an allowance of \$151.91 and legal expenses of \$100 for his previous litigation against the Wakelee estate. Reed also advised him that it was "inexpedient" to pursue any further legal action in that case. He then authorized Mathewson to remand the funds in the Derby Savings Bank account to Nathan and Thomas Phillips. As justification, Reed pointed out that Wakelee had authorization in 1871 to expend the fund for the "necessities" of the tribe, and had given the other members of the group their "full share." Nathan and Thomas Phillips were now "in need of the money" the overseer had for "their support." Therefore, he charged Mathewson to give the men equal shares and to file his "final account and application for discharge." The court found that "said tribe of Turkey Hill Indians" had "ceased to exist as an organized body" and that its "members" were "now living and acting as free and independent citizens of this State" (Order Granting the Application, *In Re the Tribe of Turkey Hill Indians*, State Comments 2004, Ex. 53).

Mathewson filed his final report as overseer in December 1910. According to his accounting, there was now \$667.74 in the Derby Savings Bank for Nathan and Thomas Phillips, after deducting expenses granted in the Derby Savings Bank interpleading. From the balance, Mathewson received \$251.91 for fees and expenses; Nathan Phillips collected \$207.91 and Thomas Phillips \$207.92, out of an original amount of just over \$1,000. Mathewson also declared he knew "of no other tangible property or choses in action of any value belonging to said tribe, and that said tribe" had "been reduced to a small number of individuals who no longer maintain any tribal relation with each other, but live as independent citizens." He then asked the court to discharge him from his duties (Report and Final Account, *In Re the Tribe of Turkey Hill Indians*, State Comments 2004, Ex. 53).

Mathewson had served as overseer for just over 18 months, largely the extent of the legal proceedings. He did not interact with any other individuals from a Turkey Hill group other than the Phillips brothers. The evidence from these legal actions confirms the Turkey Hill group had ceased to exist long before. There is no available evidence to demonstrate that any court, State, or county official from Connecticut ever assigned another overseer to a Turkey Hill group or individuals, or that the State ever again had dealings with a Turkey Hill group or individuals after 1910. Most important, there was no evidence in the available court records from 1909-1910 that showed interaction between Nathan and Thomas Phillips and a Golden Hill group or individuals.

Conclusion of the Analysis of the Turkey Hill Indians

The historical, State-recognized Turkey Hill Indians ceased to exist socially and politically as an Indian community around 1825-1826, after the sale of their reservation in Orange, Connecticut. The available evidence indicates Connecticut did not later maintain a continuous relationship or a State-recognized reservation with a Turkey Hill group. Afterwards, the State dealt only sporadically with individuals identified in State documents as Turkey Hill descendants. There is no available evidence in the State records to show the historical Turkey Hill had any significant social or political interactions with a Golden Hill group, or that the State ever recognized a combined Turkey Hill and Golden Hill entity.

After 1839, the State appointed individual overseers to supervise land sales and money belonging to individuals it identified as Turkey Hill Indians in only two instances—once in 1871 and then again in 1909-1910. In both cases, the State dealt with only a few closely related individuals who claimed descent from an Indian named John Howd. The available evidence indicated the State did not identify these people as Turkey Hill Indians before 1871. The land owned by these individuals was not tribal land or part of a State-recognized reservation, but land belonging only to one Indian's claimed descendants. The available evidence did not show that John Howd's descendants had significant social or political interactions with a Golden Hill group. Nor did it demonstrate these individuals had ever maintained any significant interactions with the historical Turkey Hill group from Orange, Connecticut that had ceased to exist as an entity in 1825-1826. Thus, the activities of individuals identified in State documents as Turkey Hill Indians from 1791 to 1910 do not demonstrate community (criterion 83.7(b)) or political influence (criterion 83.7(c)) for a Golden Hill entity during those years.

Historical Analysis and Conclusion Regarding the 19th Century "Little Liberia" Community in the South End of Bridgeport

The GHP petitioner claimed the following:

In the period since the OFA issued its Proposed Findings, petitioner has conducted extensive research on its historic activities in Western and Southern Connecticut. Petitioner's most important discovery is the existence of a village, founded in 1821, which reveals a tribal society comprised of Indians from both the Golden Hill and Turkey Hill reservation. Survival of the Paugussett Tribe, Supp. Vol. I, Ex. 3, is a report conducted by Charles Brilvitch of events involving Petitioner's predecessors during the Nineteenth Century (GHP Comments 2004, Narrative, 6).

Petitioner further stated:

Brilvitch's Survival of the Paugussett Tribe . . . not only shows the close connection between those members from Golden Hill and Turkey Hill in the founding of the long-standing community of Ethiope (later, Liberia) but also demonstrates the continued existence of that distinct community throughout much of the Nineteenth Century. Brilvitch's carefully documented history fully rebuts the OFA's proposed finding that the "fragmentation of the group enumerated in

the 1823 census was completed by 1849, and by that time the Golden Hill as a tribal entity had ceased to exist.” Instead, we find ample evidence of a vibrant community lasting long after the purported demise of the Tribe, as proposed in the OFA’s preliminary finding (GHP Comments 2004, Narrative, 12).

These claims were inaccurate and not demonstrated by the available evidence as described below. An analysis of documents obtained from the Bridgeport Public Library on this “Little Liberia” community and of the Brilvitch report indicates this was not a “tribal society comprised of Indians from both the Golden Hill and Turkey Hill reservation,” but a community consistently identified by knowledgeable outside sources and its residents as an African American neighborhood.

Before discussing the GHP report, it is important to repeat that the GHP petitioner has not demonstrated social or political interaction between the historical Golden Hill and the historical Turkey Hill during the colonial period. The available evidence demonstrates that the State treated these groups and their State-recognized reservations as separate entities. In addition, the petitioner’s use and definition of the term “Paugussett” is quite broad. So broad it has allowed it to include as components of the “Golden Hill Paugussetts” groups never identified by the State as part of the recognized Golden Hill group, including the Turkey Hill, the Schaghticoke, John Howd’s descendants, and, as in its residency analysis and report, individuals who were non-Indian.

GHP through its report claimed the “origins of the Paugussett community at [the south end] of Bridgeport can be traced back to 1820” when a “Paugussett ingathering” from the rural areas around the town occurred (GHP Comments, Vol. 1, Ex. 3, 4).²⁰ GHP contended that this “ingathering” was the result of the forces of urban development acting upon and apparently uprooting the “Paugussetts” in the region (GHP Comments, Vol. 1, Ex. 3, 2-4). This interpretation of the “Little Liberia” settlement contradicts other statements that the GHP researcher, formerly the Bridgeport city historian, Charles Brilvitch expressed both in recent newspaper articles and in a document he prepared for the National Register of Historic Places (NRHP) concerning two historic buildings in the area. In those public statements, he described neither the founding nor the existence of a socially distinct “Paugussett” community in Bridgeport’s south end, but an African American one with characteristics like many similar neighborhoods in the north.

In his February 1999 submission to the NRHP, Brilvitch claimed the

founding of ‘Little Liberia’ coincided with the emergence of similar communities in other urban centers of the northern states. The 1830’s was a time when northern blacks, almost all freed from the bonds of slavery, started to vacate isolated rural areas and to gather in central communities for mutual support and social betterment (other Connecticut examples are Trowbridge Square in New Haven and Jail Hill in Norwich). The origin of the name, based strictly on the oral tradition for these settlements, is unclear, although “Liberia” or [*sic*] “Little Liberia” were common names for these settlements, whose *inhabitants identified*

²⁰Bridgeport separated from Stratford, Connecticut, and became an independent town in June 1821.

strongly with the new African nation established for freed American slaves. As with most such communities, the catalyst for the establishment of Bridgeport's 'Little Liberia' seems to have been the organization of an African Methodist Episcopal Church (NRHP 2/1999, Sec. 8, 1; emphasis added).

In a May 1999 article from an unidentified magazine, he employed almost identical language to describe the community. He explained that the "founding of 'Little Liberia' here coincided with the emergence of similar communities in other urban centers in northern states. The 1830's was a time when northern blacks, almost all freed from the bonds of slavery, started to vacate isolated rural areas and to gather in central communities for mutual support and social betterment." He added that "'Liberia' or 'Little Liberia' were common names for these settlements, whose inhabitants identified strongly with the new African nation established for free American slaves. Like other such communities, the catalyst for the establishment of Bridgeport's 'Little Liberia' seems to have been the organization of an African Methodist Episcopal (AME) Church" (Unidentified magazine article 5/1999). Brilvitch has portrayed this African American community in similar fashion in newspaper articles as well (*Bridgeport Post* 2/24/1992; *Connecticut Post* 2/21/1998).²¹

Other knowledgeable sources have echoed Brilvitch's earlier comments on this African-American community. Mary Witkowski, head of historical records at the Bridgeport Library, in a 1998 newspaper article that quoted both her and Brilvitch, identified "Little Liberia" as the "earliest African-American community in the city" (*Connecticut Post* 2/21/1998). Other newspaper articles on "Little Liberia" describe the community in like terms (*Bridgeport News* 7/23/1998; *Connecticut Post* 4/23/1998, 4/25/1998, 5/6/1998, 10/13/1998, 10/21/1998, 12/6/1998; *New York Times* 6/14/1998). Thus, an analysis of the GHP report and other evidence indicates that the "Little Liberia" community in Bridgeport during the 19th century was not a "Paugussett" community founded by or for "Paugussett" Indians.

In its report, GHP, through Brilvitch now maintained the "Paugussett community" in Bridgeport's south end began in April 1821, when two men who "appear to be associated with the Paugussett Tribe" bought some property in that area. These men were Jacob Freeman and John Feeley. According to the GHP petitioner's researcher, Jacob Freeman was "thought to be associated with the Paugussett Freeman family of Derby and Orange." GHP claimed that Feeley was Jacob Freeman's brother-in-law (GHP Comments 2004, Vol. 1, Ex. 3, 4). GHP did not provide any documentary evidence in which these individuals were recorded as "Paugussett," "Golden Hill," or "Turkey Hill." The lack of such identifications is found throughout the report. The GHP petitioner's researcher designated many people as "Paugussett" simply because they shared a similar name with or lived near someone else also presumed to be "Paugussett" (GHP Comments 2004, Vol. 1, Ex. 3, 4-5). In many instances, the GHP petitioner's researcher repeatedly describes people with vague and inexact terminology. For example, individuals were portrayed as "likely another member of the Paugussett Tribe," "likely Paugussett," "possibly a relative of," "thought to be a member of," "likely Paugussetts all," "known or likely Native American," "these women all have likely connections to the Paugussett tribe," and "all these men

²¹In one article, however, he adopted a somewhat different argument on the founding of the community when he contended that "Little Liberia" was "formed in the mid-1800's when some local progressive white citizens wanted to prove that blacks could be good homeowners and sold them property" (*Bridgeport News* 5/7/1998).

are thought to be Native Americans” (GHP Comments 2004, Vol. 1, Ex. 3, 5, 8, 11, 17-19, 23-24, 35; many similar references exist throughout the report).

The supporting documentation GHP provided for its report did not justify the identification of this community or its inhabitants as Paugussett or Indian. GHP submitted 59 attachments of copies of or references to primary or secondary documents to support this thesis that a “Paugussett” community existed in the Bridgeport’s south end during the 19th century. Of these 59 attachments, only 9 contained references to 14 specific individuals identified as Indian, only two of whom lived in Bridgeport during the 19th century when identified.²² Only one document is from the State, and it describes only three individuals as Indians from the Derby and New Haven areas.²³ None of the attachments is a primary document in which a specific person was listed as a Golden Hill or Turkey Hill Indian. Just one 1886 secondary document, a previously submitted newspaper obituary for William Sherman, depicted an individual as a Golden Hill, but he lived in Trumbull. None identified a “Golden Hill Paugussett” community in Bridgeport’s south end after the 1820’s.

According to the GHP petitioner’s researcher, a man named Joel Freeman (1793-1865) “reportedly came to Bridgeport in 1828 from Derby,” bought some property, and settled in the south end community. Before 1828, this Joel Freeman “worked as a sailor on a West Indian Schooner” (GHP Comments 2004, Vol. 1, Ex. 3, 5-6). The GHP petitioner’s researcher upholds this Joel Freeman as the “linchpin in the development of the South End Community” and “a known Paugussett,” mainly because he was one of the petitioners “for the sale of land at Beaver Hill in 1840 as one of the heirs of John Howd” (GHP Comments 2004, Vol. 1, Ex. 3, 6).

These claims are problematic. First, the 1840 petition, as described earlier, did not identify the Joel Freeman petitioner as a “Paugussett,” Golden Hill, Turkey Hill, or Indian. In fact, the petition described only Nancy Freeman, Joel Freeman’s wife, and her brothers, Henry and Roswell Moses as Indian, but without specific tribal affiliation. These three people were the children of the late Phillip Moses, who descended from an Indian named John Howd. Each had claims to a piece of property once owned partly by their father. The Connecticut General Assembly’s response to the original petition listed Joel Freeman only as one of the “heirs at law” to the piece of property. These references suggest that the Joel Freeman on the 1840 petition was the non-Indian spouse of Nancy Freeman. The people mentioned on the 1840 petition also did not comprise an Indian community; rather, they were closely related individuals who no longer lived in tribal relations. The Connecticut General Assembly did not recognize them as having a tribal affiliation in the 1840 petition.

Second, the GHP petitioner’s researcher provided evidence in both its report and other writings on “Little Liberia” that indicate the Joel Freeman of Bridgeport he describes was not an Indian. In the petition report, for example, he portrays Freeman as the “eldest son of Timothy (1761-

²²See attachment 4 in Bilvitch report. The attachment describes a reference to a Bridgeport death certificate the petitioner’s researcher did not submit. It states “two infants Hodge died March 7, 1872, age 5 and 10 minutes race ‘red’ parents Homer and Mary” (GHP Comments 2004, Vol. 1, Ex. 3, Attachment 4). The petitioner’s researcher did not identify Homer and Mary Hodge or their connection to the GHP or the Turkey Hill.

²³This is the 1840 petition discussed elsewhere in criterion 83.7(b). Other than these three individuals, everyone else in this petition was described as an “heir-at-law.”

1841) and Sebina Freeman (1766-1843)” of Derby (GHP Comments 2004, Vol. 1, Ex. 3, 6). Joel Freeman, according to the petitioner’s researcher, had two sisters, Mary and Eliza Freeman. Yet, the 1883 death notice for Mary Freeman, extract of which the GHP petitioner’s researcher provided, states that she was “born in Ansonia in 1805, of slave parents who were brought to this state and set free” (GHP Comments 2004, Vol. 1, Ex. 3, Attachment 39). This obituary suggested that the Joel Freeman described in this report was an African American, the child of former slaves from outside the region, and not a “Paugussett” Indian.

In his 1999 submission to the NRHP, Brilvitch depicted Joel Freeman and his family in this manner:

The Freeman family came from Derby, located 13 miles inland northeast of Bridgeport. Derby seems to have been something of a center for the state’s African American population at this time, as it was the seat of the Black Governor’s of Connecticut from about 1800 to 1850. (Black Governors, comparable to “kings” in Royal provinces, led the African American population and enforced order in the counties of British North America and the states in the Early Republic. They were elected annually by slaves and black freedmen.) Derby’s lands, however, tended to be steep and rocky, with rather limited agricultural potential. Parents Timothy Freeman (1761-1841) and Sebina Freeman (1766-1843) owned land at the “North End” of Derby Village totaling 12 acres that constituted the “rock house lot.” Their children, Joel, Eliza, Mary, and Franklin all left home to seek their fortunes in more promising urban centers.

Joel Freeman (1793-1865) was the first African American to purchase land at what would later become Little Liberia, securing a lot from David Curtis for \$95.12 on September 21, 1831. He subsequently purchased a vacant shop building from Rufus Shepard for \$30 and moved it to the site (NRHP 2/1999, Sec. 8, 1-2).

Nowhere in the NRHP document submitted to validate the historic authenticity of two pieces of property, did Brilvitch identify this Joel Freeman as a “Paugussett” or Indian.

Third, there is some doubt that the Joel Freeman of Bridgeport in GHP’s report was even the same Joel Freeman listed on the 1840 petition. The GHP petitioner’s researcher stated, for example, that the Joel Freeman of Bridgeport was first married “to Nancy Phillips (1808-1850), a daughter of Phillip Moses (known Paugussett) and probably a cousin” (GHP Comments 2004, Vol. 1, Ex. 3, 8-9). According to the GHP petitioner’s researcher, this Nancy (Phillips) Freeman lived in Derby all her life. GHP stated that the Freeman in this report married a second time to a woman named Chloe. Census data, however, show that the Nancy (Phillips) Freeman of Derby lived with a Roswell J. Freeman in the same Derby household until the 1870’s (see following sections of criterion 83.7(b) for more detail of these relations).

Some of the confusion over who was Joel Freeman originated in conflicting data from the GHP petitioner’s researchers. In its report, GHP claimed that the Joel Freeman arrived in Bridgeport in 1828, and apparently remained there until he died. Another GHP petitioner researcher offered

a different account of Joel Freeman's residency in GHP's 2004 genealogical report, which he developed with the aid of other GHP petitioner researchers. Citing census records, GHP had Joel Freeman living in Derby until 1840, appearing on both the Derby and Bridgeport censuses in 1840, and being with his new wife in Bridgeport in 1850. These differing versions suggest either there were two individuals named Joel Freeman, or that the Joel Freeman of Bridgeport described by the GHP petitioner's researchers did not move permanently to Bridgeport until 1850, which would suggest he played only a limited role in the development of this African American community. In addition, the two GHP petitioner researchers provided completely different death dates for his first wife, separated by 16 years. One GHP petitioner researchers had Nancy Freeman dying in 1866, while Brilvitch records 1850 (GHP Comments 2004, Vol. IIA, Ex. 4, 7-8; GHP Comments 2004, Vol. 1, Ex. 3, 8-9).

The GHP petitioner's researcher also described the Joel Freeman as a "founding trustee of Zion Church" and as a "petitioner to the Connecticut General Assembly for funds to organize a school for the community's children." GHP further contended that this Joel Freeman "served in positions of trust throughout the Bridgeport portion of his life, such as being an executor of the estates of deceased community residents" (GHP Comments 2004, Vol. 1, Ex. 3, 6). The GHP petitioner's researcher implied but did not infer that such activities constituted political influence or authority in a "Paugussett" community.

The available evidence did not support either the implication or the inference. For example, the evidence in the record revealed that the Zion Church (actually the African Methodist Episcopal Zion Church) founded by Joel Freeman and others in 1835 was not an Indian institution. A 1992 newspaper article from the *Bridgeport Post* described the church's neighborhood and creation in the following manner:

Before Bridgeport was incorporated in 1836, slaves were concentrated in the lower eastern and western parts of the city, then sections of Stratford and Fairfield. The town of Stratford at this time also had a "significant number of slaves engaged in many cases as mariners on ships," said [State historian Christopher] Collier.

But by 1850, a city census indicates that many of Little Liberia's residents were domestics and laborers, said [Bridgeport city historian Charles] Brilvitch.

Around 1831, the area that would become the [Little Liberia] settlement was owned by an abolitionist named Samuel Whiting. He sold lots to blacks, two of which were used to build the North African Episcopal Church and the South African Episcopal Church (*Bridgeport Post* 2/24/1992).

In July 1998, the *Bridgeport News* gave a detailed account of the history of the Walters African-American Methodist Episcopal Zion Church in Bridgeport, which had evolved from the original AME Zion Church. The article quoted the church's pastor, Timothy Howard, and Charles Brilvitch. According to the article, "Little Liberia was made up of free African-Americans, former slaves and their descendants and migrants from the South." Pastor Howard reflected that the "early church movement" among African Americans in the area "began in New York City in

1796 where a group had formed a congregation. Some people went north and some settled in Bridgeport.” Apparently, other African Americans from the New York area, eager to establish their own churches free of white control heard “about the movement in New England” and migrated to places like New Haven and Bridgeport to establish their own congregations (*Bridgeport News* 7/23/1998).

In the unidentified May 1999 magazine article previously cited, Brilvitch voiced the following regarding the “Little Liberia” settlement and establishment of the church. He reported that “Liberia” or “Little Liberia” were “common names for these [African American] settlements, whose inhabitants identified strongly with the new African nation established for free American slaves. As with most such communities, the catalyst for the establishment of Bridgeport’s ‘Little Liberia’ seems to have been the organization of an African Methodist Episcopal (AME) church” (Unidentified Article 5/1999). In this article, he did not indicate that “Paugussetts” founded or controlled this church.

In his 1999 submission to the NRHP, Brilvitch described the founding of the AME Zion church by partly quoting from an April 1928 *Bridgeport Post* article on its organization:

‘A band of Negroes inhabiting the farms and woods around the embryo town of Bridgeport met one summer evening under the shadow of a great elm that stood where the public library is now situated. This huge tree constituted a sort of open air forum for the Negroes who were wont to meet under its spreading branches, hold divine services, and discuss the general situation.’ Joel Freeman must have been a man of influence in this community, as the church purchased land close by his town lot on June 17, 1835, and his name is listed first among three trustees of the organization. The church cornerstone was laid on July 5, 1835. That Joel was trusted by members of his peer group is evidenced by the number of his times in the remainder of his life he was called upon to serve in positions of import, such as executor of the estates of deceased church members (NRHP 2/1999, Sec. 8, 2).

The GHP petitioner’s researcher did not suggest that “Paugussetts” established or dominated this church, or that this Joel Freeman was a “Paugussett.”

Brilvitch also claimed that the original AME Zion Church split into two factions “along ethnic lines” in 1843 over “differences in worship and cultural traditions” (GHP Comments 2004, Vol. I, Ex. 3, 19). According to the petitioner’s researcher, “African Americans with roots in the south affiliated with the new Bethel church . . . while those from Connecticut and New York State with known or likely native American connections remained with the Zion Church” (GHP Comments 2004, Vol. I, Ex. 3, 19). Brilvitch provided no evidence for these claims. In his 1999 NRHP submission, he maintained the split simply occurred over a “doctrinal dispute” rather than an “ethnic” split over differences in worship and cultural traditions (NRHP 2/1999, Sec.8, 2).

The available evidence likewise does not demonstrate the school this Joel Freeman helped to establish in 1845 was a “Paugussett” institution. The GHP petitioner’s researcher did not provide a copy of the 1841 petition to the General Assembly for the school’s funding, and although he suggested the unnamed signers were part of a “Paugussett” community, he provided

no substantive evidence to support this contention.²⁴ The 1845 deed for the property described it as a school for “colored children.” It is unclear why members of a “vibrant” “Paugussett” community, 24 years after its “establishment,” would not have identified this school as Indian (GHP Comments 2004, Narrative, 12). Joel Freeman’s name was not on the deed. Six purchasers’ names appeared on the deed, none of whom the petitioner’s researcher identified. They included Stephen Hawley, Sherwood Sterling, Jane Sterling, Caroline Hawley, Matilda Fayerweather, and J. S. Fayerweather. The document did not identify them as Indian. There is no available evidence to indicate that the children who attended this school were predominately “Paugussett” or Indian. The evidence does not demonstrate that the school’s creation constituted an act of political influence or authority by an identifiable Indian group (GHP Comments 2004, Vol. I, Ex. 3, 7-8; also attachment 19). Moreover, there is no available evidence that a Golden Hill, Turkey Hill, “Paugussett,” or any other Indian group recognized that this Joel Freeman as leader of any Indian community. Nor does the record show outside observers designating him as such a leader.

GHP also tried to establish a connection between William Sherman, from whom a portion of the petitioner claims descent, and the Joel Freeman of its report. Yet, this argument is speculative and not demonstrated by the available evidence. According to the GHP petitioner’s researcher, a man named Rensselaer Pease rented part of a house in which this Joel Freeman lived in 1855. He describes Pease as a “known Paugussett” engaged in a boat building business with a man called Rueben Carr, a “likely Paugussett.” The GHP petitioner’s researcher stated “it may well be” that William Sherman, whom the petitioner now claims was Rensselaer Pease’s son, “resided for a time with the man presumed to be his father in Joel Freeman’s house” (GHP Comments Vol. I, Ex. 3, 8). The evidence, however, does not demonstrate that William Sherman was Rensselaer Pease’s son, or a resident of any home in which Pease lived (see criterion 83.7(e) and following sections of criterion 83.7(b)). Even if William Sherman was his son and did reside for a time in the Bridgeport rental property owned by Joel Freeman, this fact did not demonstrate significant social interaction in an alleged “Paugussett” community.

The GHP petitioner’s researcher further hypothesizes the inhabitants of the so-called “Paugussett” community in Bridgeport’s south end may have had a “collective memory” that some land which “adjoined” the neighborhood was “an ancient summer gathering place” for Native Americans. As evidence, GHP cited a newspaper article from 1885, 20 years after Joel Freeman’s death, and 64 years after the claimed community’s founding, which heralded the discovery of an “expansive burial ground” on the site. GHP next quoted a portion of Orcutt’s 1880 Derby history describing some “Paugussett” Indians who had “removed from Milford to Turkey Hill, Paugussett, Potatuck, or Newton” and “went back yearly to Milford to catch and dry oysters.” It is unclear how this earlier article pertained to the 1885 archeological site in Bridgeport. Finally, the GHP petitioner’s researcher quotes from a 1941 archeological journal article that detailed a “pre-contact” village workmen had uncovered when excavating a seawall at Seaside Park, claimed to be close to Joel Freeman’s house. None of this evidence

²⁴One of the GHP petitioner’s other researchers, in a separate 2003 genealogical report, listed the signers as John Johnson, Simeon Dixon, Thomas Burton, William Allen, Nathaniel Judd, Alson B. Franks, Rufus Green, James Curry, John Feeley, Richard Nayles, and Philander Pitts. But the researcher also stated that “a number of these” were “currently under investigation for Native American Roots” (GHP Comments 2004, Vol. IIA, Ex. 4, 7). It is unclear what the results of that investigation, if any, were, as they do not appear in 2004 comments.

demonstrated the existence of the collective memory that the GHP petitioner's researcher implied. Connecticut contains Native American archeological sites in both rural and urban areas in which whites, blacks, and Indians lived. Building or living on or near them would not constitute the actions of a collective memory by a people (GHP Comments 2004, Vol. I, Ex. 3, 9-10).

The GHP petitioner also attempted to show a connection between an Indian family by the surname of Mack in Derby wiped out by smallpox in 1833 and the Bridgeport "Paugussett" community. GHP suggested "incidents" like the smallpox outbreak "created a resolve within the Bridgeport community . . . to put an end to their collective powerlessness and to pursue material prosperity on the white man's terms—through the ownership of real estate and the establishment of viable businesses" (GHP Comments 2004, Vol. I, Ex. 3, 14). The GHP petitioner's researcher provided no evidence for this claim. There is no available evidence to suggest that the people of "Little Liberia" in Bridgeport identified in GHP's report knew about the smallpox outbreak in Derby. The 20th century newspaper article GHP cited to describe the event, which relied on Orcutt's 19th century history of Derby, gave no evidence to support this contention (GHP Comments 2004, Vol. I, Ex. 3, 13-14).

The GHP petitioner's researcher devoted several pages discussing Joel Freeman's sisters, Mary Freeman (1815-1883) and Eliza Freeman (1805-1862) whom he identified as "established Paugussett" because of the relationship to their brother (GHP Comments 2004, Vol. I, Ex. 3, 22). As discussed earlier, the available evidence did not show the Joel Freeman of this report was Indian or "Paugussett." Therefore, his sisters were not "established Paugussetts." In fact, this Joel Freeman's sister's obituary cited above stated that the parents were slaves brought to Ansonia and freed.

According to GHP, Mary and Eliza Freeman lived in Derby until 1843. The sisters bought property on adjoining lots in Bridgeport's south end in 1848. Yet, they did not remain in that neighborhood; rather they lived and worked in New York City for several years, while renting their homes in Bridgeport. Eliza Freeman returned to Bridgeport in 1855 and died in 1862. Mary Freeman came back to Bridgeport sometime before her sister's death. She died in 1883. It is unclear how the activities of these sisters could have played a significant part in an alleged "Paugussett" community, when for most of their lives they lived and worked elsewhere. Moreover, the GHP petitioner's researcher presented no evidence that their activities after returning to Bridgeport, which mainly involved real estate investment, constituted efforts on behalf of an identifiable Golden Hill, "Paugussett," or Indian community (GHP Comments 2004, Vol. I, Ex. 3, 22-24).

Evidence from the Bridgeport Public Library indicates that these women were not Indian. For example, there are many newspaper reports applauding efforts in the late 1990's to enroll the homes of these two women on the NRHP. Many of these contained commentary by Charles Brilvitch, one of the prime movers behind the effort and author of the 1999 application for the NRHP. None identified Mary or Eliza Freeman as Golden Hill, Turkey Hill, "Paugussett," or Indian (*Bridgeport News*, 7/23/1998; *Connecticut Post* 2/21/1998, 4/23/1998, 4/25/1998, 5/6/1998, 10/13/1998, 10/21/1998, 12/6/1998; Unidentified Magazine 5/1999). Furthermore, Brilvitch in his application did not describe Mary and Eliza Freeman as Golden Hill, Turkey

Hill, “Paugussett,” or Indian. Instead, he portrayed them “as women and as African Americans in 19th century society” who overcame “significant obstacles” (NRHP 2/1999, Sec. 8, 6).²⁵

The GHP petitioner researcher also speculated that in 1842, overseer Smith Tweedy bought land in Trumbull, described here as a “reservation,” for two Golden Hill Indians, Ruby Sherman and Nancy Sharpe, as part of a possible “Brook Farm” experiment to help indigent Indians. GHP theorized, without supporting evidence, that Tweedy “may have been intrigued by the Brook Farm underway in Massachusetts that same year.” Apparently, Tweedy “hoped that the welfare clients in his charges could, through communal effort at ‘healthy’ farm labor, become productive members of society like their brethren in the city just to the south [in the claimed “Paugussett” community in Bridgeport]” (Golden Hill Response 2004, Vol. I, Ex. 3, 26).

The GHP petitioner’s researcher imputed a purpose and social organization to the residents of this small plot of land not demonstrated by the available evidence. As a “utopian experiment” in cooperative living and working among middle-class New England Transcendentalists, Brook Farm seemed to provide a poor model for supervising Indian “welfare clients.” Besides, the available documentary record shows that Tweedy was not the driving force behind the Trumbull land purchase. The Connecticut General Assembly bought the property for Ruby Sherman and Nancy Sharp after they petitioned it to arrange for the purchase of some land with money from the Golden Hill fund. Fairfield County appointed Tweedy overseer to supervise the property as required by State law, not because he had expressed a desire to recreate a Brook Farm experiment for Indians (See CT State Brief 9/17/2001, Ex. 83). This land was only for two women and their children, and not a State recognized reservation for an identifiable Indian community. Tweedy’s overseer records (1836-1839) contained only one reference to the women, stating he had paid about \$150 to them over three years. In 1846, Tweedy even objected to the women’s petition for money to build a barn. There was no evidence in the record to indicate that Tweedy was the benevolent founder of a rural utopia for Indians (GHP Comments 2004, Vol. I, Ex. 3, 26-27; GHP PF 2003, D&A, 41-42). Nor did the evidence show any significant social or political interaction between these individuals and the claimed “Paugussett” community in Bridgeport.

The GHP petitioner’s researcher contended that this “new reservation endeavor” failed, as expressed by outside observers, because of “indolence, drunkenness, and debauchery, culminating in the destruction by arson of an almost new barn.” There was no evidence in the record for these claims. Tweedy filed no reports between 1839 and 1849, but in the latter year, he submitted a petition to the Connecticut General Assembly asking to sell the property. In this petition, he mentioned only that one of the residents had burned down the barn and that others were cutting down valuable timber. He gave no description of any suggested lurid behavior like that evoked by the GHP petitioner’s researcher (GHP Comments 2004, Vol. III, Ex. 125). There was also no evidence in the record that the new overseer, Dwight Morris “put and end” to any Brook Farm “experiment” in 1854, as the GHP petitioner’s researcher claimed, when Morris sold the land (GHP PF 2003, D&A, 41-42; GHP Comments 2004, Vol. I, Ex. 3, 26-27).

²⁵In the GHP report, Brilvitch commented that the two homes of these women are “enrolled today in the National Register of Historic Places (in which, however, the women are erroneously described as African Americans, a result of a mistaken assumption regarding the word ‘colored’)” (GHP Comments 2004, Vol. I, Ex. 3, 22). Brilvitch was the author of that “mistaken assumption” in the official application to the NRHP.

GHP also speculated about William Sherman's motives for buying land in the Nichols farm section of Trumbull in the 1870's. According to the GHP petitioner's researcher, it must "have been obvious to William [Sherman] that the tribal community in Bridgeport that had survived was under cultural assault on all sides." GHP further claimed that the "founders of the Paugussett community had mostly passed from the scene . . . and a new generation was becoming numerically engulfed by the mass of African-American migrants from the South." As the "tight bonds that had held the community together" began "slowly dissolving," Sherman "may have looked upon consternation on the materialism of city life and the turning from the old ways" and decided to purchase a quarter-acre plot in rural Trumbull to reestablish a land base (GHP Comments 2004, Vol. I, Ex. 3, 37). Shortly after Sherman bought the Trumbull land, the GHP petitioner's researcher claimed that Sherman's presence "clearly" engendered a "second tribal ingathering and evolution of a 'Reservation community' in the Nichols Farm area of Trumbull." Supposedly, other "tribal relatives" came from across Connecticut to be near Sherman, although the GHP petitioner's researcher, using the 1880 census as evidence, specifically identified only the families of George and Truman Bradley, who were Schaghticoke Indians rather than Golden Hill (GHP Comments 2004, Vol. I, Ex. 3, 37-38; see following sections of criterion 83.7(b) for more discussion of the Bradley family).

All these claims are problematic. There is no available evidence to support the claim that the Nichols Farm area was a reservation community during William Sherman's residency. The record contains no suggestion of William Sherman's motives for purchasing the Trumbull land. Nor did the GHP petitioner's researcher supply evidence to explain how or why William Sherman obtained a position of leadership from any members of the claimed "Paugussett" community in Bridgeport to restore a land base in Trumbull. The GHP petitioner's researcher also offered no evidence to support its hypothesis that the core of a claimed Indian community would or could migrate from the country to the city and back within such a short time. Finally, GHP did not adequately explain why most of the members of the claimed Bridgeport "Paugussett" community did not relocate with or near William Sherman, or provide him financial assistance to purchase a larger land base. Mary Freeman, for example, was still alive when William Sherman moved to and later purchased land in Trumbull. According to the GHP petitioner's researcher, she was a wealthy and well-respected member of the claimed "Paugussett" community, which suggested she had the means and will to provide such help (GHP Comments 2004, Vol. I, Ex. 3, 22-24). Yet, there is no available evidence to show that she ever interacted with William Sherman or other members of an identifiable Indian community in Bridgeport or elsewhere.

GHP contended as well that negative attitudes towards Indians from the 1840's to 1870's might have made the inhabitants of the south end "Paugussett" community "understandably reticent about trumpeting their Indian identity" (GHP Comments 2004, Vol. I, Ex. 3, 38). By the time some external observers identified William Sherman as Indian in the late 1880's, such opinions, the GHP petitioner's researcher claimed, were changing among easterners. The GHP provided this theory to explain why no external observers, or the residents themselves, identified this neighborhood as Indian. The evidence obtained from the Bridgeport Library, discussed earlier, contradicted the GHP petitioner's researcher's claim. It demonstrated that the vast majority of Little Liberia's residents identified themselves and their community consistently and proudly as

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African American (*Bridgeport News*, 7/23/1998; *Connecticut Post* 2/21/1998, 4/23/1998, 4/25/1998, 5/6/1998, 10/13/1998, 10/21/1998, 12/6/1998; NRHP 2/1999; Unidentified Magazine 5/1999).

Conclusion of the Analysis of the “Little Liberia” Community

In sum, the GHP report and the available evidence do not demonstrate the “Little Liberia” community of 19th century Bridgeport was a Golden Hill, Turkey Hill, “Paugussett” community, or Indian community, or that it contained such an entity within its boundaries. The evidence demonstrated that it was a community of African Americans, composed mainly of former slaves and migrants from rural Connecticut or the Southern states, a few of whom might have had Indian descent. This community was established in the 1820’s largely by and for African Americans and not Native Americans. In addition, there is no available evidence to indicate that external observers or members of the neighborhood believed “Little Liberia” to be an Indian community. The Federal acknowledgement regulations require that evidence for criterion 83.7(b) demonstrate that a predominant portion of the petitioning group comprises a distinct community and has existed as a community since historical times. Under 83.1, the regulations define community as “*any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers.*” The evidence indicated that the “Little Liberia” was not a socially distinct American Indian or Golden Hill community. Therefore, evidence of social relationships and political interaction in Bridgeport’s “Little Liberia” community in the 19th century and later did not demonstrate community for the GHP petitioner.

Proposed Finding’s Conclusions on Community Since 1823

The PF stated:

. . . the petitioner has not submitted documentation that shows the Tinneys were maintaining ties with those claiming descent from the Golden Hill Indians, and the evidence that has been presented has repeatedly demonstrated the absence of any Tinney descendants in the petitioner’s membership until 1999. If the petitioner wishes to maintain that the purported Turkey Hill descendants have maintained social relations with the purported Golden Hill descendants, it must include more evidence, such as additional primary documents and probative interviews, to demonstrate a relationship between those claiming Golden Hill ancestry and those claiming Turkey Hill ancestry (GHP PF 2003, D&A, 71-72).

To meet the criterion, the petitioner must supply more information to demonstrate interaction between group members. The petitioner has also not demonstrated that a Golden Hill entity existed; rather, the evidence appears to support the conclusion that a few individuals who claimed descent from the historical Golden Hill Indians operated independently of each other. Evidence to substantiate the existence of a Golden Hill community may include information from many sources. They include, but are not limited to, photographs of social events (for

example, birthday parties and graduations) with group members clearly identified, sign-in books from funerals and weddings, and evidence of group members serving as witnesses and/or co-signers for each other. The petitioner is also encouraged to submit interviews from a cross-section of the membership in order to demonstrate that the beliefs held by some members are held by people across the group. Additionally, the petitioner is encouraged to continue searching local and State archives for deeds and records which would show Golden Hill members acting or working together (GHP PF 2003, D&A, 77).

In its comments, the GHP petitioner submitted narratives and several volumes containing multiple reports and exhibits. This evidence will be specifically detailed in the body of this report. The State of Connecticut also submitted a report in its comments to the 2003 GHP PF accompanied by 70 exhibits. These documents will be discussed specifically in the body of this report.

Community and The Turkey Hill/ John Howd Descendants

The GHP petitioner claimed that the Turkey Hill and Golden Hill tribes were one tribe. The PF did note that the historical antecedents of the two groups (the Paugussett proper and Pequannock) were culturally and linguistically similar, and were also linked by marriage ties. However, the available evidence submitted by the petitioner to support that all of these groups were constituent parts of one tribe which was itself part of a larger political confederacy, is insufficient (see earlier discussion under 83.7(b)). However, the available historical evidence pointed to the groups being politically autonomous and distinct, each with its own political and social identity. Further, the GHP petitioner presented no new evidence to change the conclusions reached in the PF regarding the separate nature of the two groups during the early 19th century.

The PF stated that:

The State dealt with the two groups [Golden Hill and Turkey Hill] separately, appointed separate overseers for each, and established separate reservations. Furthermore, there is no evidence in the record that the two groups ever acted together in any political fashion. They never approached the State together to have complaints redressed, never lived on each other's lands, and never shared financially in any of the other's funds (GHP PF 2003, D&A, 56).

Additional primary evidence submitted by Connecticut, particularly additional overseer's records from the Turkey Hill overseer in the early 19th century, reinforced the discreteness of three groups of Indian heirs: the Potatuck/Pequannock Sherman descendants of Golden Hill, the Paugussett proper descendants associated with the Hatchett, Homer, and Richardson families, and the Paugussett/Naugatuck descendants of John Howd.²⁶ One member of the Howd-descended Moses/Phillips family eventually married a member of the Richardson/Hatchett

²⁶There was also another group of Indian descendants in the Derby area, the family of Eunice (Sherman) Mack (sometimes Mansfield), who are known to have had a separate overseer. However, neither the GHP petitioner nor Connecticut has located or submitted any additional records relating to Eunice Mack and her children.

descendants, and two of those descendants appeared on a deed with three of their Howd-only descended relatives. The signatories were referred to collectively on an 1871 deed as “Turkey Hill Indians,” which was an appellation previously applied only to the Paugussett descendants from the three previously mentioned families. The GHP petitioner’s argument that “...OFA’s Proposed Findings in this matter also were based on an improper conclusion drawn from an inconsequential fact, namely that colonial and state authorities had established two separate reservations in two separate counties” (GHP Comments 2004, Narrative, 5) is flawed, because this is not “inconsequential” at all. The documentation regarding the two groups of Paugussett descendants in Derby demonstrated just how separate the groups were, even though they were living in close proximity to each other. For example, overseer Lemman Stone was appointed by the Connecticut General Assembly to oversee the affairs of the Turkey Hill Indians in 1814. Stone served in this position until 1829. His 1827 report documents the construction of one small house for the family of Joseph Richardson adjoining the home of Roswell Homer, both of whom were identified as Turkey Hill (State Comments 2004, Ex. 46, 1). He also mentioned paying funeral and medical expenses for members including Joseph Hatchett and Roswell Homer in the same record. Orcutt and Beardsley credited Lemman Stone with building a small house for the elderly Molly Hatchett, although this may be the same house the 1827 report stated was built for the Richardson family (Orcutt and Beardsley 1880, xlix). In none of his reports did Stone mention the Howd descendants, although both groups of descendants were living in the same town.

The descendants of John Howd, although acknowledged as Indians, did not appear to have had an overseer such as Stone. For example, there are no overseer’s records of any funeral arrangements being paid for by state or local officials. However, when the Howd heirs (Phillip Moses, Hester Freeman, Eli Seymour and his wife Mary²⁷) petitioned the Connecticut General Assembly to sell some of the land they had inherited from him in 1810, Joseph Riggs was appointed to oversee the land sale.²⁸ Once the land was sold in 1813, Riggs purchased another piece of property for the Howd descendants near the existing land held by the Turkey Hill descendants. The 1840 petition to sell this parcel of land included the following list of heirs:

Nancy Freeman and her husband Joel Freeman
Harry Moses/Phillips²⁹
Roswell Moses/Phillips
Laura Jennings and her husband James Jennings

²⁷Eli Seymour seems to appear on this particular deed by virtue of his marriage to Mary - only Hester, Philip, and Mary are listed as descendants of John Howd (State Comments 2004, Ex. 50).

²⁸The Selectmen of Derby admitted that they owed the Howd descendants \$95.73 to compensate them for a road that had been run through their property; however, they also wanted to deduct \$51.03 for maintenance and support of the Indians. No party submitted any additional documents enumerating specific payments for any member of the Howd family (State Comments 2004, Ex. 51).

²⁹Among New England Indians, it was not unusual for children to use the first name of their father as a surname - see Forbes, *The Hundreth Town*, 1899, 183 and Taft, “The Last of the Aborigines of Grafton,” July/August 1958, *Grafton News*.

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Avis Alling and her husband Levi Alling
Mehitable Moses/Phillips, the widow of Phillip Moses

Later, in 1871, the Connecticut General Assembly would also recognize the rights of the offspring of another Phillips/Moses sibling, Scott Phillips, and award his two daughters (Lavinia (Phillips) Breckenridge and Eliza (Phillips) Franklin) money from the sale of another parcel of land inherited by the heirs of John Howd.

Prior to the 1820's, the Turkey Hill and Howd groups do not appear to have been related to each other. However, after the marriage of Nancy Richardson/Hatchett to Harry (or Henry) Moses (alias Phillips) sometime before the 1829 birth of their son Robert, the two families did become joined (see Appendix D, "Descendants of Phillip Moses," D4). The eventual heirs of the Howd land who were referred to collectively as Turkey Hill Indians after 1871 included some of the descendants of the Richardson/Moses marriage whose ancestors were from both the Turkey Hill Paugussett group and the Naugatuck group (Georgianna Moses/Phillips Slye, her sister Eliza Moses/Phillips Roberts, and their nephews Nathan and Thomas Phillips), as well as their relatives who were heirs to the Naugatuck alone (Lavinia (Phillips) Breckenridge, her sister Eliza (Phillips) Franklin, and Roswell Phillips, uncle to both sets of descendants) (State Comments 2004, Exs. 52 and 54). Prior to this, the appellation "Turkey Hill" had applied only to the Paugussett proper group associated with the Richardson, Hatchett, and Homer families; the Howd descendants were referred to as heirs of an Indian, but not as members of the Turkey Hill group.

The discussion of the Turkey Hill Indians and the Howd descendants demonstrated that, even when in close proximity to each other, groups of Indian descendants were not simply administered differently because they lived in different counties. Rather, different groups were treated differently regarding their circumstances. The overseer of the Turkey Hill Indians was very involved in the lives of the Turkey Hill Indians at least until the 1820's, including paying their medical bills and funeral expenses (albeit with their money) and even constructing a home for one of the families. This is in contrast to the Howd descendants, who appear to have managed their own affairs and only had an overseer appointed for the specific task of selling their land, purchasing additional land with the proceeds, and investing any additional money in other real estate to provide additional income. In none of these records or petitions were these heirs grouped together with those heirs of the sale of the Golden Hill reservation in Bridgeport in 1802.

Connecticut submitted new information that demonstrated that there were at least three separate groups of Indian descendants being administered in the early 19th century in the towns of Derby and Trumbull. The descendants of Eunice (Sherman) Mack (who were first recorded in Woodbridge in 1803 and later recorded on the US census as living in Derby by 1840) could be a fourth group. The argument could be made that the Mack descendants were essentially the same as the Sherman family remaining in and around Bridgeport after the sale of the Golden Hill reservation in 1802, but even in this case, Eunice Mack's decision to "cash out" her share of the proceeds from the land sale created a separate group with its own overseer. However, no new documents submitted by the GHP petitioner provided any evidence that the groups shared in any of the other groups' funds until the heirs of the marriage of the Turkey Hill Nancy Richardson/

Hatchett and Naugatuck Harry Moses were listed on the 1871 deed with their Naugatuck-only relatives. No evidence supplied by either the petitioner or the State indicates that the Pequannock descendants of Golden Hill were socially involved with the affairs of the Turkey Hill/Naugatuck descendants of New Haven County, or vice versa.

The Pease Family

The GHP petitioner has submitted additional evidence related to Henry O. Pease³⁰ (ca.1844-1893), a documented Golden Hill Indian (GHP PF 2002, D&A, 43-45). The GHP petitioner submitted an abstracted baptism record (GHP did not provide a copy of the original document) for Henry O. Pease. According to the reference, the abstracted record read “On 31 May 1857, Henry Sherman, aged 13, child of Levi Pease and mother dead, was baptized”³¹ (GHP Comments 2004, Vol. IIA, Ex. 1, 13). In its report describing this document, the GHP petitioner identified Henry O. Pease’s unnamed deceased mother as Ruby Sherman (ca. 1789-1849) based on the presumption that the use of the surname “Sherman” on this baptismal record could only be for her. However, Ruby Sherman would have been approximately 55 or 56 years old at the time of Henry O. Pease’s birth (she was listed as being approximately 33 at the time of the 1823 Census de Golden Hill). Nancy [Sharpe] Pease, the 19-year old enumerated on the 1850 census in the same household with the 45-year old Levi Pease (ca. 1805-1870), the 5-year old Henry [O.] Pease, and a 17-year old named Charles Sharpe [Nancy Sharpe’s brother], is a more likely candidate for Henry’s mother (U.S. Census 1850b).³²

There is no explanation in the record to indicate why the child Henry was baptized with the surname “Sherman” when all other documents submitted to OFA identified him with the surname “Pease.” The GHP petitioner submitted a report entitled “Sherman Equals Pease: An Equation for Discovery,” to demonstrate its claim that the two surnames were used interchangeably in order to provide more evidence for the theory that William Sherman (1825-1886), the documented ancestor of a significant portion of the petitioner, was actually the son of Henry Pease’s uncle, Rensselaer³³ Pease (ca. 1807-1856). However, the GHP petitioner only demonstrated this in the case of Henry O. Pease. The other evidence included one reference to

³⁰Connecticut also submitted additional information that provided another identification of Henry O. Pease as a Golden Hill Indian. Rowland Lacey, who was the overseer of the Golden Hill Fund from 1885 until 1897, also served as the town auditor of Bridgeport. As auditor, he compiled a “Chronological Record of Events.” On November 6, 1876, the register included the notation “the only surviving member of Golden Hill Indians was before the City Court for intoxication” (State Comments 2004, Ex. 68, unnumbered). On that same day, the *Bridgeport Standard* reported that Henry O. Pease had been arrested for drunkenness and fined one dollar (State Comments 2004, Ex. 69, unnumbered).

³¹It should be noted that, according to the documentation provided the child was not baptized in the Bridgeport church the GHP petitioner claimed was important to the “Liberia” community (Zion Church, which eventually split into two congregations, Ebenezer [later Bethel], and Zion), but in St. James Protestant Episcopal Church in Derby (GHP Comments 2004, Vol. II A, Ex. 1, 13).

³²The petitioner has also confused Henry O. Pease with his cousin Henry B. Pease. See the discussion under 83.7(e).

³³Also spelled “Rennsler,” “Ransler,” “Rensellar,” and “Renseller.”

the family of Thomas Sherman, who married Abigail Pease (a first cousin of Henry O. Pease). However, Thomas was not, by birth, a Sherman. He was born in New York to a slave mother and later raised by a Lemuel Hawley Sherman (Hawley 1929, 561-562). The GHP petitioner's supposition that Thomas may have been a grandchild of the Golden Hill Shermans (GHP Comments Vol. IIA, Ex. 1, 10), born in New York, is hypothetical. The statement "His given name Thomas also lends to this thinking" (GHP Comments 2004, Vol. IIA, Ex. 1, 10) appeared to be a reference to the two Tom Shermans (father and son) who were associated with Golden Hill. However, Tom and Thomas were (and are) common names that this conjecture appeared to be coincidental. The GHP petitioner also cited the 1850 census in which Abigail Pease's parents were enumerated as "Agrippa Sherman" and "Chloe Sherman" as evidence of the interchangeability of the Pease/Sherman surname. However, the parents of Abigail were living with their daughter and son-in-law when the 1850 census was taken. The recording of the couple under the surname "Sherman" could just as likely be attributed to the error of a census enumerator, who mistakenly believed the in-laws living in the house were the parents of the husband rather than the wife. In the 1860 and 1870 census, Thomas and Abigail were enumerated with the surname "Pease" in their own household and in a "white" household respectively (see Table 2). Therefore, the petitioner's argument regarding the Sherman/Pease surname is not supported by the documents presented.

Henry O. Pease's uncle Rensselaer Pease, a brother of Henry's father Levi, is cited by the GHP petitioner as being an influential leader in the Bridgeport community, "palatable to both leading families [Freeman and Jackson] . . . to hold the Paugussett community in balance" (GHP Comments 2004, Vol. I, Ex. 5, 7). The GHP petitioner implied that Rensselaer Pease was a sachem, a statement that was without any support. The petitioner also claimed that Rensselaer Pease was the father of William Sherman. This was a new theory of William Sherman's parentage. The GHP petitioner based this theory on the 1830 census where an unidentified male child under the age of 10 is found in the Pease home in the town of Monroe. The GHP petition made the supposition that ". . . the . . . child was his son by Nancy Sherman, William Sherman. During this time Nancy would have been in jail and as a minor, William would have been in jail and as a minor, William would have taken residence with his father" (GHP Comments 2004, Vol. II, Ex. 1, 5). However, there was no evidence to support this theory. First, the statement ". . . Nancy would have been in jail . . ." appeared to be a misreading of Orcutt's 1886 genealogy, which stated, ". . . Nancy, who had VI, William Sherman; after which she m. John Sharpe, and had Beecher, Nancy and Charles, and Sharpe being sent to State's Prison, she lived with a man Rensler, and had Olive." The "Sharpe" being referred to here appears to be John Sharpe, not Nancy. Nancy was reported by the overseer as having been sent to prison many years later (in 1849), but there was no evidence in the record to indicate that she was imprisoned in 1830. Second, an unnamed child in a household could be anyone. The GHP petitioner submitted no additional evidence, such as a baptismal record,³⁴ to support that the child was William Sherman and not some other Pease son who subsequently died or went to live elsewhere, or if the child was an unrelated individual living in the household. William

³⁴The GHP petitioner claimed that there might be a baptismal record in a local repository, but has not provided it. According to the document, "There may be a baptism in the Newtown Congregational Church records currently under the care of a local historian. She is an extremely cautious individual who has been approached for access to this material" (GHP Comments 2004, Vol. IIA, Ex. 1, 1). Speculation about the possible existence of a document is not evidence.

Sherman's bible listed the name of Mary Olive, but no relationship was defined with her father (who would have been the equivalent of Sherman's stepfather); however, there was no primary evidence to suggest that Rensselaer Pease was her and William Sherman's biological father (see Appendix D, "Ancestry and Collateral Relatives of William Sherman Claimed by Petitioner" (D1); "Descendants of Absalom Pease" (D3)).

The GHP petitioner made the claim that Levi Pease was identified in the records of Nichols Cemetery as an Indian (GHP Comments 2004, Vol. IIA, Ex. 1, 3). However, the GHP petitioner did not submit any Nichols Cemetery records identifying him as an Indian. The State of Connecticut, however, did submit additional records from Nichols Cemetery generated prior to Levi Pease's death (he died 1870) that did not identify him as an Indian. Records from the Nichols Farm Burial Ground Association indicated that when the association was founded in February of 1850, Levi Pease was listed as "colored" on a list of members of the association (State Comments 2004, Ex. 4, 13). Further, it appeared that Levi Pease was not a paid member of the association (the ledger for the organization indicated that he paid no money for the plot), but was actually tending the grave of his presumed brother-in-law Charles Sharpe. According to the association minutes, the group resolved to "grant a certificate to Levi Pease for the Lot now occupied by the remains of Charles Sharpe, for the consideration that the said Pease shall keep the grave clear of Brush, Briars, weeds, grap [*sic*] . . . said Levi Pease to have for his own use whatever grap [*sic*] that grows on the yard" (State Comments 2004, Ex. 4, 14). Although Levi Pease's name appears on a map of the cemetery, it appears that Charles Sharpe was actually buried in the plot.

Connecticut submitted records and maps from the Nichols Farm Cemetery Association that shed light onto the petitioner's claim that the cemetery contained an identifiable "Indian section" which included members of the Bradley Schaghticoke family. According to the records of the Association, Truman Bradley (ca. 1821-1900), a member of the Schaghticoke tribe, paid \$1.00 on November 11, 1876, to bury his daughter Carrie (whose full name appears to have been Julia Carrie Bradley). He is recorded as having paid another \$1.00 on August 9, 1877, to bury his mother (actually it was his mother in-law, Parmelia Mauwee Kilson). However, both graves were located in "Potters Fields," not in an "Indian" section. The town of Trumbull also paid the Association \$1.50 to bury a "tramp" named John Mullen³⁵ in the "Potter's Field" (State Comments Response 2004, Ex. 4, 100, 102). Therefore, the evidence indicates that this section of the cemetery was not specifically for Indians, but for the poor and indigent. The State submitted copies of the cemetery cards for the Nichols Farm Cemetery for Lots 90 and 91 which identified both lots as containing "Indians," but they also indicated the presence of several individuals for whom no Indian ancestry has been claimed, including a Helen A. Phillips and a Rondelein L. Smirow. These records were generated in 1993, not at the time of interment (State Comments 2004, Ex. 6, 1).

Records from the Nichols Farm Burial Ground Association also indicated that the map previously submitted by the GHP petitioner regarding the burial of a Truman Bradley may have been erroneously interpreted by the GHP petitioner and by OFA. It was previously believed that a "Truman Bradley" (possibly a namesake grandchild) had died in 1877 and was buried in the

³⁵The GHP petitioner mistakenly identified this man as "Muffen" (GHP PF 2003, D&A, 47) due to a poor photocopy.

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same plot as John Mullen. However, the new documentation indicated that the reference to “Truman Bradley” buried on August 22, 1877, may actually refer to Bradley’s payment for a plot (either for himself or his family member), rather than any actual interment. His wife Julia was eventually buried in this plot in 1892, but no records of any cash payment for that particular grave were included in the submission. In any case, the burial of Schaghticoke Indians in a local cemetery is not evidence of a Golden Hill community.

The GHP petitioner submitted additional information concerning Jennette (Benson) Pease (1850-aft.1920), the wife of Henry O. Pease, which was requested in the PF (GHP PF 2003, D&A, 50). According to the petitioner’s genealogical abstracts, Jennette Benson was the daughter of John Benson (b. 1820) and Jennette (Ward) Benson (b. 1825). The maiden name for the elder Jennette, however, is offered without any documentation. The GHP petitioner then claimed that this Jennette Ward was the daughter of Abigail Roberts (1816-1899), who is documented as having married a man named Wilson Ward. Records submitted lists four children from the marriage of Abigail and Wilson Ward (GHP Comments 2004, Vol. II, Ex. 3, 1-2); however, none were named “Jennette.” The GHP petitioner incorrectly gave the names of the parents of Abigail Roberts as Benjamin and Sarah Sherman (GHP Comments 2004, Vol. II, Ex. 1, 14), instead of Levi Roberts and Abigail Hatchett. Benjamin and Sarah Sherman would actually be the grandparents of Abigail (Roberts) Ward, according to genealogical records previously submitted by the GHP petitioner. However, as stated previously, the GHP petitioner did not provide sufficient documentation of the elder Jennette Benson’s parentage to demonstrate descent from the Sherman/Roberts or Hatchett families.

The Question of Joel Freeman

The GHP petitioner has submitted evidence regarding the activities of Joel Freeman (ca. 1805-1866), a former sailor who, along with his sisters, eventually acquired several pieces of property in Bridgeport during the first half of the 19th century. The GHP petitioner’s argument claimed that this Joel Freeman was the same Joel Freeman who appeared on the 1840 petition as an heir of John Howd. The GHP petitioner claimed that this Joel Freeman was instrumental in establishing the supposedly “Paugussett” community in the Bridgeport neighborhood called “Liberia.” However, a careful reading of the evidence did not support this theory.

The 1840 petition did not include the names of the male petitioner’s spouses, but it did include the names of the spouses of three female heirs. The presence of a spouse’s name on this petition does not necessarily mean that the spouses themselves were Indians, only that they were heirs-at-law. There is no available evidence to demonstrate whether there was any Native ancestry for Levi Alling (see 83.7(e) for discussion of the Tinney family who count Levi Allen as an ancestor) or James Jennings. The available evidence that the GHP petitioner submitted regarding the ancestry of Joel Freeman indicated that his brothers, sisters and he were the children of freed slaves (named elsewhere as Timothy and Sebina Hull or Freeman) who had been born outside of the state of Connecticut and manumitted after their arrival (GHP Comments 2004, Vol. 1, Ex. 3, Attachment 39). This is important because Joel Freeman’s name on the 1840 petition is the only primary evidence that associated him directly with the Howd descendants. Census documents indicated that the Hull/Freeman family was resident in Derby for many years, seemingly in close

proximity to the Howd descendants.³⁶ There is no evidence available to indicate they were involved in any other petitions or shared in any of the funds for the historical Turkey Hill or Howd descendants.

The GHP petitioner also confused Nancy (Moses/Phillips) Freeman, the daughter of Mehitable Moses, with Nancy (Richardson/Hatchett) Moses, the daughter-in-law of Mehitable Moses (GHP Comments 2004, Vol. IIA, Ex. 4, 8). Nancy Richardson/Hatchett married Henry or Harry Moses/Phillips, who was the brother of Nancy (Moses/Phillips) Freeman. The mistaking of two sisters-in-law with the same first name may seem minor, but it is a factor of the GHP petitioner’s argument that the Joel Freeman whose name appeared on the 1840 petition is the same Joel Freeman who later moved to Bridgeport and purchased several pieces of property. However, a Joel Freeman was never enumerated in a household with any woman named Nancy. Nancy Freeman continued to be enumerated on the 1850, 1860, and 1870 Federal censuses in the town of Derby with a husband named Roswell J. Freeman. No documentary evidence has been presented to demonstrate that the “J” in Roswell J. Freeman stood for “Joel,” but it was Roswell J. Freeman, not the Joel Freeman of Bridgeport, who was consistently enumerated with a woman named Nancy Freeman. The GHP petitioner stated that Nancy Freeman died “after 1850,” but it was Nancy (Richardson or Hatchett) Moses/Phillips who appears to have died around that time; Nancy Freeman was still alive in Derby until at least 1870 when she was last enumerated on the census. Joel Freeman of Bridgeport was enumerated in 1850 and 1860 with a wife named Chloe, while Nancy Freeman, wife of Roswell J. Freeman, was still living in Derby. Further, according to the GHP petitioner, Joel Freeman died in 1866, and his estate probated on March 12, 1866 (GHP Comments 2004, Vol. I, Ex. 3, Attachment 38, 1). However, Nancy Freeman and Roswell J. Freeman were still alive and living in Derby in 1870 (U.S. Census 1870b).

Table 1: Documents Regarding Joel Freeman and Roswell J. Freeman

Joel Freeman	Roswell J. Freeman
<p>1850 U.S. Census, Bridgeport- Joel Freeman, 57, M, M, Truckman, 900 real estate, Connecticut Chloe Freeman, 47, F, M,--, Connecticut (GHP Comments 2004, Vol. 1, Ex. 3, Attachment 38, 1)</p>	<p>1850 U.S. Census Roswell J. Freeman, 45, m, B, Farmer, \$100, CT; Nancy Freeman, 43, f, B, CT; Wm. C. Freeman, 23, m, B, farmer, CT; Edward S., 19; Ann, 17; Mary J., 10; Henrietta, 8; Bliss S., 3, m, B, CT; Rodney O., 1, m, B, CT. (U.S. Census, 1850b)</p>
<p>1860 Census, Bridgeport- Joel Freeman, 67, M, B, Day Laborer, 3000 real estate, 500 personal, CT Chloe Freeman, 56, F, B, Laundress, CT (GHP Comments 2004, Vol. 1, Ex. 3, Attch. 38, 1)</p>	<p>1860 U.S. Census Roswell Freeman, 55, m, B, Farmer, \$200, CT; Nancy, 52, f, B, CT; Wm. P., 33, m, b, Laborer, CT; Edward, 30, m, B; Ann, 24, f, B; Scott, 12, m, B; Georgiana, 6, f, B. (U.S. Census 1860b)</p>

³⁶For example, on the 1800 Federal census of Derby, CT, “Tim Hull” is enumerated two households away from “Phillip Freeman” (which may be another surname used by Phillip Moses/ Phillip Howd). The Hulls are also enumerated one household away from Mack Mansfield, who married Golden Hill Indian Eunice (Sherman) Mack (or Mansfield). On the 1810 Federal census of the same town, “P Moses” and “T Hull” are enumerated one page apart (pages 521 and 522 respectively). On the 1840 Federal census of Derby, “Timothy Freeman” was enumerated five households away from Eunice Mack, who had been his next-door neighbor in 1800 (U.S. Census 1850a).

<p>Probate Record “The undersigned administrator on the Estate of Joel Freeman late of Bridgeport in said District, deceased, hereby Return makes that pursuant to the Order of said Court made on the 22nd day of May 1865” (GHP Submission, Vol. 1, Ex, 3, Attach. 38, 2)</p>	<p>1870 U.S. Census Freeman, Roswell/Russell, 65, M, B, Farmer, 2000 in Property, 200 cash., born CT. Family inc. Nancy, age 64, Scott, age 22, Georgie (anna), age 17, Oliver, age 42 (?) William Scott, Age 6. (U.S. Census 1870b)</p>
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The GHP petitioner is incorrect with respect to attributing the children of Nancy (Richardson) Moses/Phillips and Harry Moses/Phillips to Joel Freeman (GHP Comments 2004, Vol. IIA, Ex. 4, 8). The State of Connecticut submitted documents detailing a 1910 court case involving Nathan and Thomas Phillips which indicated that the father of Georgianna (Phillips/Moses) Slye, Elizabeth (Phillips/Moses) Roberts, and Robert Phillips/Moses was Henry or Harry Moses/Phillips (*Derby Savings* 1909-1910). Further, in an interview conducted in approximately 1911 and submitted in support of petition #79 (Schaghticoke Tribal Nation), Georgianna Slye identified her father as Harry Moses, not Joel Freeman, and her mother as “Nancy Hetchett” (or Hatchett)³⁷ (McCurdy Papers, 1913; Document #6405-9). The GHP petitioner correctly noted that Nancy Moses and her three children were enumerated on the 1850 Derby census along with Mehitable Moses, the widow of Phillip Moses (U.S. Census 1850b); however, Mehitable Moses was not, as the GHP petitioner claimed, Nancy Moses’s mother (GHP Comments 2004, Vol. IIA, Ex. 4, 7), but her mother-in-law. This is significant because the descendants of Nancy (Richardson or Hatchett) Moses/Phillips and Henry Moses/Phillips were identified as heirs of the Turkey Hill Indians as late as 1910, when Nathan and Thomas Phillips filed suit against A. McClellan Mathewson, who had been appointed overseer of the Turkey Hill fund (see previous section of 83.7(b) for the history and discussion of this case). The available evidence strongly indicated that the Joel Freeman of Bridgeport was not the father or grandfather of any of the people who were identified as heirs of the Turkey Hill Indians.

Community and “Little Liberia” or “Ethiope”

The GHP petitioner submitted considerable materials related to a Bridgeport community called “Little Liberia” or “Ethiope.” The evidence included, but was not limited to, several birth, marriage and death records of individuals that the GHP petitioner claimed were part of this “Paugussett community,” two reports by Charles Brilvitch entitled “The Survival of the Paugussett Tribe” and “Tribal Leadership and Continuity,” and a report entitled “Urban Indian: An Oxymoron?” by Steve Amerman. No interested parties submitted any information relevant to this community.

In its comments, the GHP petitioner objected to the conclusions of the PF, particularly the statement that the Golden Hill community “unraveled in earnest” after 1823 (GHP Comments 2004, Narrative, 13). Contrary to the GHP petitioner’s assertion that this conclusion was based solely on overseer’s reports, this conclusion was drawn after careful consideration of all the evidence presented. Overseer’s records were a part of the evidence considered, but additional

³⁷Nancy Richardson also appeared to have used the surname “Hatchett,” which may have been the maiden name of her mother Cata.

court documents, boundary maps, and birth and death records from a number of sources were also examined. However, the GHP petitioner presented no new information about the nine members of the community enumerated on the 1823 "Census de Golden Hill." The GHP petitioner also did not submit any records for Golden Hill children who disappeared from overseer's records, or any documents that demonstrate interaction between the Golden Hill descendants, Turkey Hill descendants, or the Howd descendants living in Derby. The GHP petitioner also omitted any mention of the Sharp and Oviatt families discussed at length in the 1999 submission as part of a "Pann Paugussett group" (GHP Submission 10/1/1999, 83).

Instead, the GHP petitioner now claimed that members of the historical Turkey Hill and Golden Hill established a new urban community in the rapidly growing city of Bridgeport in order to take advantage of economic opportunities. According to the GHP petitioner, many people associated with the Turkey Hill, Naugatuck, and Golden Hill groups purchased homes and established churches. Further, the GHP petitioner also claimed that traditional forms of leadership were maintained during the period of time between the 1823 "Census de Golden Hill" and the 1857 arrival in Trumbull of William Sherman (who the GHP petitioner argued was a "chief"). However, a close reading of the information submitted by the GHP petitioner did not support these claims. While it is reasonable to believe that some of the people in this African-American community were of Indian ancestry, there was nothing in the available record to indicate that it had become a hub of leadership activity relating to any Indian communities in the area. The GHP petitioner also made assumptions about the identity of people of color living in the community and assumed Indian ancestry for many people without valid documentation to support those claims.

The GHP petitioner included errors of identity that led to inaccurate conclusions. For example, the GHP petitioner claimed that Tom Sherman 2nd (ca. 1770-1808), who was one of the signers of the 1802 petition that sold the historical Golden Hill's land in Bridgeport, died in 1849 at the age of 96 (GHP Comments 2004, Vol. 1, Ex. 5, 6). However, the actual death date for Tom Sherman 2nd is not known. A document submitted by the GHP petitioner in 1994 (with no source cited) included the birth and death dates for a Tom Sherman who died in Trumbull in 1849; however, this man was born in Ireland (GHP Submission 6/7/1994, 1). Tom Sherman 2nd, son of Tom Sherman and Eunice Shoran, was recorded several times in overseer's records until April 1808, but was not recorded on the 1823 "Census de Golden Hill." Although no burial document exists in the record bearing his death date or place of interment, his daughter Ruby was recorded on the 1823 census as "daughter of Tom Sherman deceased," which would indicate that he died between 1808 and 1823. Yet, the GHP petitioner made statements such as "It should be remembered that Tom Sherman Jr., who was approaching his eightieth birthday, remained titular head of the Paugussett Tribe. He resided in Trumbull during his last years, and appears to have left the responsibility for the growing Bridgeport community under Joel [Freeman]'s aegis" (GHP Comments 2004, Vol. 1, Ex. 5, 6), a statement for which there was no evidence in the record. Far more evidence pointed to the death of Tom Sherman 2nd before the development of the "Liberia" community in Bridgeport.

The GHP petitioner also misidentified a Simeon Dickson. According to the GHP petitioner's submission, "... 1841 saw the arrival of Simeon Dickson, who had been a missionary to the

Eastern Pequot Tribe. . .” (GHP Comments, Vol. I, Ex. 5, 6). In another report in the same volume, the GHP petitioner stated

. . . In addition to marrying into the family of the Zion Church pastor, Simeon Dickson is known to have served as a missionary to the Eastern Pequot Tribe. . . . A Native American himself, his arrival in the Paugussett community appears to have presaged a schism in Zion Church (GHP Comments, Vol. I, Ex. 3, 19).

However, the Simeon Dickson who served as a missionary to the Eastern Pequots was not this man, but his son of the same name. Census records from 1910 and 1920 show a Simeon Dickson, born in 1858 in Bridgeport, living near the Eastern Pequot reservation (U.S. Census 1910, 1920b). This would seem to be the unnamed son born on March 3, 1858, to Simeon and Mary Dickson on the abstract of Bridgeport vital records submitted by the GHP petitioner (GHP Comments 2004, Vol. I, Ex. 3, Attachment 30). There was no evidence in the record that the Simeon Dickson who moved to Bridgeport in 1841 had any contact with the Eastern Pequots, or that he was a Native American. Although Zion Church may have experienced a schism shortly after his arrival, there was no evidence in the record to indicate that Dickson had anything to do with it. Further, the GHP petitioner’s contention that the split was “an extraordinary measure to ‘purify’ the institution and emphasize the Native American form of worship” (GHP Comments 2004, Vol. I, Ex. 5, 6) was a theory and not supported by the available evidence.

The GHP petitioner submitted documentation related to a Joel Freeman and his sisters Mary and Eliza. As was discussed previously, another man named Joel Freeman was noted as the spouse of Nancy Freeman on the 1840 petition to sell the land held by the Howd descendants; however, this did not appear to be the same “Joel Freeman” who bought and sold land in Bridgeport and had two sisters name Mary and Eliza. This Bridgeport Joel Freeman’s sisters did not appear on any documents that would link them to the Howd descendants or any other Indian group. Although Joel Freeman appeared to have been active in the local community and his sisters were successful businesswomen, there is no available evidence to indicate that they were Paugussett, Pequannock, Naugatuck, Potatuck, or descended from any other Connecticut tribe.

The GHP petitioner claimed that a group of Native American women belonging to Zion church began meeting in the 1870’s and continued meeting until the early 20th century. The GHP petitioner contended that this group, called the “Daughters of Zion,” was demonstrative of “Paugussett” community survival and maintenance. However, the GHP petitioner did not produced any documentation regarding this group, such as church programs, photographs, or sign-in sheets from church functions. In fact, the GHP petitioner did not submit a copy of any interviews or conversations with Maria Tisdale, whom the GHP petitioner cited as having remembered her great-aunt telling her that her great-aunt’s mother had met regularly with “Indian women” (GHP Comments 2004, Vol. 1, Ex. 5, 12). The report that made this claim also maintained that a sign-in book from a funeral held in 1943 contained the surnames of many people associated not only just with the “Paugussett” community, but also with the Schaghticoke, Mahican, Nehantic, Narragansett, and Mohegan (GHP Comments 2004, Vol. 1, Ex. 5, 12). However, the GHP petitioner did not include a copy of this sign-in book for verification. Without an examination of the names in that funeral condolence book, it is impossible to say whether the people who attended were actually from any of those groups or if

they were coincidental surnames. The GHP petitioner provided no explanations for the omission of copies of these documents. Further, Ethel Sherman, whom the GHP petitioner claimed was the “chieftess” of the group after 1933, did not appear to have ever belonged to the “Daughters of Zion,” or to Zion church, although she lived in Bridgeport for many years. The GHP petitioner submitted no documentation that would connect Ethel Sherman to this group of women or to any of the “meetings” the “Daughters of Zion” conducted. The GHP petitioner did not demonstrate any connection between the “Daughters of Zion” and any of the Tinney family members.

The GHP petitioner submitted a report by Steve Amerman entitled “Urban Indians: An Oxymoron?” The report discussed American Indian urban communities that developed prior to the relocation programs of the 1950’s. However, the report contained no discussion regarding the specific Bridgeport “Liberia” community.

When the evidence presented by the GHP petitioner regarding the “Liberia” community was considered, one fact stood out: none of the petitioner’s current members descended from any person other than William Sherman and Mary Louise Allen Tinney. However, other than GHP’s claimed William Sherman’s connection to the community through Mary Olive Pease, there are no descendants from the Freeman, Jackson, Cam, Pease, the “Daughters of Zion,” or other “likely Paugussett” Liberia families cited in the GHP report. The GHP petitioner offered no explanation, such as differential fertility, to explain the complete absence of these families from the current membership list or any other membership list submitted by the GHP petitioner.

William Sherman

The State of Connecticut submitted most of the new information regarding the GHP petitioner’s claimed William Sherman (1825-1886). This new evidence included records of the Nichols Farm Cemetery (State Comments 2004, Ex. 6), plot maps of the cemetery (State Comments 2004, Ex. 7), financial records from the Nichols Farm Burial Association (State Comments 2004, Ex. 3), and the minutes of meetings of the Fairfield County Historical Society from 1881-1888 (State Comments 2004, Ex. 31).

The GHP petitioner submitted no new evidence for the descent of William Sherman or its claim that William Sherman exercised the role as the “chief” of the “Paugussett” descendants. The GHP petitioner, however, reinterpreted many previously submitted documents, particularly in the case of William Sherman’s parentage. The GHP petitioner now proposed that Rensselaer Pease (1807-1856), the brother of Levi Pease, was William Sherman’s father. As was discussed earlier in the text, this appeared to be based on the claim that Rensselaer Pease’s relationship with the mother of both William Sherman and Mary Olive Pease, and the GHP petitioner’s new interpretation of Orcutt which placed Nancy in prison sometime after 1825, and an unidentified male child under the age of 10 in the home of Rensselaer Pease on the 1830 Federal census (U.S. Census, 1830). The GHP petitioner also claimed that William Sherman also grew up in the Pease household and schooled him in the “rural arts” (GHP Comments 2004, Vol. 1, Ex. 3, 37). Yet, the available evidence did not support any of these theories. No contemporary account of William Sherman’s life in the record identified Rensselaer Pease (or anyone else) as Sherman’s father. Without documentation, the GHP petitioner’s claims of Sherman’s parentage are unverifiable and invalid.

The State of Connecticut also provided information on William Sherman's role as a sexton at Nichols Farm cemetery (State Comments 2004, Ex. 3). Evidence from the financial records of the cemetery association indicated that he occasionally performed maintenance tasks around the cemetery, such as repairing a gate in 1868 (page 8), mowing grass on October 17, 1871 (page 10), and building or repairing a stonewall on September 20, 1873 (page 12). His employment at the cemetery was neither steady nor exclusive, as records indicated that he was paid for seven jobs over the course of 11 years, and that other people were also employed to perform maintenance tasks. On November 22, 1873, he was paid to disinter the body of Jerry Pann, a Scaghticoke, from lot 2 and rebury him in lot 91 (page 14). This disinterment was done under instruction from the cemetery's board. There is no evidence in the record to indicate whether this was done to consolidate the poor and indigent in one place or out of any desire on William Sherman's part to create or establish an "Indian cemetery."

The GHP petitioner claimed that "George's [Freeman] burial plot bears a striking resemblance to William Sherman's in Nichols Farm" (GHP Comments 2004, Vol. I, Ex. 3, 30). However, there was no record in the 2004 or any previous submission that identified a burial plot for William Sherman. This absence of evidence was stated in the PF, and the GHP petitioner was encouraged to submit a map or other record detailing where William Sherman was buried (GHP PF 2003, D&A, 47). The GHP petitioner did not submit any map, but the State of Connecticut did submit several maps of Nichols cemetery, as well as a copy of a 1993 cemetery lot record for Lots 90 and 91 (the GHP claimed as "Indian lots"). The record indicated that the "William Sherman" identified on those records was not the man who died in 1886, but his son, who died in 1934 (State Comments 2004, Ex. 6, unnumbered). There is no documentation regarding just what plot the GHP petitioner referred to as resembling that of George Freeman or how the two plots differed from any other graves in the cemetery.

The likelihood that William Sherman [Sr.] was buried somewhere in Nichols Farm cemetery is reasonable. The State of Connecticut submitted additional documentation that indicated that on June 11, 1886, some members of the Fairfield County Historical Society suggested taking up a collection to erect a monument to William Sherman, who had died on May 18, 1886 (State Comments 2004, Ex. 32, 85-6). According to the minutes, "friends and neighbors of Sherman at Nichols Farm were specially interested to cooperate" (86). The minutes identified him as a Golden Hill Indian (85), although this identification came after his death and was made by the same organization that sponsored Orcutt's book. The State of Connecticut also provided an additional posthumous identification of William Sherman as a Golden Hill Indian by auditor Bernard Keating in 1887, which read "William Sherman one of the few survivors of the Golden Hill tribe of Indians died at Nichols Farms, Trumbull" (State Comments 2004, Exhibit 70, Municipal Register of the City of Bridgeport for 1887, 433). However, there is no available evidence that the monument proposed by the historical society was ever constructed. There are no identifiable graves or plots for William Sherman, his wife Nancy Hopkins, or any of their children who died in infancy.

Community in the 20th Century

The GHP petitioner submitted documentation to demonstrate its claim that the group has maintained a distinct community during the 20th century. New materials submitted include, but

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are not limited to, a binder of approximately 17 photographs (GHP Comments 2004, Vol. V), 35 “Tribal Oral History Questionnaires” (GHP Comments 2004, Vol. VI) and a binder entitled “Additional Materials” (GHP Comments 2004, Vol. IX), which consisted of a number of miscellaneous documents. However, nothing the GHP petitioner submitted has demonstrated a level of community to satisfy the requirements of criterion 83.7(b).

The GHP petitioner submitted an advertisement from the February 24, 1934, *Bridgeport Post*. Under the heading of “Spiritualists,” an ad was placed for an “Indian Trading Post.” Ethel Sherman, or “Chieftess Rising Star” worked for many years as a medium, and the advertisement read:

Lost relatives and articles found by “Chieftess Rising Star.” Your past, present and future by the only full blooded Indian in Conn. Council gathering every Monday and Friday evening at 8 p.m. 425 Harral Ave. Sitting Bull’s grandson will open the meeting Mon (GHP Comments 2004, Vol. IX, Ex. 1, unnumbered).

The GHP petitioner submitted this 1934 newspaper advertisement which gave information about Ethel Sherman’s spiritualist business and “council” gatherings held. However, there is no additional evidence in the record to describe who attended these meetings, or what was discussed at those meetings. The tone of the advertisement does not suggest that these meetings were limited to GH members only, or Indians. The fact that Ethel Sherman was also advertising her fortune-telling skills indicated that these meetings would have been open to anyone seeking her advice. The “council gathering” may have been that of a pan-Indian organization (which would account for the reference to Sitting Bull’s unnamed and unverified grandson), but without additional information, there is no way to tell. If the meetings described in this advertisement were social or political in nature and related specifically to the Golden Hill, the GHP petitioner should have included more information regarding their importance in the community. This advertisement also did not support the GHP petitioner’s contention that members of the group hid their claimed Indian identity and activities for fear of hostile reaction from outsiders. If meetings were being advertised in the local newspaper, they cannot be described as “secret.”

The GHP petitioner’s narrative claimed that interview evidence submitted regarding evidence of community had been “either overlooked or given scant consideration” (GHP Comments 2004, Narrative, 20) in the PF. The narrative specifically refers to an interview with “Ellen [Ella] Sekatau.” However, this comment was not accurate. The PF noted that this and several other taped interviews could not be located for the PF (GHP PF 2003, D&A, 54). The only documentation available for the PF was summaries of these interviews, which were inadequate for the purpose of OFA’s analysis. The GHP petitioner did not resubmit copies or transcripts of these interviews with their 2004 submission.

The GHP petitioner also submitted a copy of the address given by Fred Tinney (“Chief One Leaf”) at the 1974 funeral of Edward L. Sherman or “Chief Back Hawk.” Tinney, whom the petitioner claimed that was a descendant of a Turkey Hill Indian, announced

. . . with the permission of Chieftess Rising Sun [*sic*] of the Paugussett nation and the Golden Hill Indian tribe, I proclaim Aurelius Piper Chief Big Eagle of the

Paugussett nation and the Golden Hill tribe their chief, may you have knowledge and wisdom (GHP Comments 2004, Vol. IX, Ex. 1, unnumbered).

However, the document is marked with the stamp of the “Inter-Tribal American Indian Club,” and it is through this organization that Tinney began to use the title of “Chief.” The GHP petitioner has submitted no other documentation detailing the workings or membership of this organization, so there is no available evidence to demonstrate that other members of either the Tinney family or the Sherman descendants were involved with this group. Furthermore, it would seem that if Tinney had been a member of the Golden Hill, he would not have made the apparent mistake of referring to Ethel Sherman as “Chieftess Rising Sun” rather than “Rising Star.” The GHP petitioner also submitted an obituary for Fred Tinney, who died in 1982 (GHP Comments 2004, Vol. IX, Ex. 2, unnumbered), which described him as a Paugussett. However, as was noted in the PF, Fred Tinney identified himself with several Indian organizations during his lifetime (GHP PF 2003, D&A 57-58), and Aurelius Piper (“Chief Big Eagle”) himself identified Fred Tinney as a “Pequot” in a letter appointing him to be the GH alternate before the CIAC during the 1970’s. According to the document, Tinney was to be “. . . accorded respect, and granted the same privilege [*sic*] as a Golden Hill tribal member” (Petitioner 6/18/1993, Vol. III, Section 6, Appendices of Supporting Documents). This document suggested that, in 1973, Fred Tinney may possibly have been considered an honorary or alternate member, but not a GH descendant.

The GHP petitioner submitted an additional obituary for Edward Sherman (GHP Comments 2004, Vol. IX, Ex. 2, unnumbered). It listed six pallbearers (Joseph Hoydilla Sr. and Jr., Paul Smith Jr., Willie Highsmith Jr., John Bangle, and Wm. Nathaniel Carter). Of these six individuals, only Paul Smith Jr. and Willie Highsmith appear to be related or members of the GHP (Paul Smith Jr. appears to be a child of his niece Ethel Baldwin; Willie Highsmith appears to be the husband of his grandniece Kathleen Ann Smith). There was no available evidence identifying any of the other pallbearers as members of either the Golden Hill group or the Tinney descendants. The GHP petitioner’s previous submissions also lacked sufficient information to identify the participants in Ethel Sherman’s 1993 funeral (GHP PF 2003, D&A, 68), and no such information was included in the 2004 submission.

Photographs

The GHP petitioner submitted a binder entitled “Tribal Photographs” (GHP Comments 2004, Vol. V).³⁸ It consisted of 17 photographs of people purported to be members of the group, as well as sites and landmarks associated with the history of both sets of descendants. However, the photographs, as evidence, provided little information.

Photograph 1 depicted the home claimed to be owned by Mary Freeman in Bridgeport. As was stated earlier in the GHP petition, there was no available evidence to support the GHP petitioner’s claim that the Freemans were of Native American descent.

³⁸The GHP petitioner’s membership files also contained a number of photographs of individual group members, but these appeared to have been submitted only for enrollment identification purposes.

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Photograph 2 depicted the cornerstone of the Walters Memorial AME Zion Church. There is insufficient evidence to support the GHP petitioner's claim that this church served as "the focal point of the Paugussett community in Bridgeport's south end" (GHP Comments 2004, Vol. V, unnumbered).

The identification of people in the photographs is also inconsistent. For example, photograph 4 was claimed to be of Fred Tinney ("Chief One Leaf"), Ethel Sherman ("Chieftess Rising Star"), and Aurelius Piper Sr. ("Chief Big Eagle"). However, previous photographs submitted by the GHP petitioner indicated that the woman identified in this photograph was not Ethel Sherman, but her daughter Ruth Sherman Maxwell. The woman in the 1970 photograph was wearing the same clothing as a woman in a March 31, 1974, *Bridgeport Sunday Post* newspaper. The newspaper identified this woman as Ruth Maxwell "Morning Star." Furthermore, Ethel Sherman would have been approximately 81 years old in 1974, and the woman in this photograph appeared to be much younger.

Photograph 6 identified "Little Eagle" Piper and his sister Shoran Piper, but identified the child in "Little Eagle" Piper's arms as his nephew, Jerome Cole. Information taken from the GHP petitioner's membership files indicated that Shoran Piper has a son named Jeremy, not Jerome.

The GHP petitioner claimed that photograph 7 depicted a "Traditional Golden Hill "Naming Ceremony," held in a Connecticut State Park." The GHP petitioner did not identify the participants: the child being named, the child's parents, or the adults performing the ceremony.

The GHP petitioner claimed that photographs 8, 9, and 10 are GHP members taken at several powwows, but none of the captions included any names of individuals, dates, or locations. Without names to identify the participants, it is impossible to verify whether these people were actually members of the GHP petitioner or members of other groups or tribes participating in the festivities.

Photograph 11 depicted and identified "Little Eagle" Piper, his father "Chief Big Eagle," and an "invited Chief from out-of-state" performing a naming ceremony. However, the caption did not give any information that would identify the child being named as a member of the GHP.

The GHP petitioner provided photographs 13 and 14 to show headstones in Nichols Cemetery. However, photograph 13, identified as "a headstone identifying one of many tribal members/leaders buried at this site," is actually a photograph of a rock, with the words "Last Settlement" and a date (possibly 1833 or 1839) engraved on it. It did not identify any person described in any of the GHP petitioner's documentation. Photograph 14 depicted a contemporary headstone with the name "Sherman" carved at the top and the phrase "Golden Hill Indians" carved at the bottom. However, there are no first names or dates inscribed on the headstone. The GHP petitioner claimed that photograph 15 is a cemetery in Derby, but it did not identify the tombstones specific to the group.

The GHP petitioner provided photograph 16 that depicted a child identified "son of Kicking Bear." No other name was given. Other information in the record would indicate that this may

be one of Kicking Bear Piper children, either “Ashkuhguame” or “Mishipamon.” However, the photograph did not indicate which child this might be (or if it is another child entirely).

The GHP petitioner described photograph 17 as being of “Chieftess Rising Star and other Chiefs from around the country.” This photograph, taken from a 1933 newspaper article, identified the three women in it as “Rising Star,” “Red Wing,” and “White Wing” (a 1959 letter from Ethel Sherman to an unidentified newspaper also gave the name of another woman as “Standing High). However, according to the newspaper, “Rising Star” was depicted as standing next to a man identified as “Chief Reindeer.” Another woman is depicted as wearing a headdress standing next to Overseer Beckwith (misidentified in the photograph caption as “Baldwin”), but she was identified as “White Wing.” Neither woman resembled other photographs of Ethel Sherman submitted by the GHP petitioner. It was unclear whether the newspaper misidentified the individual participants.³⁹

Of the 17 photographs included in this volume, only three were unambiguous. Photograph 3 depicted Aurelius Piper Sr. standing with member “Grand” [Grant] Felldin on the “Trumbull reservation.” Photograph 5 depicted Aurelius Piper Jr. and Sr. conferring with each other on the “Trumbull Reservation.” Photograph 12 depicted Fred Tinney (“Chief One Leaf”) wearing a headdress.

The GHP petitioner asserted that photograph 4 and its caption, of Fred Tinney, Ruth Maxwell (mistakenly identified as her mother, Ethel Sherman), and Aurelius Piper Sr., is “evidence of the kinship and tribal interaction among the residents of the “Turkey Hill” reservation and the “Golden Hill” reservation” (GHP Comments 2004, Vol. V, unnumbered). First, as was stated in the PF and earlier in this text, Fred Tinney (1899-1982) did not identify himself during the early 1970’s as any kind of “Paugussett,” but as a “Pequot.” Aurelius Piper also identified him as a “Pequot,” and not as a member of either the “Golden Hill” or the “Turkey Hill.” Second, the last part of the “Turkey Hill reservation” was sold in the early part of the 19th century. The ancestors from whom the Tinney family members claim descent were descendants of John Howd, an Indian who, from the available record had no association with the Turkey Hill reservation. Third, Fred Tinney was the only member of his family to associate with the GHP petitioner during the 1970’s. There is no available evidence that other members of the family ever associated with the Golden Hill group during his lifetime, and none that Fred Tinney himself associated with the GHP petitioner after 1974. One photograph from an event more than 30 years ago, with no evidence of community before that time and little after did not demonstrate a level of interaction that would satisfy criterion 83.7(b).

In summary, the GHP petitioner submitted photographs as evidence that were insufficient to demonstrate community as defined under criterion 83.7(b).

³⁹The PF erred when it said that this newspaper photograph, which was included with previous submissions, did not identify any of the women as Ethel Sherman (GHP PF 2002, D&A 53). The photocopy first examined by OFA was difficult to read and portions had been cut off. OFA located a clear, complete copy of this article in preparation for the FD, and it did identify a “Rising Star.”

Oral History Questionnaires

The GHP petitioner submitted 34⁴⁰ Oral History Questionnaires (OHQ) entitled “Tribal Oral Histories” (GHP Comments 2004, Vol. VI). An additional 14⁴¹ questionnaires were not included in this initial submission, but were observed when OFA staff audited the GHP petitioner’s membership files. Copies of these OHQs were requested from the GHP petitioner, along with complete copies of three questionnaires that were submitted to OFA each missing a page. These documents were received by OFA and added to the analysis. The GHP petitioner did not include any new probative member interviews in their 2004 submission. The number of questionnaires submitted represents approximately 44.5 percent of the total membership (108) as submitted to OFA on the GHP’s certified membership list of January 26, 2004. Of the 48 responses, 21 (approximately 45 percent) were from the Tinney family, 16 (approximately 33 percent) were from the Sherman/Piper family, and 11 (approximately 22 percent) were from the Burnie family line.

Examination of the documents revealed that there were actually different versions of the OHQ document. All versions have the following questions in common:

1. List parent’s names, address, date of birth, place of birth/death
2. List names, etc of the grandparents(s) who are descendants of the GH Tribe
3. How long have you known that you are a member of the GHP?
4. How did you learn of your membership?
5. Are your deceased ancestors who are members all buried in the same place?
6. How often do you interact with other tribal members?
8. What benefits have you received as the result of tribal membership?
9. What are your membership responsibilities?
11. Do non-Indian members of your community know that you are a tribal member? If yes, how do they act towards you?

However, some questions were included on one version of the questionnaire and not on the other, or the questions were phrased differently:

- 4A. [Included in some questionnaires] Are both your parents’ tribal members- if not, which parent is (please give name)?
- 4B. [Included in some questionnaires] How many of your grandparents are tribal members- list by name?
7. How often do you hear from your tribal leadership?
[Also phrased] How often do you interact with tribal leadership?
10. What tribal activities do you take part in?
[Also phrased] “What Joint tribal activities do you take part in?”

⁴⁰An additional questionnaire was included in the OFA submission, but was not included in the total because this individual’s name was not on the certified membership list submitted by the GHP petitioner.

⁴¹Sixteen questionnaires in all were requested from the petitioner. One questionnaire already in OFA’s possession required clarification because of confusion over the identification of an individual (whether the respondent was a “Junior” or “Senior”). Another questionnaire in OFA’s possession was missing the first page. At OFA’s request, the GHP petitioner provided a complete copy of the questionnaire.

12. [Included in some questionnaires-Do you participate in any tribal ceremonies- if so, which ones?

Two of the questions (or four, if the questionnaire contained questions 4A and 4B) related to the identity and descent of the individual (questions 1, 2, 4A, 4B). Two of the questions (2 and 3) related to the individual's knowledge of their membership in the petitioning group. One question (5) appeared to ask for specific knowledge of the location of the burial of member's ancestors. Five (or six, if the questionnaire contained question 12) of the questions dealt with the dynamics of the group, including interactions with other members and the group's leadership (6, 8, 9, 10 and 12). One question (11) asked if members of the non-Indian community knew that the respondents were members of the GHP, and how they responded to this knowledge. Overall, the design of the questionnaire did not elicit the type of detailed information that would have been useful to OFA's evaluation of the GHP petition.

Although some respondents gave detailed explanations of family histories or individual reminiscences, several provided such general answers to the questions that it was difficult to verify any accurate details and meaning from the responses. For example, question 6 read, "How often do you interact with other tribal members?" Twelve people responded "daily," "on a daily basis," or "every day." However, these respondents did not describe who they interacted with (immediate family members, extended family, or other members to whom they were not closely related), or describe where the interaction took place (whether members worked together, attended the same schools or met at some social functions). Other respondents did add detail, stating that other members lived nearby or attended the same church, but again, they did not state whether these other members were close relatives. Interaction between immediate or extended family members does not indicate the presence of tribal community.

Another example was found in the responses to question 7. The question read "How often do you hear from your tribal leadership?" or "How often do you interact with tribal leadership?" Some of the respondents answered "weekly" or "daily," while others answered "monthly." On examination of the respondents, however, it appeared that many of the people who reported frequent interaction with the leadership were immediate family members of the group's leadership. Most did not describe how they interacted with the leadership (although many living outside of Connecticut did specify that they had received the group's newsletter as well as corresponding via e-mail and letter-writing). One person mentioned meetings held "in different parts of the state," but the GHP petitioner submitted no other information regarding these meetings (including specific dates or locations). Two of the Tinney descendants, a mother and daughter, referred to a "spiritual leader," and one referred to this person by name. However, no other respondents referred to any "spiritual leader," and the individual who was named did not refer to himself by this title.

Another example was found in the responses to question 10. The question read, "What (joint) tribal activities do you take part in?" One of the respondents stated that he had recently attended a naming ceremony for a baby. However, neither the name of the child or the child's parents was included in the answer. Without knowing the identity of the participants, it was impossible to verify whether participation in such an event was indicative of tribal community or of other social interaction.

One Tinney descendant born in 1952 included a four-page statement with her questionnaire. In it, she described her memories of growing up in Ansonia. She specifically remembered her uncle Fred Tinney taking her sisters and her on Sunday rides, and that he told her that the lands in the Naugatuck area had been taken from the Indians. She also remembered attending a powwow of some sort on Prospect Street in Ansonia, but did not state what year it was held. Her uncle Fred Tinney owned the land where the event was held. She also remembered her great-grandmother telling her that she was called "little squaw." She added that she remembered "some type of ceremony" being performed at the funerals of her uncles Fred and Norman, but did not say who performed the ceremony or describe the ceremony. No photographs of or information about the "powwow" she remembered was included with the petition, and no members of the Sherman descendants mentioned attending any gatherings in Ansonia in the late 1950's or early 1960's. Fred Tinney was involved with a number of pan-Indian organizations. The available evidence did not show what event she described and who organized that event.

In an interview submitted by the GHP petitioner in 2002, Aurelius Piper Jr. (Chief Quiet Hawk) claimed that the Tinney family had always been a part of the GHP and that his grandmother Ethel Sherman (1893-1993) had distributed money to them:

AP Jr: The Tinneys have been part of the tribe since anyone can remember. I was born in 1945. By the time I was 5 years old, I was meeting my grandmother on on [sic] the corner. Who would get up her Indian regalia and she'll be carrying these bags and she would go up to the Tinney home and where she would conduct business for the entire week and in that business, all of the Tinney family came to visit her. . . . She also passed out money to the Tinneys and others to maintain their homes and stuff like that (Petitioner 6/17/2002).

The Tinney respondents mentioned several members of their extended family by name in their responses. One respondent who included her reminiscences did not mention any visits by Ethel Sherman. Only one respondent mentioned being visited by Ethel Sherman, and yet this questionnaire is problematic because it was initially submitted to OFA missing a page. When OFA requested a complete copy of the questionnaire, the missing page that was resubmitted was markedly different than the pages previously submitted.⁴² For example, the page that was resubmitted to complete the questionnaire was typewritten, while the original pages were handwritten. The quality of the answers was also more detailed than on the earlier pages, and it is on this resubmitted page that the respondent included a description of Ethel Sherman's visits. The GHP petitioner did not include any explanation as why the page is so different than those initially submitted. The respondent, who described visits from Ethel Sherman, was born in 1965, 20 years after Aurelius Piper Jr.'s birth in 1945. By the time the respondent would have been five years old, Ethel Sherman would have been 77 years old. Although the likelihood for a 77-

⁴²A second questionnaire originally submitted to OFA was also missing a page. At OFA's request, the GHP petitioner resubmitted the missing page that appeared to have been generated by a word processor, while the original page was filled out with a manual or electric typewriter. As with the first questionnaire, the answers were more detailed than on either of the other pages originally submitted with the original questionnaire. Both of these resubmitted pages were in marked contrast to a third questionnaire, which also was missing a page. When the GHP petitioner resubmitted a complete copy of this third questionnaire, the handwriting and style of answer was completely consistent with the original submission of the questionnaire.

year-old woman to make such visits is reasonable, no other person from this generation documented in the record related any memories of Ethel Sherman doing this. The videotaped interview conducted with Ethel Sherman when she was quite elderly made no mention of any such visits. Further, the question of why the Tinneys never appeared on any of the group's membership lists until 1999, including those submitted to the State of Connecticut, had not been addressed by any of the individual members.

Probative interviews with people might have elicited more detailed information, but none were included in the GHP petitioner's submission. Additionally, the GHP petitioner has submitted no analysis of these questionnaires. Taken as a body, the questionnaires provided little evidence of community among the members of the GHP.

Additional Materials

The GHP petitioner submitted a binder of assorted documents that it claimed demonstrates community within the GHP (GHP Comments 2004, Vol. IX). Many of these documents were included in earlier submissions: articles on the Native American community in Connecticut, particularly the Golden Hill; certain obituaries; documents regarding community service performed by the group; letters from various members to Aurelius Piper Jr. ("Chief Quiet Hawk") and other people in the group's office; group newsletters; correspondence between Aurelius Piper Jr.; and a group mailing list from the 1970's.

The GHP petitioner has submitted a copy of a Bridgeport *Daily Standard* newspaper article from August 5, 1873, article reporting on an "Emancipation Day picnic" held the day before (GHP Comments 2004, Vol. IX, Ex. 1). William Sherman's diary also includes a record of attending a "picknick" on August 4 of that same year. While the likelihood of William Sherman attending this picnic is reasonable, there was nothing to indicate whether this picnic was a Native American event or a celebration organized and sponsored by the local African American community.

The GHP petitioner submitted an exhibit collectively titled "Community Service Performed by the Tribal Office" (GHP Comments 2004, Vol. IX, Ex. 3). The documents consisted of four photocopies of index cards and a sheet of paper. They appeared to have the names of 10 individuals written on them, followed by clothing sizes. Three are dated 1993, although the other two are undated. The GHP petitioner provided no context for this information (such as whether or not it was part of a program established by the group or by any other organization), and has not explained how this information was obtained or utilized.

Exhibit 4, "Intra-tribal Correspondence and Letters of Appreciation," consisted of 10 cards and letters written by GHP members. They appeared to have been written between 1993 and 2002 (two are undated). All of these letters were addressed to "Chief Quiet Hawk" [Aurelius Piper Jr.], except one addressed to "Uncle Ricky," which is Aurelius Piper, Jr.'s nickname. Some of the letters were also co-addressed to individuals named "Kelly" and "Joan," neither of whom the petitioner has identified. There were no copies of responses from Aurelius Piper Jr. to these letters included in this exhibit.

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The letters and cards addressed several topics. One card offered condolences on the death of Kenneth Piper (“Moonface Bear”), Aurelius Piper’s half-brother. One appeared to be a “cover letter” included with a number of other documents, but the submission did not specify what documents were included with this letter. Several thanked Aurelius Piper for his work on behalf of the GHP. One letter in particular thanked him for sending some money in the form of two checks. Two letters, received from a member of the Tinney family, included the funeral programs for one GHP member and one spouse of a GHP member. Two other letters were more personal and were specific requests for material or financial assistance from close family members: his niece and half-brother.

A portion of the new material contained in Exhibit 5, “Tribal Government Correspondence to the Golden Hill Community,” consisted of three copies of index cards and telephone message notes. Some of these messages detailed requests to assist or report on problems individuals were having. However, there was nothing in these notes that indicated what action was taken to assist those in need. One letter from 1995 did indicate that a member received a scholarship from a local university, in part due to her nomination by Aurelius Piper Jr.

Exhibit 10, “1970’s Mailing List For Tribal Newsletter,” contained one document that was actually titled “Golden Hill Tribe Members.” The list was undated, although the 1970’s designation is questionable. This uncertainty about the 1970’s designation was based on the notation of Millicent Watts as “deceased.” Available evidence recorded her death as having occurred in 1992, not during the 1970’s. Regardless of when it was compiled, no Tinney descendant was on this list and did not support the GHP petitioner’s claim that the Tinneys had “always” been part of the group.

Group Population Data and Petitioner’s 2004 Revised Residence Analysis

The GHP petitioner claimed with “respect to a showing of community,” that the “latest, updated residence analysis for the Golden Hill Paugussett Tribe” demonstrated a “strong presence in the Tribe’s historic Connecticut area from colonial times to the present” (GHP Comments 2004, Narrative, 22). An evaluation of the 2004 residence analysis, however, shows it contained the same shortcomings as the 2000 analysis submitted for the PF (see GHP PF 2003, D&A, 72-76).

First, the GHP petitioner’s 2004 residence analysis still included people who claimed descent from the Indians at the Turkey Hill reservation, historically identified as a separate entity from the Golden Hill. As described previously, the State viewed and treated these historical groups as distinct political and legal entities, ones that, at various times, had their own reservations and State-appointed overseers. Accordingly, individuals who claim descent solely from the Turkey Hill group, and who did not maintain consistent interactions and significant social relationships with the Golden Hill group, cannot constitute a part of the historical population of the Golden Hill. Nor can their residency over time be evidence of historical community between the claimed ancestors of this portion of the GHP petitioner and any Pequannock or Golden Hill entity.

The GHP petitioner’s 2004 residence analysis included other unaffiliated Indians, besides those who claimed Turkey Hill, and non-Indians as Golden Hill members. An analysis of the names of

the 147 group members claimed for the 1920 decade revealed many such discrepancies.⁴³ For that decade, the analysis listed eight people consistently identified in other documents as Schaghticoke. It also included 30 individuals who were the non-Indian spouses of Golden Hill, in several cases years before they even married their future partner. In one instance, claimed siblings of a non-Indian spouse were also included. The analysis also counted some people twice. In another instance, the adoptive non-Indian parent of a GHP individual appeared in the total, as well as a non-Indian adult stepchild. Furthermore, there were a number of people for whom the GHP petitioner submitted no information at all, so their identities remained unknown - be they spouses, members, or other. The residence patterns of these non-members and non-Indians do not demonstrate social community for the GHP petitioner (GHP Comments 2004, Vol. IIC).

Second, the petitioner claimed that “the information utilized for the residence analysis” included such material as baptismal records, adoption papers, probate records, pension petitions census tabulations, special censuses, tribal rolls, marriage certificates, family bibles, overseer reports, letters, and proxies (GHP Comments 2004, Vol. IIC, 1-2). Yet, the GHP petitioner did not indicate by citation or description which of the documents were used to establish the residence of specific individuals at particular times, making it extremely difficult to evaluate and verify the findings in the analysis. In addition, by the petitioner’s own admission, the residence analysis relied on “computer software” that “assumed” places of residence where data was lacking, or presumed dates of death for individuals using “contemporaneous life tables and life expectancies” when death records were unavailable, further compromising the validity of the evidence.

For this 2004 residence analysis, like the 2000 one, most of the documents in the petition that could have presumably been used to estimate group membership from the late 1820’s to the early 1970’s identified only individuals who were or were claimed to be descendants of a historical Indian entity. They did not describe a social and political entity, with some degree of social interaction and significant social relationships, at a particular place and time. None of the Federal censuses in the available record through 1930, for example, enumerated a specific Golden Hill entity; rather, they identified as Indian a small number of individuals, scattered throughout southwestern Connecticut, without ascribing any “tribal” status. The only special census contained in the petition was the 1823 tabulation of the Golden Hill by a State official, containing the names of only nine persons, while the only “tribal” rolls created by the GHP petitioner are after the early 1970’s.

Third, the geographical boundaries for the “primary tribal residence areas” remained too large to demonstrate that more than 50 percent of the members ever resided in an area exclusively or almost exclusively composed of members of the GHP petitioner, or that they ever lived close enough together to facilitate social interaction.

For example, the 2004 residence analysis utilized a “locus” area in southeastern Connecticut to determine who lived “five, ten, or fifteen miles away.” That area contained six towns: Ansonia, Derby, Orange, Seymour, Shelton, and Trumbull (GHP Comments 2004, Vol. IIC, 3). The

⁴³Listed in the appendix of the 2004 Residence Analysis under the title “Individual Residential Assumption by Decade.”

region within 5 miles of the locus area took in these 6 towns and 16 additional ones from the surrounding environs. The 10-mile area encompassed another 27 towns in addition to the above. Extending the perimeter to 15 miles added another 41 towns. Thus, the petitioner's "primary tribal residence areas" still consisted of 90 communities, covering most of Fairfield and New Haven Counties, and portions of Litchfield and Hartford Counties (GHP Comments 2004, Vol. IIC, 3).

As described in the PF, this residence area involved a very large land base. The "locus" area alone embraced more than 100 square miles, while Fairfield County amounted to about 625 square miles, and New Haven County equaled more than 605. The driving distances within this region can be quite substantial. For instance, the distances from Trumbull, the location of the Golden Hill State reservation since 1933, to various towns within the "primary residence area" range from a low of approximately 7 miles to neighboring Bridgeport to an estimated high of 46 miles to Roxbury, a town on the northwestern perimeter. The distance from Branford, one of the most eastern towns, to Ridgefield, one of the most western, is about 48 miles. Finally, the distance from Norwalk, one of the most southern towns, to Southington, one of the most northern, is around 55 miles. Such a large area, even in a region with transportation systems, is not conducive to regular social interaction. The FD can make no presumption of social interaction relying upon a geographical area of this size.

Besides its substantial size, the area has historically been one of the most populous regions in Connecticut, where since the 18th century non-Indians outnumbered Indian groups. Such a small and widely distributed membership, within a densely populated region inhabited overwhelmingly by non-Indians, did not allow for the presumption that the GHP members were in close contact with one another and interacting extensively and regularly without direct evidence of such interaction (GHP PF 2003, D&A, 74).

Fourth, both the 2004 and 2000 residence analyses are extensive revisions of the 1994 residence analysis submitted by the petitioner. The revised analyses contain considerably more names than the 1994 one because they include persons who claimed descent from the Turkey Hill Indians, particularly a genealogical line identified as the "Tinney Family" added in 1999. As stated before in the PF and this FD, the Turkey Hill group was a separate social, political, and legal entity. The residence patterns of these members and their claimed ancestors, without evidence of consistent interactions and significant social relationships with the claimed Golden Hill portion of the GHP petitioner, did not demonstrate social community for the GHP petitioner. Moreover, none of the GHP petitioner's membership lists from 1973 to 1999 ever included the names of any persons who claimed descent from these groups. Nor did the 1994 residence analysis include them as GHP members. These facts indicated that the Tinney line was not part of the GHP petitioner's social community before 1999, as the GHP petitioner claimed. Federal acknowledgment regulations state that "associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations" (25 CFR Part 83.3(c)).

The addition of these members in 1999, and of other non-member Indians and non-Indians, has created contradictory numbers for the estimated GHP membership both historically and contemporaneously. For example, in the 1994 residence analysis, covering 1800 to 1994, the

number of Golden Hill started at 47 in 1800, increased to 71 in 1850, gradually dropped to a low of 34 in 1910, and eventually climbed to a high of 141 in 1994. However, in the 2000 revised analysis, covering 1760 to 1999, the population tally started at 29, and grew by the decade to a high of 207 in 1990. In the newest analysis, the population began at 26 in 1760 and reached 219 in 2003. Selecting dates at fifty-year intervals from all the analyses also has shown the differences in the estimated numbers. For 1800, the 1994 analysis estimated the membership at 47, while the 2000 survey listed it as 78. The 2004 analysis shows the membership as 94. For 1850, the 1994 number was 71; the 2000 total listed 141. The 2004 survey put it at 182. For 1900 and 1950, the 1994 numbers were 43 and 59 respectively; the 2000 tally was 131 and 147. For the 2004 analysis, the numbers are 160 and 145 (GHP PF 2003, D&A, 75-76; GHP Comments 2004, Vol. IIC, Table 1).

The figures in the residence analyses still conflicted widely with those from various membership lists produced by the petitioner since the early 1970's. Three lists from the 1970's gave the number of members as 19, 51, and 54. The 1994 residence analysis, however, put the number of members for that decade in the high 90's, while the 2000 survey provided an estimate of between 185 and 190. The 2004 data gives a range between 201 and 207. Six GHP membership lists from 1990 to 1994 gave numbers ranging from a low of 20 to a high of 81. Yet, the 1994 analysis showed a GHP membership between 138 and 141 for roughly the same period. The 2000 survey listed between 203 and 207 persons. The 2004 analysis puts it at 218. Again, as stated in the PF, there was no apparent explanation for the striking differences between the residence analyses and the GHP membership lists, even though the latter presumably reflected the best estimate of the GHP membership for the time the group compiled them (GHP Comments 2004, Vol. IIC, Table 1; GHP PF 2003, D&A, 75-76).

The 1994 residence analysis also comprised a much smaller land base than the 2000 and 2004 analyses. According to the GHP petitioner, the earlier analysis purported to "estimate the number and percent of tribal members who live or have lived within a five, ten, or 15 mile radius of Trumbull Connecticut," home of the group's State reservation in Fairfield County, rather than the "locus" area of six towns in the later analyses. The primary residence area of the 1994 analysis involved only 54 communities, while the later surveys have 90 (GHP PF 2003, D&A, 76). Such drastic differences among the three analyses, created over a period of only ten years, suggested that the GHP petitioner lacks an accurate and consistent understanding of its primary residence area and GHP membership numbers. Therefore, for all the reasons stated above, the residence analysis of 2004, as evidence, did not demonstrate that the GHP petitioner meets historical or modern community under criterion 83.7(b).

Final Determination's Conclusions on Criterion 83.7(b)

The sum total of evidence submitted by the GHP petitioner, when combined with previously submitted evidence, does not satisfy criterion 83.7(b) after 1823. The GHP petitioner's argument that the community of Golden Hill and Turkey Hill Indians, either separately or combined, formed the community of "Little Liberia" in Bridgeport is without support. There was no available evidence to demonstrate that the "Joel Freeman" who the GHP petitioner claimed was a "Paugussett" was the same "Joel Freeman" listed as an heir-at-law of the Indian John Howd. The GHP petitioner was also not able to demonstrate that the Tinney family descended from

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either the Turkey Hill Indians or the descendants of John Howd, or that the Tinney descendants were identified as either a separate Indian entity that amalgamated with the Golden Hill, or as part of the GHP petitioner before 1999.

Concerns raised in the PF have gone un-addressed, while the GHP presented new theories and treated them as facts without any documentation to support them. Several submissions have included errors in the identification of individuals, and these errors have then been compounded when their inclusion into other researcher's work has resulted in inaccurate conclusions. Further, the State of Connecticut provided new primary evidence that was contrary to the unsupported theories advanced by the GHP petitioner. The GHP petitioner did not submit any response to the State's documentation, even though some of the archival material contradicted the GHP's claims made in its petition and comments to the PF. Therefore, this FD affirms the conclusion of the PF that evidence submitted does not fulfill the requirements necessary to satisfy criterion 83.7(b).

Criterion 83.7(c) requires that

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

Summary of the Proposed Finding

The PF concluded that only the portion of the GHP petitioner claiming descent from the historical Golden Hill, and not the portion claiming descent from the Turkey Hill, met criterion 83.7(c) up to 1802, when the State of Connecticut's appointed overseer sold the last sections of the State reservation with the historical Golden Hill's approval. The GHP petitioner did not meet the criterion since 1802. For the period since 1802, GHP did not provide sufficient evidence to establish that either the claimed historical tribe or its direct antecedents had maintained political authority or influence over their members as an autonomous entity. From 1824 to around 1850, the available evidence indicated that the historical Golden Hill's known survivors lost political influence. Indeed, particularly for the early 1850's to around 1973, the available evidence indicated that the GHP petitioner's antecedents were little more than a small, single family composed of individuals claimed but not demonstrated to be descended from the historical Golden Hill tribe. The available evidence did not indicate that there was a recognizable Indian entity or individuals who functioned as leaders within a group political process. Since 1973, the available evidence indicated that the leadership has been limited to a small number of family-appointed leaders, or part of a small family group, who do not appear to have a significant bilateral relationship with the rest of the membership (GHP PF 2003, Summary, 7). Therefore, the petitioner did not meet criterion 83.7(c).

Summary of the Comments on the Proposed Finding

The GHP petitioner asserted the following:

In its evaluation of petitioner's earlier submissions addressing this criterion for federal recognition, the OFA proposed three findings. First, the OFA found that the Golden Hill and Turkey Hill Indians shared a similar culture and language but were separate political and legal entities, and therefore, evidence regarding one group had no application to the other group. Second, the OFA recognized that the Golden Hill group did maintain political influence or authority over its members from the 1630's through 1802. Third, the OFA found that after the sale of the Bridgeport reservation in 1802, no further actions were taken by the Golden Hill Indians as a political entity. Our supplementary evidence rebuts the adverse findings (GHP Comments 2004, Narrative, 23).

The petitioner's comments to the PF's conclusions that the Golden Hill and Turkey Hill were separate political and social entities are discussed in detail in criterion 83.7(b) under the sections covering the definition of the historical tribe, the "Greater Wappinger Confederacy" theory, and

the Turkey Hill Indians. These discussions deal with claimed social and political interaction between the groups during the colonial period and beyond. Criterion 83.7(b) concluded that the historical Turkey Hill and historical Golden Hill were separate social and political entities, and that the petitioner could not use evidence of community or political influence for the former to demonstrate the same for itself. Thus, this discussion of political influence and authority focuses mainly on the Golden Hill since 1802. An analysis of the petitioner's "supplementary evidence," as described below, indicates that the GHP does not meet criterion 83.7(c) since 1802.

The State argued that although "the Proposed Finding correctly determined that the petitioner failed to satisfy criterion (c) after 1802, the evidence indicates that the Golden Hill lacked political leadership or meaningful political activity even earlier. The last person identified as a sachem died in 1761, and the only Golden Hill members maintaining any sort of social connections thereafter were part of a small, closely related family group" (State Comments 2004, Narrative, 11). This FD disagrees with this claim. There is sufficient evidence that the historical Golden Hill, though decreasing in numbers and cohesion, managed to maintain sufficient political influence until 1802. This FD covers most of the State's objections to this conclusion in the discussion under criterion 83.7(b).

Materials Submitted as Comments to the Proposed Finding

The PF stated:

The proxies, powers of attorney, and other documents the petitioner has submitted to validate the group's acquiescence to allow a few individuals to control the actions done in the name of the group do not rise to the level of demonstrating a bilateral relationship between members and leaders, most of whom appear to have been either self-appointed or appointed by close family members. To demonstrate a significant political relationship, the petitioner must demonstrate more than a minimal level of involvement from most members of the group. They must demonstrate that the actions taken are important to the membership as a whole, and that the leadership is responsive to the membership's requests (GHP PF 2003, D&A, 111).

The petitioner has not demonstrated that the GHP or its predecessors maintained political authority over its members as an autonomous entity from historical times to the present. The evidence in the record does not demonstrate that a Golden Hill entity existed after the 1802 land sale, or that any entity existed during the lifetime of William Sherman (1825-1886), the ancestor of the portion of the petitioner maintaining descent from the historical Golden Hill Indians, or that William Sherman was a part of any such autonomous entity that may have existed. The evidence in the record does not demonstrate that a Golden Hill entity existed after 1886 that maintained political authority over its membership. The sporadic activities beginning in the 1920's were centered in one family, with no evidence that they represented a tribal entity as required by the regulations. The

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evidence in the record also does not provide any documentation at all for the portion of the petitioner claiming descent from the historical Turkey Hill Indians (GHP PF 2003, D&A, 112).

In its comments, the GHP petitioner submitted several new documents and reports. These include, but are not limited to, "The Survival of the Paugussett Tribe" (Vol. I, Ex. 3), "Tribal Leadership and Continuity" (Vol. I, Ex. 5), "Tribal Administration: the Twentieth Century" (Vol. I, Ex. 6), "Golden Hill Paugussetts: 1993, 1994, 1995, 2002" (Vol. I, Ex. 12), and "Transcript of Chief Quiet Hawk's Message to Tribal Members, Dec. 1994" (Vol. I, Ex. 4). Exhibits included in Vol. IX include "Tribal Correspondence with Government Entities" (Vol. IX, Ex. 6). Additional information included in the 2004 submission had been included in previous comments.

The new information submitted by Connecticut relating to issues of leadership mostly related to the history of the Turkey Hill Indians and their descendents (State Comments 2004, Ex. 52-57). Other information included in the 2004 submission had been included in previous comments.

Leadership after 1802

The evidence presented for the PF did not support the GHP petitioner's contention that the group had maintained political authority over its members during the 19th century. The last political act performed by the group of Golden Hill Indians, as determined by the existing record, was the sale of the group's reservation in Bridgeport in 1802. After that date, references made by the state refer to individuals and their actions, not to group actions or group decisions. There are also no other available documents that identify any political actions taken by a group of Golden Hill Indians.

The GHP petitioner commented to this by introducing information into the record about the "Little Liberia" community in Bridgeport, and proposed that traditional leadership was carried out by a number of individuals and by certain families. In particular, the GHP petitioner presented information regarding a Joel Freeman and his sisters, Mary and Eliza (see the discussion of the Freeman family under criterion 83.7(b)). The GHP petitioner claimed that these siblings, and Joel in particular, were leaders in this "Paugussett" community. However, the evidence provided by the GHP petitioner did not bear out this claim. There is insufficient evidence to demonstrate that the "Joel Freeman" who signed as a trustee for the AME Zion Church in 1835 and who petitioned the Connecticut General Assembly for funds to start a school in 1841 was the same "Joel Freeman" who was listed, along with his wife Nancy Freeman, as an heir-at-law of the Indian John Howd. There was no available evidence regarding the involvement of either one of his sisters in political or community activities, particularly as they both spent many years living and working in New York City. There was also available evidence regarding political involvement of this family prior to the mid-1840's when they were still living in Derby. Although Joel Freeman may have been a prominent individual in the "Liberia" community in Bridgeport, the evidence in the record did not indicate that he was a leader of a "Paugussett" community.

The GHP petitioner also made misidentifications that result in erroneous statements regarding community leadership. One example of this was a statement regarding Tom Sherman 2nd (ca. 1770-1808), one of the Golden Hill Indians who took part in the land sale in 1802. The GHP petitioner made an error of stating that this man died in 1849, when other evidence indicated that he died many years prior (see discussion of this topic under 83.7(b)). The acceptance of this late death date allowed the GHP petitioner to make statements such as “It should be remembered that Tom Sherman 2nd, who was approaching his eightieth birthday, remained titular head of the Paugussett Tribe. He resided in Trumbull during his last years, and appears to have left the responsibility for the growing Bridgeport community under Joel [Freeman]’s aegis” (GHP Comments 2004, Vol. 1, Ex. 5, 6). However, as indicated in the PF, the available evidence indicated that no individual was recognized as a “chief” or “sachem” of the Golden Hill during the 19th century (GHP PF 2003, D&A, 89). John Shoran, who died in 1761, was the last person recognized as a sachem of the Golden Hill until the 20th century when members of the Sherman family began using the title “chief” or “chieftess.” No evidence in the record has shown that Tom Sherman 2nd was ever considered a “chief,” and the most reliable evidence submitted by the GHP petitioner and interested parties indicated that he was dead prior to the establishment of the “Little Liberia” community that the GHP petitioner claimed was led by Joel Freeman.

The GHP petitioner also claimed that Rensselaer Pease (ca. 1807-1856) was a sachem (GHP Comments 2004, Vol. 1, Ex. 5, 7). This statement appeared to be based only on a claimed relationship with Nancy (the presumed daughter of Ruby Sherman, daughter of Tom Sherman 2nd). The GHP petitioner did not submit evidence of leadership activities that Rensselaer Pease was supposed to have engaged in on behalf of any group of people. The GHP petitioner also advanced the theory that Rensselaer Pease was the father of William Sherman, a hypothesis that was without support (see discussion under 83.7 (b)).

The GHP petitioner has long maintained its claim that William Sherman (1825-1886) was a sachem of the Golden Hill. The GHP petitioner presented no new evidence to demonstrate group economic or social leadership on William Sherman’s part. The claim that William Sherman’s purchase of a quarter-acre of land from the Ambler family was to recreate the “reservation” that had been lost in the late 1850’s was also not supported by any documentation. The GHP petitioner presented no evidence to demonstrate that his land purchase was to benefit anyone other than himself and his family. Further, the additional claim that a “second tribal ingathering” (GHP Comments Vol. 1, Ex. 3, 37) occurred around the Trumbull property when other people of Native descent came to live in the area was also without support. In the case of the Schaghticoke families who were resident in Trumbull, all evidence in the record strongly indicated that the reasons the Schaghticoke Bradley families moved to Trumbull and the Bridgeport area were for economic opportunities or to be close to other relatives who had already moved to the area. The Schaghticoke overseer was still enumerating Truman Bradley and his family even while they were living in Trumbull (STN PF 2002, 109), and several members of the family (Truman, Julia, Joseph, Lillie, and George) signed an 1884 petition to appoint Martin Lane to be the new overseer of the Schaghticoke tribe (STN PF 2002, 105). Truman Bradley himself presented a petition in 1892 to have the tribe’s property appraised (STN FD 2004, 87-8), although he had been living in Trumbull or Bridgeport since 1870. There was no evidence in the record that the Bradleys ever identified themselves as members of any Native American community other than Schaghticoke.

There was nothing in the record to support the GHP petitioner's claim that William Sherman's purchase a piece of property for his own family to live on motivated other people to move to the area.

The GHP petitioner also contended that George Freeman (1814-1888), another person for whom the GHP petitioner claimed "Paugussett" ancestry, was "a man of wealth and vision who made loans to fellow community members, served as witnesses at important functions, and provided burial space to known Paugussetts in his cemetery plot. . . . He can be seen as a second village chieftain under the suzerainty of the Tribal sachem" (GHP Comments 2004, Vol. 1, Ex. 5, 7). The GHP petitioner did not cite any documentation for George Freeman serving in any such capacity. The only documentation submitted was an obituary that stated that that Freeman had acquired a substantial amount of property (GHP Comments 2004, Vol. 1, Ex. 3, 30). The GHP petitioner contended that three "Paugussett" men (Boston White, John Benson, and Edwin Freeman) who had served together in the Civil War were buried in his plot in the Putney Cemetery (GHP Comments 2004, Vol. 1, Ex. 3, 30). However, the GHP petitioner included insufficient documentation that would demonstrate Indian ancestry for these men.⁴⁴ The GHP petitioner did not include any records from this cemetery in the submission. According to records OFA obtained from the Putney cemetery, only two of the men (John Benson and Boston White) are recorded as being buried in this cemetery (Records Putney Cemetery, Stratford, Fairfield Co., CT; www.rootsweb.com).⁴⁵ No loan records or documents naming George Freeman as a witness were included in the submission. None of this supported the GHP claim that George Freeman was a "chieftain" or that he was under authority of William Sherman.

Leadership among the Turkey Hill and Howd Descendants

The GHP petitioner presented the argument that the Turkey Hill and Golden Hill were one political entity. However, the available evidence offered in support of this contention does not substantiate the claim (see discussion of the evidence under criterion 83.7(b)). The Paugussett proper descendants associated with the Hatchett, Homer, and Richardson families obtained land in the town of Derby, county of New Haven in the late 18th century. The available evidence in the record indicated that the last named sachem of the Paugussett proper appeared to have been named Kockapatana, who died in 1731; after that time, the State of Connecticut appointed overseers for the descendants on the individual Paugussett proper reservations and the available records did not identify any leaders among the descendants who began to move to other areas. John Howd (ca. 1730-1806), an Indian who appears to have been a Paugussett proper descendant identified with the Naugatuck area, inherited a considerable amount of land from other Indians who either died or left the area and ceded their holdings to him. His descendants, namely the

⁴⁴One secondary source included in the petitioner's 1995 submission (*A Pictorial History of Shelton*, no copyright information included) identifies a man named John Benson as a "mixed blood Indian." However, the petitioner has not included primary or secondary identifications for the other men.

⁴⁵There may also be some error in the record regarding Boston White, considering that he is recorded as having been born in 1859. This would have made him six years old at the end of the Civil War. The Boston White recorded here may be the son of the Civil War veteran, but it is not possible that he himself served in the war. Further, Lucy (White) Freeman, the wife of George and the woman the GHP petitioner indicated was Boston White's sister, is reported in the same cemetery records as having died in 1874 at the age of 81. This would give her a birth year of approximately 1793. It is highly unlikely that a woman born in 1793 would have a brother born 66 years later.

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children of Phillip Moses (ca. 1771- 1840), inherited some land from him, which was sold in 1841. Moses's grandchildren and great-grandchildren also inherited money from the sale of a second piece of property in 1871. However, no one was ever identified by any state, local, or other sources as a sachem or leader of the Turkey Hill or Howd descendants.

Not only is there insufficient evidence of political authority maintained by any of the presumed or documented Golden Hill descendents, but also there is no evidence to support the petitioner's contention that the Turkey Hill or Howd descendants were subject to the authority of the Golden Hill. The GHP petitioner did not demonstrate that the individuals from these various groups maintained contact with each other after the 1830's. None of the land sales in the Derby area mentioned any interest held by any Golden Hill descendants (such as Henry O. Pease), and none of the transactions relating to the dispensation of the Golden Hill fund ever mentioned the Turkey Hill or Howd descendants. The Turkey Hill Indians appear to have ceased to be identified as a political entity after the sale of their remaining reservation in 1826, although a small amount of land, perhaps one acre, continued to be reserved for the elderly Molly Hatchett (ca. 1739- 1829).

The State of Connecticut submitted evidence regarding the 1910 court case filed by Nathan and Thomas Phillips, the remaining heirs of the Turkey Hill/Howd descendents, lending more credence to the lack of a functioning Turkey Hill tribal entity. The Phillips brothers testified that the land which had been sold in 1871 was private property inherited from their ancestor John Howd, not tribal land, and that the group had ceased to exist as a political entity well before the sale of that land (State Comments 2004, Exhibit 54). There was nothing in the court documents that would allude to any authority over either group or their descendants being invested with Golden Hill descendants.

Leadership in the 20th Century

The GHP petitioner has not presented any evidence in the record of leadership or political activity during the first two decades of the 20th century. No additional legal documents (such as court cases, wills, or other evidence) from these decades in which any authority on behalf of any group, be it Golden Hill, Turkey Hill, or the Howd descendents, has been submitted. The State submitted documentation from 1909-1910 that indicates that the Turkey Hill group had ceased to exist as a political entity, and the GHP petitioner did not submit any additional information to contradict this. The GHP petitioner did not respond to the documentation submitted by Connecticut that specifically addressed this issue, even though the State's evidence directly contradicts GHP's claims.

The GHP petitioner continued to maintain that Ethel Sherman (1893-1993) served as the group's "chieftess" from 1933 until her death in 1993. However, the majority of the evidence submitted for her leadership was the same as had already been presented in previous submissions, and remained insufficient. The petitioner stated:

The OFA's proposed findings with respect to the installation of the Chieftess reflect great skepticism that this event was an official act of the Golden Hill Tribe. (Proposed Finding—Summary Under the Criteria at 25). Yet, as reported

contemporaneously by the Bridgeport Post, this elaborate ceremony was well attended by many Native Americans who participated in an Indian Day meeting where Princess Rising Star was recognized as Chieftess of the Golden Hill Tribe (GHP Comments 2004, Narrative, 20).

The resubmitted photograph and newspaper articles published in the *Bridgeport Post-Telegram* on October 14, 1933, describing this “ceremony” did not indicate that any of the people who attended this service (or a prior gathering in New York described in the article) were other group members. No interviews or questionnaires included with the submission contained any new information regarding this event. None of the “Indians” in the 1933 newspaper photograph were identified as being Golden Hill, Turkey Hill, or any group native to Connecticut (one was identified as a ‘Shoshone,’ the others as ‘Winnebago’). There were no interviews with people who were alive at the time recalling the event. There were also no interviews with people remembering that their parents or older relatives had told them about attending either the “Indian Day meeting” in New York, or the “ceremony” in Trumbull (see Appendix C for the text of the newspaper articles).

The GHP petitioner included one additional newspaper advertisement dated the February 24, 1934, which purports to be “a record of Sitting Bull’s grandson being invited to her [Ethel Sherman’s] twice-weekly council meetings” (GHP Comments 2004, Vol. 1, Ex. 5, 7). However, examination of the document (see under criterion 83.7 (b) for the complete text of the advertisement) revealed it to be more an advertisement for Ethel Sherman’s fortune-telling business. None of the GHP petitioner’s submissions included any minutes or notes from these “council meetings,” nor did they include any information of who was supposed to have been on this “council” other than Ethel Sherman. No available documents indicated that any “council” of Golden Hill members was formed before the early 1970’s. The GHP petitioner’s claim that the lack of documentation is a result of events being held secretly “so as not to be ostracized by outsiders” (GHP Comments 2004, Vol. 1, Ex. 5, 6) is contradicted by these very public proceedings and advertisements in the paper.

Ethel Sherman’s brother Edward Sherman (1888-1974) was also referred to as “Chief Blackhawk.” The GHP petitioner claimed that he went to California in 1957 “to meet with tribal members” (GHP Comments 2004, Vol. 1, Ex. 6, 7). Several newspaper articles and questionnaires submitted by the GHP petitioner stated that the reason Edward Sherman went to California was to visit his son Edward Jr. whom he had not seen in years (neither knew the other was still alive). Additional information indicated that the reunion between the two men actually came as a result of the actions of Edward Jr.’s wife. The “members” Edward Sr. met were his son, his son’s stepdaughters, and possibly some of their young children. There was nothing to support that this visit had a political dimension, or a social purpose beyond reuniting a long-separated father and son.

The petitioner also claimed that Ethel Sherman (1893-1993) “fell into the role of clan mother by taking young girls under her wing” (GHP Comments 2004, Vol. 1, Ex. 6, 11). However, the GHP petitioner did not name any of these “girls” or provide any information, such as their ages or when Ethel Sherman was claimed to have cared for them. The GHP petitioner did not submit any interviews with any of the ‘girls’ who could describe Ethel Sherman’s actions on their

behalf. The GHP petitioner submitted no evidence that these 'girls' were members of the GHP group, members of another Indian group, or included non-Indians. There was no indication that any of Ethel Sherman's daughters were ever interviewed regarding her activities, although they lived in Connecticut during the time that their mother was serving as "chieftess," while their brother Aurelius Piper Sr. ("Chief Big Eagle") lived outside the state for many years.

The GHP petitioner also made the argument that some "Paugussett" leadership was maintained by the organization "The Daughters of Zion," in the former Zion (now Walters) AME Church in Bridgeport. According to the GHP petitioner, ". . . one local woman . . . learned from her great-aunt that the great-aunt's mother would meet every Monday with 'Indian women' and discuss their common problems and other matters of importance" (GHP Comments 2004, Vol. 1, Ex. 5, 12). However, the GHP petitioner did not submit any documentation naming any of these women who were supposed to have made up this group or described any of these "meetings." There was no available evidence of what the "matters of importance" were, or how any particular issues were resolved. There was no evidence available in the record to demonstrate that these meetings had any political function. There was also no evidence in the record of Ethel Sherman (who was claimed to have been the "chieftess" at this time) associating with any of these women.

The GHP petitioner submitted three group newsletters from the early 1990's (GHP Comments 2004, Vol. 1, Ex. 12). The date of May 1993 for the other can be inferred from the information contained within it, one is dated July 1994, and another is dated February 1995. Most of the information in both relates to Federal acknowledgment and land claims issues. The 1993 issue contains one reference to a "General Council Meeting" having taken place, and described how a resolution sanctioning the "three chief tribal government" was signed (the three chiefs being Aurelius Piper Sr. ("Chief Big Eagle"), Aurelius Piper Jr. ("Chief Quiet Hawk"), and Kenneth Piper ("Chief Moonface Bear"). The council also voted to retain its attorney. However, the notice did not name any members of the "general council" who were claimed to have acknowledged the "three chiefs." The notice also did not give an attendance figure, so it was uncertain who attended this meeting other than these three men. The 1994 newsletter mentioned having to postpone tribal meetings, but never specifically said when the meetings were originally scheduled, or why they had to be postponed. It also did not mention how many meetings had been postponed, or set a new date for a group meeting. Most of the newsletter consisted of information regarding gaming and the group's land claims. The February 1995 issue included several clippings from local newspapers related to the group's land claims and gaming issues, letters of support from various organizations, an update on the acknowledgment case, and plans for a "Tribal Village." However, none of the newsletters contained any records of group meetings, votes cast, or any other political actions involving the group at large, not just the three "chiefs."

The GHP petitioner submitted a transcript of a videotape cassette entitled "Video Message to Tribal Members December 1994." In the transcript, Aurelius Piper Jr. denounced several members of the group, including his half-brother Kenneth Piper ("Chief Moonface Bear"), Warren Farrar, Roger Smith, and Roger's sister Belinda Smith. This address was made during a very contentious period in the group's history, and addressed various issues, such as the history of leadership within the group, the history of the Golden Hill Development Corporation, and a synopsis of the struggle between Aurelius Piper, Jr. and Kenneth Piper. Although the document

provided a view of the conflict from the perspective of Aurelius Piper Jr. it did not provide any substantive new information about the conflict. The submission also did not include any information on just how this video message was delivered, such as whether it was watched by a group of members gathered together or whether copies were mailed to individual members. None of the interviews or questionnaires submitted by the petitioner mentioned the videotape, or if this was a regular method of addressing members.

The GHP petitioner submitted a document in Vol. IX, Exhibit 6. It has no title, but is signed by James Stokes III, AKA Grey Wolf, and is dated Feb. 28, 1995.⁴⁶ It appeared to be a sworn statement or affidavit. In this document, James Stokes III stated that he is familiar with the traditions of the group, and recognized both Aurelius Piper Sr. and Jr. as the “Traditional Chief” and “Chief (Sachem)” respectively. He also stated that, “In my temporary absence from the state of Connecticut Quiet Hawk is council chief thru [*sic*] me” (GHP Comments, Vol. IX, Ex. 6, unnumbered). There was no evidence in the record that James Stokes III was previously involved with the government of the group, or that he ever held any position of authority that would allow him to make such a statement. The document also stated that James Stokes III acknowledged “. . . the authority of Chief Big Eagle to act on behalf of the Tribe with or without the proxy of tribal members for his goals are the tribes [*sic*] goals.” Although there was only one of these documents included in the exhibit, it was similar to the proxies submitted previously for the PF. In those proxies, members of the group ceded their authority to the two “chiefs” and retroactively gave their support to the decision made by the two men to “banish” Kenneth Piper (GHP PF 2003, D&A, 109-110).

The GHP petitioner submitted a copy of a document dated September 2002 entitled “Golden Hill Tribe of the Paugussett Indian Nation Important Notification” (GHP Comments 2004, Vol. 1, Ex. 12).⁴⁷ The document contained a letter by Aurelius Piper Jr. (“Chief Quiet Hawk”) to the group’s membership, and also included several enclosures regarding acknowledgment and certain actions taken by the State. In the letter, Aurelius Piper denounced the claims of another group of people who claimed to be the “true Paugussetts”⁴⁸ and extorted the group not to be deceived by their claims.⁴⁹ However, other than condemning the “true Paugussetts,” the letter provided little information about the political processes within the group.

The GHP petition was silent as to why the Tinney family descendents, who now make up approximately 65 percent of the current group membership, are almost completely absent in the group’s political processes. The only involvement by any Tinney family members prior to 1999

⁴⁶James Stokes III appears to be the son of Millicent Baldwin, a daughter of Ethel Sherman.

⁴⁷The petitioner’s “Index of Exhibits” to Supp. Vol. I: Supporting Documents describes this exhibit as “Golden Hill Paugussetts Newsletters: 1993, 1994, 1995, 2002.” Because the 2002 document is not specifically designated as a newsletter, it is discussed separately here.

⁴⁸The “true Paugussetts” are not a splinter group of GHP members or a group currently on record as petitioning OFA for Acknowledgment. The document submitted to OFA mentions only the name of one individual, Jerome Sills, and gives no further information regarding the group or its membership.

⁴⁹The GHP petitioner did not submit any of the documentation from the “true Paugussetts” which precipitated Aurelius Piper Jr.’s letter.

was the earlier, short-term involvement of Frederick or Fred Tinney (“Chief One Leaf”), who was identifying himself, and being identified by others, as a “Pequot.” During the meetings held during the 1970’s, there were no Tinney members in attendance. There were no available records, such as committee lists or meeting minutes, included in the petition prior to the 1999 enrollment of the Tinney descendants that indicated their involvement in the GHP group’s political processes.

Current Council Leadership

The GHP petitioner’s governing body, as it is currently constituted (based on documents included in the submission dated January 23, 2004), consists of four members and Aurelius Piper Jr. (“Chief Quiet Hawk”) as the “Council Chief.” Three members (Jane Mattier-Kane, Grant Felldin, and Michele (Mattier) Clough) are residents of California. The fourth member is Rhonda (Piper) Shaw (Aurelius Piper Jr.’s half-sister) who is incarcerated in Virginia. The members in California are all Burnie descendants, while Aurelius Piper, Jr. and Rhonda Shaw are Sherman/Piper descendants. The GHP petitioner did not submit letters or telephone records with its comments, nor did the GHP petitioner include any information regarding other activities in which the “council” has been engaged. The “council” also did not contain any Tinney family members, even though they make up the majority of the group’s current GHP membership. The submission contained no explanation as to why the Tinney descendants are absent from this GHP’s governing body.

Final Determination’s Conclusion on Criterion 83.7(c)

The GHP petitioner submitted very little new documentation in support of criterion 83.7(c). Some of the new assertions regarding leadership, such as those concerning Joel Freeman, are based on incomplete or uncertain documentation. Other contentions, such as the “chieftainships” of Rensselaer Pease and George Freeman, are not supported by documentation. Documents submitted by the State of Connecticut provided evidence rebutting GHP’s claims that the Turkey Hill Indians and/or the John Howd descendants were subject to any leadership from the Golden Hill descendants. In fact, two of the three named and documented Turkey Hill descendants stated in 1910 that the Turkey Hill tribe had long since ceased to exist as a political entity and made no mention of the Golden Hill descendants.

The additional evidence presented for the 20th century still did not answer the questions posed by the PF. The GHP petitioner did not submit evidence to demonstrate that the GHP group supported or was even aware of the “ceremony” where Ethel Sherman was reported to have assumed the title of “chieftess.” The GHP petitioner repeated many of the claims that it has made in the past regarding the leadership of Ethel Sherman, but submitted no new evidence demonstrating that she advocated for any members of the GHP group other than her own children or grandchildren. The 1934 notice of a “meeting” held by Ethel Sherman was insufficient to demonstrate any political authority because it gave no information on which members of the group attended meeting or what was discussed at those meetings.

The other documentation submitted by the GHP petitioner regarding leadership under Aurelius Piper Sr. after 1973 and Aurelius Piper Jr. after 1993 is also insufficient to indicate a bilateral

relationship between the group's members and its self-appointed or family-appointed leaders. There was little indication of input from the group's membership on issues of importance to the group. The documentation submitted by the GHP petitioner was substantively the same as had been included in previous submissions, and contained little new information regarding this time period.

The GHP petitioner did not provide any new information regarding the Tinney descendants. The GHP petitioner claimed that the Tinneys had always been an integral part of the group. However, the GHP petitioner did not submit evidence on those individuals and of a bilateral political relationship with the Sherman descendants. Instead, there is little to no evidence regarding any Tinney descendants other than Fred Tinney's brief period of involvement with the group during the 1970's, which was described in the PF (GHP PF 2003, D&A, 57-58). Further, there was no evidence presented in the GHP petition regarding any involvement of the Tinney family in any of the political processes of the group since their enrollment. Finally, the GHP petitioner did not satisfactorily explain the near-total absence of the Tinney descendants in the GHP petition prior to the late 1990's.

In conclusion, the available evidence the GHP petitioner and interested parties submitted does not satisfy the requirements of criterion 83.7(c) at any time after 1802. Therefore, this FD affirms the conclusion of the FD that the petitioner does not meet criterion 83.7(c).

Criterion 83.7(d) requires that a

copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

Conclusions under the Proposed Finding

The PF concluded that the GHP petitioner met the requirements of criterion 83.7(d) insofar as it provided “its current governing document, a constitution with bylaws, and a supplementary governing document defining the procedures for selecting the leader” (GHP PF 2003, Summary, 35). This conclusion was reached with difficulty because at least nine documents, many unsigned or undated, had been submitted dealing with various topics of governance, including membership criteria (See Appendix B in GHP PF 2003, B1-B2). Only three of the documents had the signature of more than a single individual (none since June 1993). The GHP petitioner submitted no documentation to indicate that the general membership voted for or was aware of any of the documents.

Changes in the Petitioner’s Governing Document and Membership Criteria

The GHP Comments to the PF included a copy of a new constitution, entitled “Constitution of the Golden Hill Paugussett Tribe of Indians,” hereafter referred to as the 2003 constitution (GHP Comments 2004, Vol. VII, Sec. 3). At the end of the document, the date “7/23/03” appears under each of the two signature lines, which are indicated for “Traditional Chief Big Eagle (aka Aurelius H. Piper, Sr.)” and “Council Chief Quiet Hawk (aka Aurelius H. Piper Jr.)” The copy submitted to the AS-IA is unsigned. The GHP petitioner submitted a letter from the Council Chief Aurelius H. Piper Jr. (Quiet Hawk), signed and dated January 21, 2004, stating that the document “is the effective constitution and supersedes [*sic*] all others that may have been previously in effect” (GHP Comments 2004, Vol. VII, Sec. 3).

Petitioner’s 2003 constitution contains 12 articles entitled territory, membership, leadership and governance, tribal law, tribal judiciary, presentation of resolutions and ordinances, records, constitutional rights, sovereign immunity, severability, amendments, and adoption and effect. The issues related to membership requirements, amendments, and governance are discussed below. Selected sections from GHP’s 2003 constitution, which are not present in the GHP petitioner’s previous governing documents or which contain wording different from that found in its previous governing documents, are discussed below.

Preamble

The only other governing document containing a preamble was the GHP petitioner’s 1979 constitution, the only constitution previously submitted (Petition 4/12/1993, Ex. A-3). The 1979 constitution opened with “[w]e the people of the Golden Hill Tribe, Paugussett Nation,” and presented the group’s reasons for establishing the constitution and bylaws in addition to a

statement of submission “to the Creator” (Petition 4/12/1993, Ex. A-3). Most of the earlier governing documents contained an introductory paragraph submitting the document “to the Governor of the State of Connecticut” (Petitioner 4/1/1994, Appendix III, 270).

The preamble for the 2003 constitution states that it “shall supercede and replace all prior governance documents, including but not limited to any and all prior forms of this Constitution” (GHP Comments 2004, Vol. VII, Sec. 3, 1). It opens with the phrase “[w]e, the members of the Golden Hill Paugussett Tribe of Indians, acting by and through our Traditional Chiefs, . . . do establish and adopt . . . this Constitution, and the Bylaws adopted by the Tribal Council and approved by the Traditional Leadership . . .” (GHP Comments 2004, Vol. VII, sec. 3, 1). The Preamble also declares that the “hereditary Chiefs and Traditional Leadership” hold the “final power of governance of the Tribe” (GHP Comments 2004, Vol. VII, Sec. 3, 1).

Territory

Territory was addressed in various ways in previously submitted GHP governing documents. The GHP petitioner’s 1979 constitution (Petition 4/12/1993 Ex. A-3) referred only to its jurisdiction over “the land within the confines of the Golden Hill Reservation boundaries and to such other lands as may be added thereto under any law of the United States of America and the State of Connecticut” (Article II). A document addressed to Governor Weicker from Warchief Moonface Bear (aka Kenneth Lee Piper, b.1960-d.1996) (CT FOIA 3/23/1991, Ex. B-27, 2), which expanded on an earlier (c. 1975) governing document entitled “Practice and Usage of the Golden Hill Tribe Concerning Membership,” referred to “the original Paugussett [*sic*] territory. . . . This area encompassed Stratford, Ansonia, Huntington, Seymour, Derby and Milford, Trumbull” (Petitioner 7/18/1993, Vol. 7).

The 2003 GHP constitution asserts in “Article I – Territory”:

The historic territory of the Golden Hill Paugussett Tribe extended over the majority of the southwest part of what is now known as the State of Connecticut, consisting of in excess of 720,000 acres or one-third of what is now known as the State of Connecticut, as well as parts of what is now known as the State of New York (GHP Comments 2004, Vol. VII, Sec. 3, 2).

Membership

While several of the previous governing documents specify the documentation necessary to be accepted for membership, none of them, including the most recently submitted constitution, define an application procedure or membership approval process in detail. Only one previous governing document (Petitioner 4/1/1994, Resp. to First OD Appendix IV) defined conditions and procedures for relinquishment or revocation of membership.

In the GHP petitioner’s governing document entitled “1973 Rules and By-Laws of the Council of Descendants of Golden Hill Indians Inc.,” the criterion for membership stated:

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An authentic [*sic*] descendant of the Golden Hill Tribe, [*sic*] is a person who can prove through a birth certificate, or other legal record, that he or she is directly related to an Indian who is geneologically [*sic*] recorded as a Golden Hill Indian by the State of Connecticut (Petitioner 4/1/1994, Appendix III, 11-15).

In this same 1973 document, full corporate membership was comprised of “members who are authentic [*sic*] descendants of the Golden Hill tribe, and over 12 years o[f] age” (Petitioner 4/1/1994, Appendix III, 11-15). Associate membership was available to any “person of 1/8 Indian blood who can prove by birth record or other legal documents, who is not a member of any Conn. Tribe or band, or whos [*sic*] tribe or band has run its course. . . . Also spouses of Indians who are members regardle[ss] of race creed or religion” (Petitioner 4/1/1994, Appendix III, 11-15).

In the 1979 GHP constitution, Article III, Section 1 stated that “[m]embership shall include the descendants of the residents of any of the four original reservations [not named] set aside for the Paugussett Nation; including those of the Golden Hill Reservation listed on the Tribal Roll of April 1978.” Article III Section 2 stated that “[a]ny person of Indian heritage may be adopted into the tribe. . . .” (Petitioner 4/12/1993, Ex. A-3).

A letter from “Warchief Moonface Bear” (Kenneth Lee Piper, 1960-1996) to Governor Weicker defined an eligible member as

any person who is a descendant of the Golden Hill Sherman, Shoran, Shurm families or any other documented Paugussett prior to 1930, documented Paugussett’s [*sic*] are those on Overseer Reports, State recognized, or who have been known to live amongst us and can be proven by various substantiated historical documents and/or books. Any person who is sanctioned by the Clan mother [not defined], or chief’s [*sic*] in consultation or recognized by the Paugussett [*sic*] body as a whole (CT FOIA 3/23/1991, Ex. B-27, 1-2).

In a 1990 document entitled “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe,” item I.A.3. described eligible members as “[a]ll persons who are lineal descendants of any person whose membership in one of the Tribes comprising the Paugussett nation. . . .” (Petitioner 4/1/1994, Resp. to First OD Appendix IV). In item I.C., GHP membership will be “revoked by the Traditional Chief” if a member is found to have “voluntary, enrollment in another tribe” (Petitioner 4/1/1994, Resp. to First OD Appendix IV).

In the 2003 GHP constitution, the first section of “Article II – Membership” addresses the “Master Tribal Roll” or membership list submitted in response to the PF, and declares the persons named on that membership list “are conclusively deemed to have satisfied the requirements of this Article” (GHP Comments 2004, Vol. VII, Sec. 3, 2-3). The second section outlines the documentation and information required for the descendants of persons named on the membership list to become members, and provides information on the approval process for descendant applications (GHP Comments 2004, Vol. VII, Sec. 3, 3).

Section 3 of the 2003 GHP constitution applies to persons not addressed in the first two sections, namely persons who are not named on the membership list and who do not descend from a member named on the membership list (GHP Comments 2004, Vol. VIII, Sec. 3, 3-4). Specifically, persons who qualify for membership under this section are described as

(a) descendants of a member or members of one of the villages that made up the Paugussett Indian Nation during the period before the establishment of the Trumbull Reservation in the Nichols section of Trumbull, Connecticut, or (b) descendants of a person or persons who were identified historically as a Golden Hill, Naugatuck, Paugussett, Pequannock [*sic*], Potatuck or Turkey Hill Indian. . . The intent of this Section is to allow membership . . . to descendants of Indians who were historical members of the Tribe residing on the Historical Lands of the Tribe, as described in Article 1, Section 2, above (GHP Comments 2004, Vol. VII, Sec. 3, 3).

The third section also outlines the documentation and information required to identify the historical “village members” (ancestors) and to show descent (GHP Comments 2004, Vol. VII, Sec. 3, 3-4). It provides information on the approval process for persons applying for membership under Section 3 as well (GHP Comments 2004, Vol. VII, Sec. 3, 4).

The remaining sections under Article II address dual enrollment prohibition (Section 4), “Master Tribal Roll” update (Section 5), rights of non-member relatives (Section 6), and banishment (Section 7) (GHP Comments 2004, Vol. VII, Sec. 3, 4-5).

Leadership and Governance

In Section II of a document entitled “Rules for Tribal Membership and Government of the Golden Hill Paugussett Tribe” and dated March 15, 1990, the GHP petitioner outlined governing powers and authority.

The Traditional Chief is the leader of the Tribe . . . is possessed of powers and duties over the Tribe members and reservations, including . . . [d]etermine membership and residency on reservation land; [f]orm tribal councils or other governing bodies; . . . [p]romulgate Tribal ordinances and rules. The Traditional Chief may . . . delegate authority to one or more sub-chiefs including, without limitation, a Council Chief (Petitioner Resp. to First OD 4/1/1994, Appendix IV).

Selection of the “traditional chief” was outlined in Article V of petitioner’s 1979 constitution: “There shall always be a traditional tribal chief/chieftainess, who shall be appointed for life by the tribe’s “clanmother” [not defined]. In the absence of a clan mother, a council of elders [(tribal members) shall elect a chief” (Petitioner 4/12/1993, Ex.A-3). The procedure for selection of the “traditional chief” is revised and “clanmother defined in a document entitled “Method of Selecting the Leader of the Golden Hill Paugussett Tribe,” dated June 30, 1993, and signed by “Chief Big Eagle” (Aurelius H. Piper Sr.):

Traditional Chief chooses his/her successor, “a son or daughter of the Tribe. . . . Since 1849 the Traditional Chiefs have been lineal descendants of William Sherman. . . . The eldest female members of the Tribe are the Clanmothers. . . . The Traditional Chief may, in his discretion, delegate some of his powers and duties to a sub-chief. The sub-chief is now known as the Council Chief. . . . The Council Chief shall be a son, daughter, brother, sister, parent or grandchild of the Traditional Chief (Petitioner 4/1/1994, Appendix III, 1-3).

In Article VI, Section 1, of the 1979 constitution (Petitioner 4/12/1993, Ex. A-3), the GHP petitioner’s governing body was defined as “the five (5) member Board of Directors of the Golden Hill Paugussett Tribe,” the members of which were to be elected at the GHP petitioner’s annual meeting for terms of one year each (Petitioner 4/12/1993, Ex. A-3). In addition to governing authority, Section 6 of the by-laws in the 1979 constitution granted the council “full control, management and disposal of the affairs and properties of the tribe. . .” (Petitioner 4/12/1993 Vol. 7). The 1979 by-laws also defined the processes and procedures for the election of officers, meetings, vacancies, removal of council persons or director, referendums, tribal council authority Pet 4/12/1993, Ex. A-3). The current “Rules and Regulations Governing Tribal Body” (Petitioner 4/12/1993 Ex. A-3) specifies that the “chief,” chairperson, treasurer, secretary, and one of three directors must be a Sherman descendant.

Article III of petitioner’s 2003 constitution addresses leadership and governance (GHP Comments 2004, Vol. VII, Sec. 3, 5-8). Section 1 on the “Hereditary Chief” and Section 2 on the “Council Chief” devolve all the governing authority of the GHP petitioner onto two specific individuals, “Chief Big Eagle” (Aurelius H. Piper Sr.) as “Hereditary Chief” and Chief Quiet Hawk (a.k.a. Aurelius H. Piper Jr.) as “Council Chief.” (GHP Comments 2004, Vol. VII, Sec. 3, 5-6). Section 3 echoes the absolute authority of these two persons. Although Section 3 states, “[t]he power and authority of the Traditional Leadership continues to be plenary,” the wording of the section indicates that the definition of “plenary” is meant as “entire, unqualified” rather than “an assembly of all members” (GHP Comments 2004, Vol. VII, Sec. 3, 6-7) “Traditional Leadership” is defined in the section as the “Hereditary Chief” and the “Council Chief.” Section 4 empowers the two above-named individuals to “create and fill other leadership positions” by appointment (GHP Comments 2004, Vol. VII, Sec. 3, 7).

Article III, Section 5, of the 2003 constitution defines the “Tribal Council” (GHP Comments 2004, Vol. VII, Sec. 3, 7), reestablishing the 5-members council as designated in the 1979 constitution submitted previously (Petitioner 4/12/1993, Vol. 7). However, term of service is changed from one-year terms in the 1979 constitution to staggered terms of two, three, or four years in the 2003 constitution. Instead of electing the council members at the group’s annual meeting as designated in the 1979 constitution, now the council members are first appointed by the “Traditional Leadership” (the two “chiefs”) and only after their initial terms are they elected by the membership. The council is authorized to adopt by-laws, ordinances, and resolutions, etc., as before, but all of these actions are subject to final approval by the “Traditional Leadership” (the two “chiefs”) (GHP Comments 2004, Vol. VII, Sec. 3, 7-8).

In Section 6 of Article III in the 2003 constitution, “Tribal Elders” are defined as “senior members of the Tribe, whose thoughtful guidance has served the Tribe well” (GHP Comments

2004, Vol. VII, Sec. 3, 8). No age threshold is specified for “senior members,” although the document states that elders “shall not be specifically appointed or designated . . . nor shall there be specific duties or authority associated with such position” (GHP Comments 2004, Vol. VII, Sec. 3, 8). This section also defines “Clan Mother” as “the eldest living female member” (GHP Comments 2004, Vol. VII, Sec. 3, 8), whereas the designation previously applied to multiple persons as given in the June 30, 1993, document entitled “Method of Selecting the Leader of the Golden Hill Paugussett Tribe,” which stated that “[t]he eldest female *members* of the Tribe are the *Clanmothers*” (emphasis added) (Petitioner 4/1/1994, Appendix III, 271).

Legal Authority

“Article IV – Tribal Law” and “Article V – Tribal Judiciary” of the petitioner’s 2003 constitution are new sections addressing legal authority and jurisdiction for the petitioner, its members, and its lands. These sections include a court system and a judiciary along with some administrative structure and procedures for eligibility, selection, and removal of judges (GHP Comments 2004, Vol. VII, Sec. 3, 8-9).

Voting Power and Elections

An earlier governing document entitled “1973 Rules & Bylaws of the Council of Descendants of GH Indians Inc.” stated that “[t]he corporate members, and they alone, shall have the right to vote at the meeting of the association. . . . Five members shall constitute a quorum [*sic*]” (Petitioner 4/1/1994, Appendix III). In the 1979 constitution, Article IV, Section 1 provided that “[a]ll members of the tribe recorded on the tribal roll and their descendants who are at least eighteen (18) years of age are eligible to vote” (Petitioner 4/12/1993, Ex. A-3). The 2003 constitution does not designate voting rights for members or define an age of eligibility to vote.

Resolutions and Ordinances

“Article VI – Presentation of Resolutions and Ordinances” of the GHP petitioner’s 2003 constitution is a new section addressing, in a very limited way, the process for proposal and approval of ordinances and resolutions (GHP Comments 2004, Vol. VII, Sec. 3, 10-11). For this process, it states only that any ordinances or resolutions must have prior approval of the “Traditional Leadership” (the two “chiefs”) of the group or their formally authorized designees. It also sets time limits for the presentation of ordinances and resolutions to the Secretary along with time limits for the Secretary to notify the GHP petitioner of acceptance or disapproval.

Records

This new section, Article VII, included in the petitioner’s 2003 constitution states briefly that all records “shall be kept by the Traditional Leadership, or their duly authorized designees” (GHP Comments 2004, Vol. VII, Sec. 3, 11).

Constitutional Rights and Sovereign Immunity

“Article VIII – Constitutional Rights,” new material presented in the GHP petitioner’s 2003 constitution, addresses both basic personal rights (mirroring the U.S. Bill of Rights) and rights of members to utilize natural resources on reservation lands (GHP Comments 2004, Vol. VII, Sec. 3, 11-12). Article IX – Sovereign Immunity is another new section in the GHP petitioner’s 2003 constitution and pertains to the right of members and the group as a whole to immunity from legal prosecution within and without the GHP petitioner’s legal jurisdiction (GHP Comments 2004, Vol. VII, Sec. 3, 12).

Severability

Another new section found in the GHP petitioner’s 2003 constitution, “Article X – Severability,” declares that if any portion of the constitution is found to be invalid, the invalid portion “shall be severed and the remaining provisions shall continue in full force and effect” (GHP Comments 2004, Vol. VII, Sec. 3, 12-13).

Amendments

Previously, as provided in Article VII of the petitioner’s 1979 constitution, constitutional amendments could be “proposed by a majority (51%) vote of the Tribal Council OR by petition of one-third (1/3) of the voting members of the tribe” and “adopted by a vote of two-thirds (2/3) of the eligible voters present at a meeting. . .” (Petitioner 4/12/1993, Ex. A-3).

According to “Article XI – Amendments” in the petitioner’s 2003 constitution, the council may propose amendments to the constitution but final approval is held solely by the “Traditional Leadership” (GHP Comments 2004, Vol. VII, Sec. 3, 13).

Adoption and Effect

Article XII of the petitioner’s 2003 constitution, a new section, states that the 2003 constitution “has been adopted by the Hereditary Chief, Chief Big Eagle, and the Council Chief, Chief Quiet Hawk, with the advice and counsel of the Tribal Council” (GHP Comments 2004, Vol. VII, Sec. 3, 13). It also asserts that the new governing document does not invalidate prior governing documents or appointments of the “Traditional Leadership” for the time that they were effective (GHP Comments 2004, Vol. VII, Sec. 3, 13).

Third Party Comments

The State of Connecticut or any other third party did not submit any comments or evidence before the close of the comment period on January 26, 2004, pertaining to criterion 83.7(d).

Analysis for the Final Determination

The GHP petitioner made significant amendments in its governing document in 2003. The GHP 2003 constitution (GHP Comments 2004, Vol. VII, Sec.3) supercedes numerous, often

conflicting documents, including the 1979 constitution. The 2003 constitution makes significant changes in the governance and administration of the petitioner, including divesting the membership and tribal council of practically all decision-making authority and passing that authority to a two-person "Traditional Leadership," namely Aurelius H. Piper Sr. and his son, Aurelius H. Piper, Jr. Additionally, there are no meeting notes or minutes available that indicate the council or membership at large knew about the 2003 constitution or had any opportunity to vote on or approve it. More specifically, the document did not appear to have been separately certified by the GHP petitioner's governing body.

The amendments incorporated in the 2003 constitution include the geographic area of GHP legislative and judicial authority, council election dates, membership eligibility (descent, documentation, dual enrollment) and application process, selection of council officers and their duties, judicial administration and structure, and member rights. It specifies eligible members as descendants of any Golden Hill, Naugatuck, Paugussett, Pequannock [*sic*], Potatuck, or Turkey Hill Indian, in addition to those named in the original constitution.

The new 2003 constitution does not require that applicants submit official birth records showing parentage, adoption records, or name/identity change records; official vital records of birth, death, and marriage are listed as only one of the documentation options (GHP Comments 2004, Vol. VII, Sec. 3, 4). Additionally, the 2003 constitution still lacks a clear identification of the individuals in the historical Golden Hill tribe from which the members must show direct descent. The GHP petitioner still meets the minimum requirements of the criterion, that is, it has a constitution that describes its membership criteria and the procedures through which it governs its affairs and its members.

Conclusion

The GHP petitioner has provided a copy of its 2003 constitution that describes its membership criteria. The conclusion in the PF is affirmed. Therefore, the petitioner meets criterion 83.7(d).

Criterion 83.7(e) requires:

- (1) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.**
- (2) The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group.**

Conclusions under the Proposed Finding

The PF concluded that the GHP petitioner did not meet criterion 83.7(e), descent from a historical tribe or from any other tribe, because:

[a]n analysis of the petitioner's records and other primary documentation indicates that the GHP have not demonstrated descent from a historical Indian tribe by evidence acceptable to the Secretary. The tribes mentioned by the petitioner itself as possible ancestors or related groups include the Paugussett, the Pequannock, the Golden Hill, and the Turkey Hill. No primary, contemporary documents in the record verify that the petitioner's claimed ancestors, William Sherman, Levi Allen or Delia Merrick, descended from any one of the groups mentioned. Neither is there acceptable evidence that any of the tribes mentioned combined at some historical point and that the GHP membership descends from a resulting entity (GHP PF 2003, Summary, 35-36).

In addition, the PF stated:

[t]here is no documentation in the record to verify that William Sherman or any of his children married Golden Hill, Pequannock, Paugussett, Turkey Hill, or other Indians; therefore, that portion of the membership claiming descent from William Sherman (68 members or 32 percent) does not have Indian ancestry through any other possible Indian ancestors. Neither is there documentation in the record to verify that recently added members (148 names on the 1999 membership list, or 68 percent) claiming descent from Levi Allen and Delia Merrick have Indian ancestry linked to any of these tribes (GHP PF 2003, Summary, 36).

With regard to the GHP petitioner's membership, the PF stated:

[o]nly 20 of the petitioner's members (less than 10 percent) have submitted sufficient documentation to verify their parentage. . . . [T]he October 1, 1999, membership list includes 148 names of persons the petitioner claims descend from the Allen/Merrick family. . . . However, BIA researchers have been

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unsuccessful in connecting many of these new names to previously listed members or to claimed ancestors (GHP PF 2003, Summary, 37).

The PF pointed out:

The petitioner has submitted numerous membership lists, but all are incomplete and none are separately certified by the governing body. The most recent list[,] enumerating 216 members, includes fewer than 20 persons (less than 10 percent) who have submitted birth records and parentage information to [the] BIA (GHP PF 2003, D&A, 162).

“Incomplete” in this statement refers to the lack of full name (including maiden name for married women), birth date, and complete residential address for each member. The GHP petitioner did not provide a statement describing the circumstances of membership list preparation for any of the its membership lists submitted to the Department.

The PF concluded:

[t]he GHP has not demonstrated that its membership is descended from a historical tribe, or tribes that combined and functioned as a single autonomous political entity. The petitioner has not submitted an official membership list, separately certified by the group’s governing body, of all known current members of the group, including each member’s full name (including maiden name), date of birth, and current residential address. Nor has the petitioner submitted a statement describing the circumstances surrounding its preparation, as required under criterion 83.7(e). For example, no evidence has been submitted for at least 68 percent of the membership to indicate that the individuals have applied for membership or even know they are on the membership list. Therefore, the petitioner does not meet the requirements of criterion 83.7(e) (GHP PF 2003, Summary, 37-38).

GHP Petitioner Comments on the Proposed Finding

GHP Claimed OFA Did Not Apply the Same Standards to GHP as to Other Petitioners

The GHP petitioner submitted a narrative and several reports prepared by research consultants pertinent to criterion 83.7(e). The narrative (GHP Comments 2004, Vol. 1, Sect. 1) referred to several excerpts from previous decisions, such as the HEP and the STN, and argued that in the GHP PF the Department did not apply the same standards to GHP as to other petitioners.

The GHP stated:

in both Eastern Pequot and Schaghticoke, BAR specifically determined that their [*sic*] were gaps in the evidence relating to tribal descent, criterion (e), but that nonetheless, both petitioners had presented sufficient evidence, when viewed together, to meet the criterion. In reaching this conclusion in Schaghticoke, BAR

states, “[t]he regulations do not demand a precise, named parent-to-child relationship in order to establish the petitioner’s descent from the historical tribe, but asks that ‘the available evidence establishes a reasonable likelihood of the validity of the facts relating to the criterion’”(GHP petitioner is quoting from STN PF, 33; GHP Comments 2004, Vol. I, Sect. 1, 11).

In addition, the GHP stated:

Similarly, in the Schaghticoke Proposed Finding, BAR concludes that the petitioner has met its burden under criterion (e) because ancestors of current tribal members resided on the Reservation in 1910 and “that the individuals who were on the reservation in 1910 were themselves, or their parents and grandparents were, on the reservation in 1900, 1880, 1870 and 1860” (GHP petitioner is quoting from STN PF, 32; GHP Comments 2004, Vol. I, Sect. 1, 12).

The GHP stated that gaps in evidence of tribal descent for individuals whose parentage was uncertain (like William Sherman’s) can be filled when tribal members, such as the Schaghticoke,

were repeatedly identified by the State as Schaghticoke Indians in the overseer’s reports throughout 19th century, were on the 1884 petition, or were found living (or their children were) on the reservation in the different Federal censuses in the latter part of the 19th century or the early 20th century (STN PF 2002, 33).

The GHP petitioner argued that if these same standards “had been applied to the Golden Hill petition, the Tribe would have met their burden” (GHP Comments 2004, Vol. I, Sect. 1, 12).

OFA’s Analysis

The above arguments, comparing the conclusions of the GHP PF with conclusions reached in the STN PF and the HEP FD were taken out of context and did not take into consideration the basic differences in the history and membership of these three groups. STN and HEP genealogical relationships were preceded and followed by information on earlier and later generations and all were living on a State-recognized reservation or were associated with a continuous State-recognized Indian community.

In the case of the STN, evidence did not provide precise parent-to-child relationships for all the signers of the 1876 and 1887 petitions. However, all the Schaghticoke signers were listed on prior State overseers’ and other records (STN PF 2002, 33). In the case of the GHP, the available primary evidence demonstrated that no State overseer ever identified William Sherman (1825-1886) as a Golden Hill Indian or member of any Indian tribe. The GHP did not have a reservation for 131 years, including the time during the lifetimes of William Sherman (1825-1886) and Henry O. Pease (c.1845-aft.1893). Moreover, there is no primary documentation to tie William Sherman and his descendants genealogically to the members of the historical Golden Hill named on the 1823 “Census de Golden Hill” or to Henry O. Pease (identified by the State as a Golden Hill Indian during William Sherman’s lifetime).

The GHP petitioner claimed residence on a reservation through George Sherman (1862-1938) as a valid basis for equating GHP's lack of evidence with the findings in the STN FD. However, George Sherman's father, William Sherman, and his ancestors did not live on the land in Trumbull, Connecticut, as a reservation because it was not designated such by the State until 1933. The GHP was unable to show earlier documented Sherman generations genealogically linked to the petitioner that lived on a continuously existing State reservation from historical times to the present to compensate for the parent-to-child hiatus associated with William Sherman. Thus, the GHP circumstances did not equate with the Schaghticoke petitioner where STN ancestors were identified as Schaghticoke Indians in every generation from the late 1700's to the present and living continuously on the same colonial/State reservation.

The Petitioner Claimed that the GHP PF Improperly Applies a "One-Family" Rule under Criterion 83.7(e)

The GHP petitioner claimed that the PF improperly applied the "one-family" rule under criterion 83.7(e), stating:

BAR also seems to improperly apply the "one-family" rule under criterion (e) to the Golden Hill petition. This "rule" implies that a petitioner cannot meet its burden under criterion (e) if all of its members descend from one ancestor because there is not demonstration of tribal relations. However, such a "rule" actually confuses two criteria by combining attributes of criterion (b), distinct community, with criterion (e), descent from a historical tribe and was properly rejected by the Deputy Assistant Secretary in his Reconsideration decision. Moreover, BAR, in their Eastern Pequot Final Determination, also rejected this "rule," when they stated that "[i]t has never been a requirement or standard for showing descent under criterion 82.7(e) that intervening generations of ancestors have maintained tribal relations. [. . .] Criterion 87.3(e) looks at descent from a strictly genealogical point of view."

Notwithstanding this rejection in Eastern Pequot, BAR implies in the Golden Hill Proposed Finding that even if there is evidence that William Sherman is a descendant of the historical Golden Hill Tribe, he was no longer living in tribal relations. Therefore, according to BAR, Sherman's descendants cannot claim descent from a historical tribe, but only from an individual Indian. This is a reiteration of the "one-family" rule and its application here would be improper under the regulations and arbitrary given BAR's specific rejection of it in Eastern Pequot (GHP petitioner is quoting from EP FD 2002, 185; GHP Comments 2004, Vol. I, Sect. 1, 12).

OFA's Analysis

The GHP petitioner imposed its own interpretation of the PF when it stated that "BAR implies in the Golden Hill Proposed Finding" because no such statements were made in the GHP PF under criterion 83.7(e). Tribal relations are addressed only under criterion 83.7(b) and only descent is addressed under criterion 83.7(c).

Regarding the petitioner's reference to the historical Eastern Pequot, the HEP FD stated:

[t]he issue regarding "one family" in GHP was not the proportion of the membership of a tribe descending through a single ancestor, but whether it is acceptable for the total membership of a tribe to trace descent through a single ancestor (EP FD 2002, 185).

The principal reason the GHP petitioner did not meet criterion 83.7(e) was not that the GHP petitioner claimed descent from only one ancestor, but because it had not sufficiently documented descent from the historical Golden Hill Indians or any other American Indian entity which had combined and functioned as a single autonomous political entity, or for any of GHP's claimed three lines of descent. As discussed in the PF (GHP PF 2004, D&A, 139-144), GHP membership descended from three separate family lines – Sherman, Burnie, and Tinney-Allen – and thus from three unrelated sets of ancestors (see below).

GHP's New Claims for Descent from the Historical Tribe

In its comments, the GHP petitioner addressed the claimed tribal descent of GHP members from the historical Golden Hill tribe and the historical Turkey Hill tribe (GHP Comments 2004, Vol. I, Sect. 3). GHP also presented a new theory of linking the historical Golden Hill and Turkey Hill tribes with an African-American South Bridgeport community called "Little Liberia" through a person named Joel Freeman (c.1792-c.1865). (See also discussion under this criterion in "Descent from the historical Golden Hill tribe" and discussion under 83.7(b).)

As evidence for descent, the GHP petitioner asserted that because individuals surnamed Pease were also referred to as Sherman, then an unnamed male child enumerated on the 1830 census in the household of Ransler [Rensselaer] Pease could have been William Sherman, although GHP cites no new documentation to substantiate this claim. William Sherman is the claimed ancestor of 27 members or 25 percent of the GHP membership.

The GHP claimed three intermarriages between the Pease and Sherman families (see also discussion under 83.7(b)). One involved the marriage of Abigail Pease (c.1820-1899), daughter of Agrippa (c.1800-1877) and Chloe (Brush) Pease (c.1801-aft.1870) and niece of Rensselaer (c.1807-1856) and Levi Pease (c.1805-c.1870), to Thomas Sherman (c.1819-1864), claimed by GHP to be a grandchild of the Golden Hill Shermans of the early 1800's (GHP Comments 2004, Vol. IIA, Sect. 1, 10) (see Appendix D).

OFA's Analysis

As discussed in this FD under 83.7(b), the available evidence demonstrated that "Pease" and "Sherman" were used for the same individual only in the case of Henry Pease's baptism record where the petitioner's abstract of the record identified the child as "Henry Sherman." The original record from the records of St. James Protestant Episcopal Church in Derby, as reported by the GHP petitioner, reads "On 31 May 1857, Henry Sherman, aged 13, child of Levi Pease and mother dead, was baptized" (GHP Comments 2004, Vol. IIA, Sect. 1, 13). The GHP did not provide a copy of this primary evidence, only an abstract.

The GHP presented another instance of Pease individuals recorded as Sherman, when Abigail (Pease) Sherman's parents, Agrippa and Chloe Pease, were recorded as Agrippa and Chloe Sherman while living with their daughter in the Sherman household in 1850 (see Table 2 below and Appendix D). GHP did not submit an original copy of this primary evidence, only an abstract. Such a repetition of the surname of the head of the house being applied to other members of the household on a census report is not unusual. In previous and subsequent censuses, Agrippa and Chloe Pease were enumerated under the name of Pease (see Table 2 below). With respect to Abigail Pease's connection to a Thomas Sherman, other evidence demonstrated that this Thomas Sherman (c.1819-1864) was born to a former slave in Troy, New York, and adopted by Lemuel Hawley Sherman (GHP Comments, Vol. IIA, Sect. 1, 12). He appears to be unrelated to the Golden Hill Shermans of the early 1800's.

The second intermarriage claimed by GHP included the relationship of Rensselaer Pease (c.1807-1856) and Nancy Sharp [Sr.] *alias* Pease (bef.1811-aft.1849) in the list of Sherman-Pease intermarriages (see Appendix D). The only presumed offspring of this pairing is Olive [or Mary Olive or Olivette] (Pease) Jackson (1842-1864).⁵⁰ Olive Pease Jackson is listed in the William Sherman Bible, but no relationship to William Sherman is given.

The third intermarriage claimed by GHP was that between Levi Pease (c.1805-c.1870) and Nancy (Sharp) [Jr.] Pease (abt.1831-?), who was presumably the daughter of Nancy Sharp [Sr.] *alias* Pease, previously mentioned as having a relationship with Rensselaer Pease. Nancy [Sharp, Jr.] Pease was presumably the mother of Henry O. Pease (c.1845-aft.1893) as discussed earlier under criterion 83.7(b) (see Appendix D). The GHP petitioner cited the 1850 U.S. Census for Trumbull, claiming that Henry Pease, age 5, Nancy Pease, 19, and Charles Sharpe, age 17, who are enumerated in the household of Levi Pease (c.1805-c.1870), age 45, are the son and wife and brother-in-law, respectively, of Levi Pease (GHP Comments 2004, Vol. IIA, Sect. 1, 3). However, no family relationships are given in the census record for these persons.

⁵⁰Rensselaer Pease married Caroline Jackson on October 10, 1850, in Litchfield, Litchfield County, Connecticut. According to the 1850 census for Bridgeport, Fairfield County, Connecticut, Olive Peas[e] (living with Rensselaer Pease and Caroline Jackson) is enumerated as 9 years old (U. S. Census 1850a, M432, Roll 37, page 281B (562)/dwell.972/fam.1287, lines 40-42). Olive Pease must therefore have been the child of a previous relationship and the only woman mentioned in the current record (in a secondary document) as living with Rensselaer Pease prior to 1850 was Nancy Sharp [Sr.].

Table 2: Census Records Showing Agrippa and Chloe Pease

<p>1830 U.S. Census, Newtown, Fairfield County, Connecticut (U. S. Census 1830a, M19, Roll 6, page 132, line 10) Agrippa -- negro [Pease], household total = 4, 2 males under 10, 1 male 36-55, 1 female 24-36</p>
<p>1840 U.S. Census, Newtown, Fairfield County, Connecticut (U. S. Census 1840a, M704, Roll 22, pages 272 (542-3), line 20) Agrippa Pease, household total = 4, 1 male 24-36, 1 male 36-55, 1 female 10-24, 1 female 24-36</p>
<p>1850 U.S. Census, Brookfield, Fairfield County, Connecticut (U. S. Census 1850a, M432, Roll 37, page 77B/dwell.200/fam.217/lines 37-42 and page 78A/dwell.200/fam.217/lines 1-2) Thomas Sherman, 31, male, black, laborer, CT Abba " , 30, female, black, CT Julia " , 7, female, black, CT Harriet " , 5, female, black, CT Jane " , 3, female, black, CT Georgiana " , 1, female, black, CT Agrippa Sherman, 50, male, black, laborer, CT Chloe " , 46, female, black, CT</p>
<p>1860 U.S. Census, Brookfield, Fairfield County, Connecticut (U. S. Census 1860a, M653, Roll 73, page 399, line 25) Ringdgrippe [Agrippa] Pease, 62, male, black, laborer, \$20 pe, CT Chloe " , 63, female, black, CT</p>
<p>1870 U.S. Census, Brookfield, Fairfield County, Connecticut (U. S. Census 1870a, M593, Roll 97, page16/dwell.142/fam.146-7, lines 11-18) Shepard, Edson, 51, male, white farmer, \$5,000 re, \$1455 pe, CT "Jane, 46, female, white, house keeping, CT "Eugene, 27, male, white, farmer, \$5,000 re, \$1475 pe, CT Levitts?, Levi, 16, male, white, farm laborer, CT Shepard, Adella, 26, female, white, house keeping, CT Pease, Agrippa, 70+, male, black, farm laborer, CT "Chloe, 69, female, black CT</p>

The GHP petitioner confused Levi Pease with his nephew, William A. Pease (son of Levi's brother Agrippa), and claimed that Levi Pease and "Harriet" (wife of his nephew William Pease) were the parents of an unnamed male child "born between 1820 and 1830 probably in Monroe, Fairfield County, Connecticut," and a daughter Nancy Pease, "born about 1830-31 in Connecticut" (GHP Comments 2004, Vol. IIA, Sect. 1, 4). The "unnamed male child" is listed only on the 1830 Monroe census and the daughter "Nancy Pease" is enumerated only on the 1850 Trumbull census. William Pease's wife, Harriet Hall, was not enumerated in the household of Levi Pease on any Federal census.

The GHP petitioner frequently confused Henry O. Pease with Henry B. Pease (see Appendix D). This confusion results from the similarity of names and ages for Henry O. Pease, believed to be

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the son of Levi Pease and enumerated as five years old in Levi's household on the 1850 Trumbull census (U. S. Census 1850a, M432, Roll 37, page 320A (639)/dwell.4/fam.4, lines 8-11), and for Henry B. Pease, the son of William A. Pease (son of Levi's brother Agrippa Pease) and Harriet Hall, enumerated as four years old in William A Pease's household on the 1850 Town of Fairfield census (U. S. Census 1850a, M432, Roll 38/dwell.205/fam.217, page 14A (27), lines 18-21).

The GHP petitioner also stated that "Levi Pease and Ruby? Sherman had the following children: Henry O. Pease alias Henry Sherman born about 1844" (GHP Comments 2004, Vol. IIA, Sect. 1, 4). Ruby Sherman (c.1789-c.1849) was formerly claimed by the petitioner to be the mother of Nancy Sharp [Sr.] (bef.1811-aft.1849), whereas Nancy Sharp [Sr.] and Levi Pease were claimed by the petitioner to be the parents of Henry O. Pease (see Appendix D). Ruby would have been approximately 55 or 56 years old when Henry O. Pease was born, so her maternity, although not an impossibility, would have been highly unlikely.

New Membership List

The GHP submitted a membership list labeled January 2004, which was separately certified on January 13, 2004, by four of five members of its governing body. This membership list contained the full names and maiden names, birth dates, and current residential addresses for 108 members (GHP Comment 2004, Vol. VII, Sect. 1-2). The GHP submitted this membership list to satisfy the requirement for an up-to-date accounting of the petitioner's membership for the FD (GHP Comments 2004, Vol. VII, Ex. 1). The list included five columns: full name, current address, date of birth, mother's maiden name, and maiden name (if married). One name was duplicated on the original list, making 109 entries. Information for individuals named on the 2004 membership list is complete, lacking only one address (provided later), three birth dates (provided later), and 25 mothers' maiden names. However, the GHP petitioner submitted no statement describing the circumstances of this membership list compilation (GHP Comments 2004, Vol. VII, Sect. 2).

Genealogical Records

The GHP petitioner submitted comments that contained genealogical information including research reports and a previously submitted report on Tinney-Allen ancestry (GHP Comments 2004, Vol. IIA). No new genealogical information on William Sherman (1825-1886) (progenitor of the Sherman-Piper-Baldwin and Sherman-Bosley family lines) or John Henry Burnie (1907-1945) (aka Ernest H. Sherman) (progenitor of the Sherman-Burnie family line), or their ancestry is included in this submission.

Census Information

The GHP petitioner submitted transcriptions of Federal census information for selected towns in New Haven, Fairfield, and Litchfield Counties (GHP Comments 2004, Vol. IIB). The GHP did not provide census information for 1830, 1850, and 1930. These transcriptions included names of all persons identified as non-white and persons of relevance to the GHP's history, ancestry, or

membership are not identified. Analysis of the census entries with regard to family relationships was not included with the submission.

Interested Party Comments

The State of Connecticut submitted materials on January 26, 2004, which included copies of court documents on the descendants of John Howd(ee) (aft.1710-bef.1810). These documents included claims, briefs, and depositions associated with *Derby Savings Bank vs. A. McClellan Mathewson, Overseer, et al.* (filed in 1909-1910) (State Comments 2004, Ex. 54). This litigation provided descent information concerning the “heirs” of John Howd(ee) and “surviving members” of Turkey Hill Indians (see “Descendants of Phillip Moses” in Appendix D). Persons named in these documents as being “members of said tribe of Indians” were Roswell Moses (1796-1876), Eliza (Phillips) Franklin (1831-1894), Lavinia (Phillips) Breckenridge (c.1837-1894), Elizabeth (Moses/Phillips) Roberts (c.1839-bef.1907), and Georgianna (Moses/Phillips) Slye (1835-aft.1910). Defendants in the case were two brothers, Nathan Phillips (1858-aft.1910) and Thomas Phillips (1857-aft.1910), jointly with “A. McClellan Mathewson, Overseer of the Tribe of Turkey Hill Indians.” Nathan and Thomas Phillips deposed that they were the sons of Robert Phillips a.k.a. Robert Moses (bef.1805-aft.1840) and that this Robert Phillips was the son of Henry “Harry” Phillips a.k.a. Moses (dates unknown) (see Appendix D). “Harry” Phillips aka Moses was the brother of Franklin (dates unknown), Roswell (1796-1876) and Scott Phillips (bef.1820-bef.1860), all of whom were sons of Philip Moses a.k.a. Howd[ee].

OFA’s Analysis

The ancestry information provided by these State-submitted documents strongly indicated that Eliza (Phillips) Franklin (1831-1894), who was the daughter of Scott Phillips and Delia (Myrick/Merrick) Phillips Allen (as indicated on Eliza’s death certificate), was named as a “surviving member” of the Turkey Hill Indians as a result of descent from her father (State Comments 2004, Ex. 53-54) (see Appendix D). Delia (Myrick/Merrick) Phillips Allen is not mentioned within any primary documents as a member or descendant of the historic Turkey Hill or Golden Hill tribes (see GHP PF 2003, D&A, 142-143; see also discussion in 83.7(b)).

Analysis for the Final Determination

Descent from the Historical Golden Hill Tribe

The GHP petitioner presented its claim that it descended from the historical Golden Hill tribe, later revising this claim to include the Turkey Hill Indians and a connection to a South Bridgeport community referred to as “Little Liberia,” the latter of which is claimed to be linked to the historical Golden Hill and Turkey Hill tribes through a man named Joel Freeman (c.1805-1865) (GHP Comments 2004, Vol. I, Sect. 3). (See discussion under 83.7(b).) However, the GHP petitioner provided no documentation identifying Joel Freeman as Indian or as a descendant of the historical tribe.

The only occurrence of a Joel Freeman’s name in relationship to the Turkey Hill tribe was found on an 1840 petition by the “heirs-at-law” of descendants of John Howd[ee] an Indian (GHP

Response 1995, 35). This Joel Freeman was included as an heir-at-law and may be the spouse of Nancy (Phillips) Freeman (dates unknown), who appears to be the daughter of Philip Moses a.k.a. Howd[ee] (dates unknown) and Mehitable Moses (dates unknown) (see “Descendants of Phillip Moses” in Appendix D), but may not be the same Joel Freeman documented in the petitioner’s comments regarding “Little Liberia.” The GHP petitioner submitted transcriptions of three documents that provide information on the identity of a man named Joel Freeman. First, a probate distribution document for the estate of Eliza Freeman dated February 27, 1863, states “We set to Mary Freeman Sister of the Subscriber Eliza Freeman” confirming that Mary Freeman and Eliza Freeman were sisters (GHP Comments 2004, Vol. I, Sect. 3, Attachment 37, 3). Second, an excerpt from a transfer of real estate interest from Joel Freeman to Mary Freeman dated February 27, 1863, stated “said premissis [sic] distributed to me [Joel Freeman] from the estate of my late sister Eliza Freeman” providing evidence that Joel Freeman and Eliza Freeman were brother and sister (GHP Comments 2004, Vol. I, Sect. 3, Attachment 38, 1). Third, a transcribed news article from the *Bridgeport Standard* dated March 8, 1884, and titled “Mary Freeman’s Will,” stated that Mary Freeman, Joel Freeman’s sister, was “born in Ansonia in 1805, of slave parents who were brought to this state and set free” confirming that Joel Freeman was also Mary Freeman’s brother (GHP Comments 2004, Vol. I, Sect. 3, Attachment 39).

Therefore, since the evidence indicated that this Joel, Eliza, and Mary Freeman were siblings, and Mary Freeman was reported to have been the child of slave parents from another state, it is highly unlikely that this Joel Freeman was descended from any historical Connecticut Indian tribe. Census records indicated there were at least two persons named Joel Freeman living at the same time in the same general area (i.e., Derby/Ansonia and Bridgeport) based on Federal census records (see Table 1 under criterion 83.7(b)). The Joel Freeman named in the above-mentioned documents was enumerated with a wife named Chloe on the Bridgeport 1850 and 1860 Federal censuses. A man named Roswell J. Freeman was enumerated with a wife named Nancy on the Derby 1850 and 1860 Federal censuses and may be the “Joel Freeman” listed with Nancy Freeman as “heirs-at-law” of the descendants of John Howd(ee) (GHP Response 1995, 35). The GHP petitioner appeared to have confused these two men named Freeman, or considered them as one person, in its comments (GHP Comments 2004, Narrative and Vol. I, Sect. 3).

The petitioner also asserted that Jeremiah Merrick (dates unknown), the father of Delia (Myrick/Merrick) Phillips Allen/Alling (1797-1890), was a Turkey Hill Paugussett (GHP Comments 2004, Vol. I, Sect. 3, 6), although GHP provided no documentation that identified Jeremiah Merrick as either an Indian or a member of the historical Turkey Hill tribe. The GHP claimed that “Jeremiah was married to a Sylvia Freeman and had a daughter named Eliza Freeman” (GHP Comments Vol. I, Sect. 3, 6). The only Eliza Freeman identified in the petitioner’s documents was Joel Freeman’s sister Eliza Freeman (c.1805-c.1863). The record did not show that she had any children.

The available evidence did not show that Jeremiah Merrick had a daughter named Eliza. He did have a granddaughter named Eliza (Phillips) Franklin (1831-1894), the offspring of his daughter Delia Merrick and Scott Phillips as shown on Eliza’s death record (GHP Comments 2004, Vol. IIA, Sect. 6, Ex. 29) (see Appendix D). The record reflected that this Eliza was enumerated as “Eliza Franklin” with her husband, Albert Franklin, on the 1870 Federal census of Derby, New Haven County (U.S. Census 1870, M593, Roll 111, page 80A/dwell.36/fam.39, lines 19-20).

This Eliza Franklin was named a “surviving member” of the Turkey Hill Indians with four other persons on a June 19, 1871, deed selling the remaining seven acres of John Howd(ee)’s land (Petitioner 10/1/1999, Attachments, 519). This Eliza Franklin died in 1894, as documented by her death record in the Town of Ansonia Clerk’s office (GHP Comments 2004, Vol. IIA, Sect. 6, Ex. 29).⁵¹ There was no document in the current record showing Eliza Phillips as “Eliza Freeman” or indicating that Eliza Phillips married anyone named Freeman.

In another instance, the GHP petitioner claimed that “Tunis Green . . . married Rosanna Brush of Newtown” who was “almost certainly a relative of Chloe, who was married to Agrippa Pease” (GHP Comments 2004, Vol. I., Sect. 3, 11). The GHP did not submit any documentation to support this “Pease” connection to Tunis Green. Subsequently, the GHP petitioner tried to link Tunis Green (dates unknown), who “had been born in ‘Pokeepsie’, New York,” with William Sherman (1825-1886), whose birthplace was reported as Poughkeepsie, New York, in ships’ records and in his death record (GHP PF 2003, D&A, 139-140), and with other residents of the South End “Little Liberia” community who were born in New York (GHP Comments 2004, Vol. I, Sect. 3, 11). The GHP report failed to support this connection. It does not include a copy of the document cited for Green’s birthplace (i.e., Bridgeport Vital Records – Deaths, Volume 1, page 7) and neglected to include pertinent documentation of the birthplaces of the other residents. In addition, the concept lacked connection to William Sherman’s birth by time or place other than by coincidence.

The GHP petitioner emphasized that the records showing Rensselaer Pease (1807-1856), William Pease (c.1825-bef.1860) and Harriet (Hall) Pease (1826-1833) [parents of Henry B. Pease (1845-1925)], and other families by the name of Cam, Hawley, Jackson, Freeman, Ward, Benson, and Edwards; however, none of the individuals discussed have descendants in the GHP petitioner’s membership, either on the current list or on previous membership lists. The GHP petitioner has not shown by a reasonable likelihood of the validity of the facts that the Cams, Hawleys, Jacksons, Freemans, Wards, Bensons, Edwards, and other were relatives of William Sherman, John Henry Burnie (a.k.a. Ernest H. Sherman), Levi Allen/Alling, Delia (Myrick/Merrick) Phillips Allen, or their descendants who are the GHP petitioner’s claimed ancestors.

Descendants of William Sherman: The Sherman-Piper-Baldwin and Sherman-Bosley Lines

The GHP petitioner and the State of Connecticut did not submit new documentation that provided any information identifying William Sherman’s parents. New information provided in the GHP petitioner’s membership files helped to verify and clarify claimed descent from William Sherman for several of the Sherman descendants. However, nothing new was provided for the ancestry of William Sherman himself.

The GHP petitioner did provide new interpretations on previously submitted information. After initially presenting the argument that William Sherman (1825-1886) was the son of Nancy Sharp

⁵¹Eliza Franklin was shown on the 1880 Federal census in Derby with her husband Albert Franklin, her grandson William Henry Howard, and her mother Delia Allen/Alling (U. S. Census 1880b, T9, Roll 104, p. 188, lines 8-11). Eliza (Phillips) Franklin previously had a child, Emma Jennie (b.1851), with William George Roscoe (1829-?) as shown on the daughter’s death record in 1915 (GHP Comments 2004, Vol. IIA, Sect. 6, Ex. 32).

[Sr.] *alias* Pease (1811-1849) and some unnamed spouse, the petitioner now asserts that the unnamed spouse was Rensselaer Pease (dates unknown) (see Appendix D). The GHP based this new interpretation on the presence of two unnamed male children less than ten years old, enumerated in Rensselaer Pease's household on the 1830 census for Monroe, Fairfield County, Connecticut (GHP Comments 2004, Vol. IIA, Sect. 1, 5; U.S. Census 1830a, M19, Roll 6, page 3, line 21).

The GHP assumed that one of the young boys is Rensselaer's son George, born about 1825, the same year as William Sherman's birth. However, the GHP did not provide any primary evidence that identifies the second male child or an unnamed female child less than ten years old who was enumerated in the household on the same census. Similarly, the GHP stated that "[t]he facts appear to indicate that William had grown up in the Rensselaer Pease household" (GHP Comments 2004, Vol. I, Sect. 3, 36). However, the GHP provided no primary evidence to support these assertions. There was no documentation in the record indicating that William Sherman was in Fairfield or New Haven Counties prior to 1850. The GHP's emphasis on Henry O. Pease's baptism record under the name of Henry Sherman and the intermarriages between Sherman and Pease individuals did not address the current GHP petitioner because none of the GHP petitioner's members descend from Henry O. Pease or any of the persons profiled other than the claimed William Sherman (GHP Comments 2004, Vol. IIA, Sect. 1, 13).

The GHP petitioner did not document through primary evidence the parentage for William Sherman or shown by a reasonable likelihood of the validity of the facts that he was related to or descended from the individuals identified as historical Golden Hill Indians in 1823. The current GHP petitioner also did not document descent from the historical Golden Hill tribe for any other of its known ancestors (such as Mary Louise (Allen) Tinney) (see Appendix D). William Sherman's care for Henry O. Pease and the listing of Olive Pease Jackson in William Sherman's Bible did not substantiate the GHP's claim that William Sherman was related to these two individuals. The GHP petitioner has not provided any new evidence to support the claimed genealogical link between William Sherman, Henry O. Pease, and Olive Pease Jackson (Olivette Pease), with associated sibling, half-sibling, nephew-uncle, or cousin relationships that have been variously proposed by the GHP petitioner and that were rejected in the PF (GHP PF 2003, D&A, 133 and 140). The necessity of documenting William Sherman's parentage, ancestry, and connection to the historical Golden Hill tribe as enumerated in 1823 on the "Census de Golden Hill" was emphasized in the PF. Neither the GHP petitioner nor any interested party submitted new evidence to support the reasonable likelihood of the validity of the facts for a connection between William Sherman and the historical Golden Hill tribe (GHP PF 2003, Summary, 36). Currently, 25 percent of the GHP petitioner's members trace their ancestry to William Sherman.

Burnie Line

This family line was referred to as the "Sherman-Burnie" family line in the PF. As discussed in the PF, the GHP petitioner did not sufficiently document Indian ancestry or descent from any historical tribe or tribes that combined and formed a single autonomous entity for GHP members descending from John Henry Burnie (Ernest H. Sherman) (1907-1945) and Florence Irene Loper (1908-1985) (GHP PF 2003, D&A, 141 and 144). The lack of documentation for this family line was specifically addressed in the PF (GHP PF 2003, D&A, 144). As discussed in the PF, Ernest

H. Sherman was documented to be the son of James Hubbard and Eva Hungerford (wife of Edward L. Sherman, grandson of William Sherman) and was later adopted by a couple named Burnie (GHP PF 2003, D&A, 141). No document in the current record documented him as a son of Edward L. Sherman (Sr.). However, neither the petitioner nor any third parties submitted new information for this line during the comment period.

Eight percent of the current membership (9 individuals) claims their ancestry through the Burnie family line. Although Edward L. Sherman Jr. (1906-?) married Florence Irene (Loper) Burnie (1908-1985), John Henry Burnie's widow, and became stepfather to Burnie's two daughters, there was no evidence in the record to indicate that Burnie's children were adopted by Edward Sherman Jr. or by the GHP. Three of the current GHP council members claim descent through this line.

Tinney-Allen Line

The State of Connecticut submitted new documents that provide information on descendants of John Howd[ee]. These documents verified and clarified the Howd[ee]-Moses-Phillips family line as it relates to the historical Turkey Hill tribe (see Appendix D). These documents included (1) a petition to the Superior Court of New Haven County by Nathan Phillips dated May 22, 1909, to have an overseer appointed for the "tribe of Turkey Hill Indians" (State Comments 2004, Ex. 53), (2) a New Haven County Superior Court order dated November 18, 1910, stating that the "said tribe of Turkey Hill Indians has ceased to exist as an organized body; that its members are now living separately and are acting as free and independent citizens" of Connecticut (State Comments 2004, Ex. 53), (3) the distribution of the remaining money in the Turkey Hill fund to Nathan Phillips and Thomas Phillips (State Comments 2004, Ex. 53), and (4) documents relating to a November 2, 1909, New Haven County Superior Court case entitled *Derby Savings Bank vs. A. McClellan Mathewson, Overseer* concerning an account opened in 1871 in the names of Nathan and Thomas Phillips (State Comments 2004, Ex. 54) (see Appendix D). These documents, particularly the litigation records, provided information on the remaining descendants of the historical Turkey Hill Tribe and their ancestry. They did not provide any descent information for members of GHP. Particularly, they did not show or verify that the Tinney line was descended from either the historical Golden Hill or historical Turkey Hill Indians. They did indicate that the Tinney line, descended from Delia (Merrick) Phillips Allen through her granddaughter Mary Louise (Allen) Tinney (see Appendix D), were more likely "step" relations to Turkey Hill descendants. That is, Delia (Merrick) Phillips Allen was not named in any of the available evidence that identifies descendants or members of the Turkey Hill or Golden Hill tribes, or heirs of John Howd[ee]. It appeared that her first husband, Scott Phillips, was a descendant of John Howd[ee], (State Comments 2004, Ex. 54). The GHP petitioner's members descend from her Allen marriage, not from her Phillips marriage. Andrew Allen, Delia's son by Levi Allen and father to Mary Louise (Allen) Tinney, was a half brother to two women on his mother's side who were identified as Turkey Hill Indians, Lavinia (Phillips) Breckenridge and Eliza (Phillips) Franklin (Petitioner 10/1/1999, Attachments, 519), and possibly one on his father's side, Ellen Allen (daughter of Avis and Levi Allen) (GHP Response 1995, 35) but he was not himself identified as an Indian in any primary documents in the current record.

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Scott Phillips' grandnephews, Nathan and Thomas Phillips, grandsons of Scott's brother Henry "Harry" Phillips (Moses), deposed in February 1910 to the Superior Court of New Haven County that:

In April 1871 the Turkey Hill Tribe of Indians, so called, consisted of Roswell Moses, (alias Roswell Phillips) and the descendants of his two brothers, Harry Phillips, (or Moses) and Scott Phillips, (or Moses). The descendants of said Harry Phillips were his daughters, Elizabeth and Georgiana Moses, and his grand-sons, Nathan and Thomas Phillips. The descendants of Scott Phillips, (or Moses) were his daughters, Eliza Franklin, and Lavinia Breckenridge (State Comments 2004, Ex. 54).

Thomas Phillips also deposed that:

Said Indians and said Turkey Hill Indians have never existed or lived as a tribe since prior to 1871; have owned no tribal property; but they, and their descendants were and are citizens of the State of Connecticut (State Comments 2004, Ex. 54).

Later, in June 1910, Thomas Phillips told the court that:

said deposits in the Derby Savings Bank are the joint property of himself and his brother, Nathan. . . . It may here be noted that neither the petition, nor the order mentions either Robert Phillips, the father of Thomas and Nathan who was at the time 1871 supposed to be dead, nor Thomas nor Nathan (State Comments 2004, Ex. 54).

Mary Louise (Allen) Tinney was the granddaughter of Delia (Merrick) Phillips and her second husband Levi Allen (see Appendix D). This Levi Allen a.k.a. Alling was not identified in the available evidence as a descendant of either the historical Golden Hill or historical Turkey Hill Indians. His first wife, Avis, and h were named on an 1840 court petition as "heirs at law" of the descendants of John Howd[ee] (GHP Comments 2004, Vol. IIA, Sect. 5, Ex. 5). The term "heirs at law" does not necessarily designate descendants, although descendants may be included as heirs at law. Delia was not named on this document, nor is her first husband, Scott Phillips (who was a descendant of John Howd[ee]). Their children, Eliza Franklin and Lavinia Breckenridge, were named as descendants years later but not Delia, even though she lived until 1890. Other apparent "couples" named on this document include a man named Joel Freeman and Nancy Freeman and James and Laura Jennings. It is reasonable to accept that these "couples" include a true "heir" of John Howd[ee] and the heir's spouse, although no indication was given regarding which is heir and which is spouse. Although at least one spouse in each of these couples may be presumed to be an "heir," this did not necessarily mean that those persons were also descendants. John Howd[ee] was not documented in the current petition as a member or descendant of the historical Turkey Hill or historical Golden Hill Indians, but rather as a "Naugatuck" or "Derby Indian," and none of his identified "heirs" were ancestral to current GHP members.

As discussed in the PF, the available evidence did not demonstrate that the GHP petitioner's current members descend from persons who were members of the historical Golden Hill tribe in

the 19th century (GHP PF 2003, Summary, 35-36). None of the petitioner's family lines, Sherman, Burnie, or Tinney-Allen, documented descent from a member or members of the historical Golden Hill tribe. Additionally, none of the GHP members documented Indian ancestry from the historical Turkey Hill tribe or other historical tribes. Four percent of the GHP petitioner's current members (5 members) are of undetermined ancestry.

Membership Criteria and Eligibility

Expanded membership criteria and eligibility requirements, as specified in the July 23, 2003, revision of the GHP's governing document, (GHP Comments 2004, Vol. VII, Sect. 3), relax the petitioner's descent standards and allow applicants with ancestry other than descent from the historical Golden Hill tribe to become members. As discussed under 83.7(d), the GHP petitioner broadened its eligibility parameters to include "(a) descendants of a member or members of one of the villages that made up the Paugussett Indian Nation . . . or (b) descendants of a person or persons who were identified historically as a Golden Hill, Naugatuck, Paugussett, Pequannoock [*sic*], Potatuck or Turkey Hill Indian" (GHP Comments 2004, Supp. Vol. VII, Sect. 3, 3). A statement of voluntary affiliation with GHP is not required, but such a statement was found in 37 of 108 membership files. A statement that the applicant is not enrolled in a recognized tribe is not included in any of the membership documents or membership application materials found the petitioner's membership files. However, a new section in the GHP's 2003 constitution under the article addressing membership forbids membership in another tribe. The previous constitution had no such provision.

Membership List

The 2004 GHP membership list, certified by the GHP governing body on January 23, 2004, and submitted with the GHP Comments, names 108 individuals. It is substantially different from the October 1, 1999, membership list reviewed for the PF, which contained the names of 216 individuals with incomplete mailing addresses (instead of residential addresses), no birth dates, and numerous names missing (listed only as "child"). The 1999 membership list contained 122 individuals not included on the 2004 membership list. Most of these individuals appear to be minor children.

Of the 108 GHP members on the 2004 membership list, 94 were found on the previous 1999 membership list. Fourteen were not found on the 1999 membership list, of whom 11 are of Tinney-Allen descent, 1 is of Sherman-Piper-Baldwin descent, 1 is of Burnie descent, and 1 is of unknown descent. All members on the 2004 membership list are aged 16 or older.

The GHP petitioner did not include a statement describing the circumstances surrounding the preparation of the membership list certified on January 23, 2004, as required under criterion 83.7(e)(2). The member list was certified separately from the rest of the petition by the governing body as required under criterion 83.7(e)(2) (GHP Comments 2004, Vol. VII, Sect. 2).

The GHP petitioner provided access to copies of all 108 GHP membership files for an audit by OFA researchers. There were no files provided for members omitted from the 2004 membership who were listed on previous lists and there was no documentation indicating why these members

were no longer enrolled, such as minor child, deceased, voluntarily un-enrolled, or banishment. Each file contained a checklist, indicating the documents that were presumably expected to be in the file, such as membership application, birth record, questionnaire, power of attorney (proxy), affidavit, oral history questionnaire, and photograph. Only a few of the files contained every item on the checklist. Less than half (52) of the membership files contained an application form, only 37 included a statement of voluntary affiliation, and only 1 contained a statement that the applicant is not enrolled in a recognized tribe. Membership applications (or statements of volunteer enrollment) are necessary to verify that everyone named on the membership list knows that he or she is a member and consents to be a member of the group. Most files had sufficient descent information to link the member with relatives and to a family line (defined by descent from a common ancestor), but 46 files (42 percent) did not contain a birth record. Birth records with parents' names are very important for verifying descent.

Table 3. Distribution of Membership by Family Line.

Family Line	Estimated		Actual	
	# (1999)	% (1999)	# (2004)	% (2004)
Sherman-Piper-Baldwin	41	19	23	21
Sherman-Bosley	10	5	4	4
Sherman Descendants	(51)	(24)	(27)	(25)
Burnie	20	9	9	8
Tinney-Allen	132	61	68	63
Unknown Ancestry	13	6	4	4
TOTAL	216	100	108	100

Individuals on the 2004 GHP membership list were found to belong to one of five family lines based on information in the petitioner's previous submissions, comments on the PF, and documents available in GHP's membership files. As shown above in Table 3, the Sherman-Piper-Baldwin family line includes 23 members (21 percent) who descend from William Sherman (1825-1886) through his granddaughter Ethel (Sherman) Piper Baldwin. The Sherman-Bosley family line includes four members (4 percent) who descend from William Sherman's daughter Caroline E. (Sherman) Bosley. A total of 27 members (25 percent) descend from William Sherman through these two family lines. The Sherman-Burnie family line includes nine members (8 percent) who descend from John Henry Burnie (a.k.a. Ernest H. Sherman). The Tinney-Allen family line includes 68 members (63 percent) who descend from Mary Louise Allen and Charles William Tinney. Ancestry for four members (4 percent) could not be determined: one is adopted, two are spouses, and one may be a stepchild.

As concluded in the PF and discussed earlier in this FD, the GHP petitioner has not submitted documentation to verify that William Sherman was a Golden Hill Indian or was descended from a Golden Hill Indian. Members in the Burnie family line (8 percent of 108) have not documented descent from William Sherman or from any member of the historical Golden Hill

tribe or any other historical Indian tribe (see GHP PF 2003, Summary, 141). Members in the Tinney family line (63 percent of 108) descend from Charles William Tinney (1886-1926) and Mary Louise Allen (18870-1965), but have not demonstrated Indian descent. Mary Louise Allen was the granddaughter of Delia (Merrick) Phillips Allen and Levi Allen. There are indications that Delia and Levi both may have been married previously to persons of Indian descent, but the evidence is insufficient in the current record to verify that either Delia or Levi were identified as a member of or descended from the historical Golden Hill tribe, the historical Turkey Hill tribe, or any other tribes which combined and functioned as an autonomous entity. Documents submitted by the State of Connecticut during the comment period reinforce the conclusion that Mary Louise Allen, ancestress of the Tinny-Allen family line, was not descended from the historical Turkey Hill tribe.

Conclusion

As stated in the PF, William Sherman (1825-1886), Levi Allen (1795-1865), and Delia (Merrick) Phillips Allen (1797-1890) (the latter two as ancestors of Mary Louise (Allen) Tinney (1870-1965) were not identified as Golden Hill or as Turkey Hill Indians in any primary evidence such as overseers' reports, petitions to the State, or Federal censuses. None of these claimed ancestors was found living on a State recognized reservation. The available evidence did not establish a reasonable likelihood of the validity of the facts that any of the persons claimed as ancestors of the GHP petitioner or their descendants were either Golden Hill or Turkey Hill Indians (see also this FD under 83.7(b)).

The GHP petitioner did not submit documentation to substantiate its claim of descent from the historical Golden Hill tribe. No connection to any individual listed on the 1823 "Census de Golden Hill" has been documented either through documents submitted by the GHP petitioner, interested parties, or obtained by the Department. Census transcriptions included in GHP's comments contained only tables listing all enumerated non-white households in selected communities (GHP Comments 2004, Vol. IIB) and did not include information from the 1830, 1850, and 1930 censuses. Conclusions and assertions based on assumptions, presumptions, and coincidental proximity, without specific citation (or without copies of original documents), as presented in research reports submitted by the petitioner during the comment period, did not provide a reasonable likelihood of the validity of the facts (GHP Comments 2004, Vol. I and IIA). Although the GHP submitted numerous tables of transcribed data, copies of newspaper articles, and excerpts from books and magazines, most of the information had already been submitted with the original petition, and as a result the evidence remained insufficient or did not support the assertions presented.

The GHP petitioner did not demonstrate that its current membership was descended from a historical Indian tribe, or tribes that combined and functioned as a single autonomous political entity. Documentation in GHP's submissions, comments, and membership files was sufficient to determine the ancestry of all but 4 of the petitioner's current 108 members. However, documentation did not demonstrate descent for the GHP petitioner's members from the historical Golden Hill tribe or the historical Turkey Hill tribe, or tribes that combined and functioned as a single political entity.

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The GHP petitioner did not submit sufficient evidence to find by a reasonable likelihood of the facts that any of the GHP petitioner's current 108 members descend from persons who were members of the historical Golden Hill tribe defined by the 1823 "Census de Golden Hill," or descend from tribes that combined and functioned as an autonomous political entity. Therefore, the GHP petitioner does not meet the requirements of 83.7(e) for descent from the historical tribe.

Criterion 83.7(f) requires that

the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

Conclusions under the Proposed Finding

The PF concluded that the GHP petitioner met criterion 83.7(f) (GHP PF 2003, Summary, 38).

Comments on the Proposed Finding

No comments were received or new evidence was submitted pertaining to criterion 83.7(f).

Analysis for the Final Determination

During an audit of the petitioner's membership files, OFA researchers found no forms or statements, either signed or unsigned, declaring that any member was or was not enrolled in any federally recognized Indian tribe. Although the lack of a completed enrollment statement in membership files may fail to document fully the information needed to ensure compliance with the acknowledgment regulations, the regulations do not require such statements. The regulations require only that the petitioning group be composed principally of persons who are not members of any acknowledged North American Indian tribe.

Examination of the membership lists of federally recognized tribes in the area did not reveal any names of GHP members. Consequently, none of the GHP petitioner's current members appears to be enrolled in a federally recognized tribe at this time.

Conclusion

The conclusion in the PF is affirmed. Therefore, the GHP petitioner meets criterion 83.7(f).

Criterion 83.7(g) requires that

neither the petitioner nor its members are the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

Conclusions under the Proposed Finding

Under criterion 83.7(g), the PF concluded that neither the GHP petitioner nor its members were the subjects of congressional legislation that had expressly terminated or forbidden the Federal relationship (GHP PF 2003, Summary, 38).

Comments on the Proposed Finding

No comments were received or new evidence submitted in connection with criterion 83.7(g).

Analysis for the Final Determination

Examination of the evidence did not indicate that the GHP petitioner or its current members were the subjects of congressional legislation that had expressly terminated or forbidden the Federal relationship.

Conclusion

The conclusion in the PF is affirmed. Therefore, the GHP petitioner meets criterion 83.7(g).

Appendix A

Historical Overview of the State Relationship with the Golden Hill

The GHP petitioner currently has a 1/4-acre State reservation in Trumbull, Connecticut. However, the GHP petitioner has not resided on a continuously existing State reservation since colonial times. The Colony of Connecticut established a reservation in present-day Bridgeport for the historical Golden Hill in 1639, but the overseer sold the last portions of that land with the group's approval in 1802. The State did not recognize the present-day 1/4-acre reservation of the GHP located in Trumbull, not the original Bridgeport land area, until 1933. An intervening purchase from the Golden Hill fund (bought 1842; sold 1854) was for two named individuals—not a whole group (Conn. Documents 11/5/1842, 6/3/1854). A second intervening purchase (bought 1877; sold 1880) was for one man—not a group. Neither purchase was designated as a reservation by the State (Huntington Land Records 10/20/1877, Vol. 18, 574; Petitioner 10/1/1999, Attachment 385).

Overall, the available information indicates that the State's relationship with the GHP, following the sale of the original reservation in 1802, and especially after 1823, was sporadic and for a long time (ca. 1850 to ca. 1973) limited to interaction with a few individuals who were mainly part of one small family (see the GHP PF 2003, D&A, particularly criteria 837(b) and (c)).

First the Colony and later the State appointed overseers to manage the affairs of the Golden Hill. From 1763 to 1826, the available records show these individuals providing a variety of services to the Golden Hill. In 1823, the overseer also took a special census of the Golden Hill (GHP PF 2003, D&A, 32-38). For the remainder of the 19th century, however, the various overseers, as demonstrated in the sporadic records, were no longer involved in the daily lives of the few remaining identified Golden Hill descendants, mainly because, as the available record indicates, the group lost its social cohesion and ceased to exist as a social and political community.

Instead, the overseers' activities focused on administering the fund, established by the State with money earned from the sale of the original reservation in 1802. As available records indicate, the fund apparently remained in existence into the late 1890's, but was used only for a few individual heirs of the once extant tribe. None of these individuals have been shown to be the current petitioner's direct ancestors. Most of the money in the fund apparently disappeared after the 1890's, possibly due to mismanagement on the part of an overseer. A newspaper article from 1933 suggested that \$50 remained in the fund at that date, but no deposits had been made into the account for 40 years (*Bridgeport Post* 7/17/1933). The PF encouraged the petitioner to locate the source of this information, and any surviving court records that pertain to the fund. No such evidence was submitted for the FD (GHP PF 2003, D&A, Appendix A, 1).

During the 19th century, the General Assembly and the overseers supervised land purchases and sales for various persons identified as Golden Hill Indians or descendants of the historical group in various petitions and deeds. Yet, the State never recognized these lands as part of any reservation, although it authorized their purchase and sale (GHP PF 2003, D&A, 38-49). The overseers also used the Golden Hill fund to make frequent loans to non-Indians, interest from

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which supplemented the fund (see the following pages of the GHP PF 2003, D&A, where this practice of loaning money to non-Indians was discussed in detail with citations: 43, 47, 125, 147; see also Appendix B in this FD for a listing of these loans). The State and the overseers were supposed to conduct these financial transactions in the best interest of the remaining Golden Hill or their heirs (GHP PF 2003, D&A, 49). None of the available records name the petitioner's direct ancestors as beneficiaries of the Golden Hill fund.

In 1876, the legislature enacted a law that included a section dealing solely with the Golden Hill (Conn. Documents 6/19/1876). The law permitted the overseers to sell Golden Hill property if any of them became paupers. There is no available record of the legislative history behind the act. The available evidence, however, indicates that county officials used this law only once, in 1880, to sell the land of one individual, Henry O. Pease, who was identified in two county deeds as a Golden Hill Indian (Huntington Land Records 10/20/1877, Vol. 18, 574; Petitioner 10/1/1999, Attachment 385; see also Appendix B in this FD). The material now in the record, however, does not demonstrate that Pease was a member of an American Indian entity. Further, none of the petitioner's current members descend from Henry O. Pease, and the petitioner has not demonstrated significant interaction between its asserted ancestors and Pease or his descendants, some of whom were alive in Fairfield County at least into the 1930's (GHP PF 2003, D&A, 43-45). Therefore, the petitioner has not demonstrated a link to the fund or the statute concerning Golden Hill property. The State legislature re-codified the 1876 act in 1888, 1902, 1918, and 1930, but there is no available record of the legislative history behind these re-codifications (Conn. Legislative Materials 1888, 1902, 1918, 1930). The PF encouraged the petitioner or interested parties to locate that legislative history, if possible (GHP PF 2003, D&A, Appendix A, 2). No such evidence was submitted for the FD.

In 1886, William Sherman, an individual asserted by the petitioner to have been a Golden Hill Indian and from whom a small portion (33 percent) of the current petitioner descends, quit-claimed a 1/4-acre piece of property in Trumbull, Connecticut, to the agent of the fund and his successors. William Sherman had purchased the land in 1875 from a neighbor with \$50 of his money. In January 1876, Sherman obtained a mortgage of \$800 to build a house on the land from Russell Tomlinson, who was serving as the Agent of the Golden Hill and the manager of the Golden Hill fund. Nothing in the language of the mortgage indicated that Sherman was considered to be anything other than another non-Indian mortgagee (see Appendix B in this FD for a transcript of the mortgage). Other mortgages obtained for non-Indians through the fund had the same language. Sherman was taxed on the property until 1886. In 1886, three months before he died, he quit claimed the land to Rowland Lacey, the then current overseer of the Golden Hill Indians, possibly to repay the mortgage. The deed for this transaction did not identify William Sherman as a Golden Hill, nor does any other State document from his lifetime (1825-1886) now in the record (see GHP PF 2003, D&A, 47-48 for full details with citations of these transactions). It appears the tract then became a piece of property administered by the overseer under the fund. There is no evidence in the record, however, to indicate that the State viewed this land as a State reservation from 1886 to 1933, when it began being called by such a designation. Since 1886, a few members of the Sherman family continued to live on this property.

The petitioner has not demonstrated with evidence acceptable to the Department that William Sherman actually descended from the historical Golden Hill, or that he was an Indian. Until

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1999, all of the petitioner's members claimed descent from this William Sherman. The State has for some time recognized as a Golden Hill entity a group of people who may not actually descend from the historical Golden Hill as it existed in 1823.

From 1897 to 1933, the Golden Hill fund lacked the services of an individual overseer because the State and Fairfield County did not appoint a replacement after the person in the position died. Fairfield County, however, would have been the overseer in the absence of any one individual appointee. Also during this period, available evidence suggests only a few of William Sherman's direct descendants were ever identified by outsiders as Golden Hill Indians (GHP PF 2003, D&A, 49-54). In 1933, according to some newspaper accounts, a Superior Court judge from Fairfield County appointed a replacement overseer at the request of just one individual, a Sherman family member, who was apparently having problems gaining access to the Trumbull property from her father, the only person identified as a Golden Hill in the 1930 census, who was living on the small tract. Newspaper articles from 1933 indicate the property may have been started being called a reservation in that year, but there are no official documents in the record that enable a determination of the exact level of State involvement in this designation, if any (*Bridgeport Post* 7/17/1933; *Bridgeport Post-Telegram* 10/4/1933; Unidentified Newspaper 10/1933; see also GHP PF 2003, D&A, 53-54).¹ The PF encouraged the petitioner or interested parties to provide additional documents, especially the court order, describing the State's involvement more fully (GHP PF 2003, D&A, Appendix A, 3). No such evidence was submitted.

Since 1935, various State agencies, rather than overseers, have helped to manage certain affairs of the Golden Hill. These have included the State Park and Forest Commission (1935 to 1941), the Department of Welfare (1941 to 1973), and the Department of Environmental Protection (1973 to the present). The available record contains no evidence that there was a local agent appointed by the SPFC for the GHP in the 1930's. Moreover, the available record indicates that from 1935 to 1973, most of the State's sporadic dealings with the GHP involved only a few members of the Sherman family who were making claims to their interest in the 1/4-acre Trumbull reservation (see GHP PF 2003, D&A, 59-61).

In 1973, Connecticut passed a law to establish an Indian Affairs council to advise the State in matters concerning its State recognized tribes and their reservations, but it did not appoint a Golden Hill representative for the agency because it believed that only one elderly Golden Hill, Edward Sherman, remained. The following year, the legislature passed a new law giving the Golden Hill formal representation on the council, largely at the insistence of Aurelius Piper Sr., who was Edward Sherman's nephew.

As part of the 1973 legislation, Connecticut gave Indian groups under its control, including the Golden Hill, State citizenship. Before that time, the lack of State citizenship presumably treated those Native Americans who resided on the State reservations as a distinct category of people at least in a legal sense from the rest of Connecticut society, although many of them probably functioned in some aspects as citizens anyway.

¹In the late 1970's the GHP also acquired about 100 acres of property in Colchester, Connecticut, which obtained State-reservation status through legislation in 1981.

The Trumbull land remains a State reservation to this day, although its exact legal status since 1984, based upon an examination of State records and Trumbull land documents from that year now in the record, is unique. In June 1984, for instance, the State passed a special act that permitted the conveyance “by quitclaim deed” of “whatever interest” it had in the property (Conn. Legislative Materials 6/15/1984). On November 8, 1984, the State quit claimed the property to the “Golden Hill Paugussett Indian tribe” for \$1.00, as authorized by this special act (Trumbull Land Records 11/8/1984, Vol. 54, 153). This action would suggest the State no longer has an interest in the Trumbull reservation and it has reverted to private property status. Yet, the Town of Trumbull still lists the 1/4 acre parcel as exempt from property taxes as if it were reservation land, even though the evidence does not show that the State has provided the municipality with “a grant in lieu of taxes” for “reservation land held in trust by the State for an Indian tribe,” as required by law (Conn. Legislative Materials 7/7/1989). The PF encouraged the petitioner, and the State and the Town of Trumbull, as interested parties, to provide the OFA with an explanation of the parcel’s exact legal status since 1984 (GHP PF 2003, D&A, Appendix A, 4). No such evidence was submitted.

The last State legislation in the available evidence that specifically mentioned the GHP comes from January 1993 (GHP Comments 2004, Vo. III, Ex. 464). This legislation clarified some aspects of the State’s relationship with its four recognized Indian groups. Seven months later, in July 1993, shortly after the GHP petitioner submitted its first documentation to the OFA as part of the Federal acknowledgment process, the available State records indicate that Connecticut believed the membership of the GHP consisted of 55 members, all part of a single extended family that claimed descent from William Sherman (GHP Comments 2004, Vo. III, Ex. 473). In 1999, however, the petitioner dramatically altered its composition by adding a large number of people called the Tinney line, now the predominant portion (63 percent) of the GHP, who claimed descent from the historical Turkey Hill Indians. The petitioner now claims that the historical Turkey Hill Indians, who ceased to exist as a social and political entity in 1825-1826, were always part of the State-recognized Golden Hill entity. There is no evidence in the State documents to indicate that the Connecticut officials ever considered the Turkey Hill and the Golden Hill as the same entity, or that the State recognized that the members added in 1999 had always been part of the GHP petitioner. Nor has the petitioner demonstrated that the Tinney line had any consistent interaction or significant social relationships with the State-recognized portion of the group before 1999. Furthermore, the petitioner has not demonstrated that the portion of its membership added in 1999 actually descends from the historical Turkey Hill tribe.

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List of GHP Overseers

OVERSEER	SERVICE	OVERSIGHT JURISDICTION	STATUTE SPAN
Thomas Hill	1763-1768	Connecticut General Assembly	1763-1821
Daniel Morriss	1768-1782	Connecticut General Assembly	1763-1821
Aaron Hawley	1782-1801	Connecticut General Assembly	1763-1821
Josiah Lacy	1801-1807	Connecticut General Assembly	1763-1821
Elijah Burritt	1807-1813	Connecticut General Assembly	1763-1821
Unknown	1813-1816	Connecticut General Assembly	1763-1821
Elijah Burritt	1816-1823	Fairfield County Court, CT 1821 Statute	1821-1935
F. Limon Stone	1825-1831	Fairfield County Court	1821-1935
Elijah Burritt	1831	Fairfield County Court	1821-1935
Abraham Y. DeWitt	1832-1836	Fairfield County Court, CT 1835 Statute	1821-1935
Smith Tweedy	1836-1854	Fairfield County Court	1821-1935
Dwight Morriss	1855-1860	Fairfield County Court	1821-1935
Daniel O. Wheeler	unknown	Fairfield County Court	1821-1935
Russell Tomlinson	1874	Fairfield County Superior Court, CT 1875 Statute, Act of 1876, CT 1881 Statute	1821-1935
Rowland B. Lacey	1885-1897	Fairfield County Superior Court, 1888 Statute	1821-1935
	1897-1933	Fairfield County Court, 1902 Statute	1821-1935
Raymond Beckwith	1933-1934	Fairfield County Court	1821-1935
	1934-1935	Fairfield County Superior Court	1821-1935
	1935-	State Park and Forest Commission, CT 1935 Statute	1935-1941
Commissioner	1941-1973	State Welfare Dept., CT 1941 CT Statute, 1949 Statute	1941-1973
Commissioner	1973-present	Dept. of Environmental Protection, CT Statute of 1973	1973-present
Commissioner	1974	Dept. of Environmental Protection, CT House Bill 7272	1973-present
Commissioner	1984	Dept. of Environmental Protection, CT Special Act 84-70	1973-present
Commissioner	1993	Dept. of Environmental Protection CT General Statutes, & 47-59(b)	1973-present

List of State Statutes

CT 1821 Statute (GHP Comments 2004, Vol., III, Ex. 99) – Connecticut Statute for the protection of Indians. Among other things, requires that an overseer be appointed for each Indian group and that a yearly accounting be filed with the county court in the county where the group resides.

CT 1835 Statute (GHP Comments 2004, Vol., III, Ex. 109) – Connecticut Statute for the protection of Indians. Among other things, requires that an overseer be appointed for each Indian group and that a yearly accounting be filed with the county court in the county where the Indian groups reside. Further, each overseer is to post a bond to guarantee the faithful performance of his duties.

Act of 1841 (Resolved and Private Acts, p.2930, GHP Comments 2004, Vol. III, Ex. 119) – The General Assembly grants request of Ruby Mansfield and Nancy Sharp, members of the Golden Hill to buy land and a house.

Act of 1840s (Resolved and Private Acts, GHP Comments 2004, Vol. III, Ex. 122) - Resolution of the Assembly allowing Smith Tweedy, Overseer, at his discretion to build a barn on the 19 2/3 acre reservation in Trumbull.

Act of 1849 (Resolved and Private Acts, p.20-30, GHP Comments 2004, Vol. III, Ex. 123) – The General Assembly orders that Smith Tweedy, Overseer, may sell the Trumbull land of the Golden Hill group since, for among other reasons, Nancy Sharp is under arrest for arson for burning the barn on the 19 ¾ acres.

CT 1849 Statute (GHP Comments 2004, Vol. III, Ex. 125) – Connecticut Statute for the protection of Indians. Among other things, requires that an overseer be appointed for each Indian group and that a yearly accounting be filed with the county court in the county where the groups reside. Further, each overseer is to post a bond to guarantee the faithful performance of these duties.

CT 1854 Statute (GHP Comments 2004, Vol. III, Ex. 128) – Connecticut Statute for the protection of Indians with essentially the same requirements as the 1849 statute. In addition, the overseers of the Indian groups were given the specific authority to buy and sell lands in the name of the groups.

CT 1875 Statute (GHP Comments 2004, Vol. III, Ex. 138) – Connecticut Statute regarding Indians. Among other things, requires that an overseer be appointed for each Indian group and that a yearly accounting be filed with the Superior Court in the county where the group resides. Further, each overseer is to post a bond to guarantee the faithful performance of his duties.

Act of 1876 (6/19/1876, Resolved and Private Acts, p.102, GHP Comments 2004, Vol. III, Ex. 144) – A specific act concerning the support of the Golden Hill group, which states that the group resides in Fairfield County and, if any member of the group becomes a pauper, upon

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application, the overseer may sell a proportionate amount of the property of the group to support a member.

CT 1881 Statute (1/1881, GHP Comments 2004, Vol. III, Ex. 145) – Connecticut Statute requiring overseers to annually settle their accounts with the Superior Court.

CT 1888 Statute (GHP Comments 2004, Vol. III, Ex. 149) – Connecticut Statute regarding Indians. In material aspects, repeats the language of the 1876 Act regarding the Golden Hill group. Also, among other things, requires that an overseer be appointed and that a yearly accounting be filed with the Superior Court in the county where the group resides. Further, each overseer is to post a bond to guarantee the faithful performance of his duties. (Golden Hill is the only Indian group mentioned by name in this statute.)

CT 1902 Statute (GHP Comments 2004, Vol. III, Ex. 151) – Connecticut Statute regarding Indians. Repeats the language of the 1888 Act regarding the Golden Hill. Also continues other material requirements of 1888 Act. (Golden Hill is the only Indian group mentioned by name in this statute.)

CT 1918 Statute (GHP Comments 2004, Vol. III, Ex. 153) – Connecticut Statute regarding Aliens and Indians. Repeats the language of the 1888 and 1902 Acts regarding the Golden Hill Indian group. Also, continues other material requirements of 1888 and 1902 Acts. (Golden Hill is the only Indian group mentioned by name in this Statute.)

CT 1930 Statute (GHP Comments 2004, Vol. III, Ex. 155) – Connecticut Statute regarding Aliens and Indians. Repeats the language of the 1888, 1902, and 1918 Acts regarding the Golden Hill Indian group. Also continues the other general requirements of the 1918 Act regarding Overseers. (Golden Hill is the only Indian group mentioned by name in this statute.)

CT 1935 Statute (GHP Comments 2004, Vol. III, Ex. 159) – Connecticut statute regarding Aliens and Indians making the SPFC overseer for all Indian groups in the State.

CT 1941 Statute (GHP Comments 2004, Vol. Ex. 174) – Connecticut statute regarding Aliens and Indians making the Commissioner of Welfare the overseer of all Indian groups.

CT 1949 Statute (GHP Comments 2004, Vol. Ex. 176) – Connecticut statute regarding Aliens and Indians repeating the terms of the 1941 law.

CT 1973 Statute – Connecticut statute transferring responsibility for Indian groups from Commissioner of Welfare to the Commissioner of DEP and establishes the CIAC.

1974 CT House Bill 7272 (GHP Comments 2004, Vol. III, Ex. 235) – Adds the Golden Hill Paugussett Indian group to the CIAC.

1984 CT Special Act 84-70 (6/15/1984, GHP Comments 2004, Vol. III, Ex. 428) – Special Act No. 84-70. Legislation to convey the interest of the State in the Trumbull Reservation to the Golden Hill group.

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1993 CT General Statutes, & 47-59(b) (1/1993, CT General Statutes, & 47-59(b), p. 570, GHP Comments 2004, Vol. III, Ex. 464) – Statute recognizing the Golden Hill Paugussett group and other State-recognized Indian groups as a self-governing entities possessing powers and duties over members and reservations.

Appendix B

Records of Golden Hill Fund Overseers and Mortgagees
1802-1886

With the exception of "Eunice," Phoebe Sherman, and Henry O. Pease, none of the individuals identified in this list has been identified in any primary documents as a Golden Hill Indian.

Josiah Lacy, Overseer 1802-1807

Dec. 1802? - An account of the monies and estate of the Golden Hill Indians so called in the hands of Josiah Lacy Guardian to said Indians, viz.

- Note against David Minot? Dated Dec.18, 1802 rec'd. of Mr. Dewitt as per rec't. to him by me on Int.?	\$ 496.00
- Note against Abel Hall dated Jan.18, 1803 rec'd of same on Int.	438.00
- Note against Newton Prudence? Dated Jan.17, 1803 rec'd of same on interest for	390.00
- Note against Benjamin Bull dated Jan.11, 1803 rec'd. of same on Interest for	<u>150.00</u>
Credit	\$ 1474.00

Pd. Samuel Osborn Guardian to Eunice¹, one of the Gold Hill Indians now at Woodbridge by order of the Assembly as her portion of the above Estate or credits As per his _____

<u>\$ 294.80</u>
\$ 1179.20

Now in hand (Josiah Lacy)

1803	Note ...[transcription copy unreadable]	\$?.??
1805	By In. on note against Capt. Minot	14.88
1804	Oct.-Int. on note against Capt. Minor when principal was ?	9.07
1804	Feb.-Int. from Sam. Hall	28.42
	Mar.-Int. from Brillis note of Milford	9.00
	Mar.- Int. of Newton Prudence?	35.10
	Dec.-Int. of Mr. Bull?	9.??
1805	Jun.-Int. of Benjamin Hall	56.56
1806	Int. of Mr. Benjamin Hall	9.92
	Feb.-Ind of Mr. Prudence	37.05
	Apr.-Int. of Mr. Hall	30.00
	Aug.-Int. on monies as my use	2.38
	Aug.-Int. due on note against Joseph Becher? Sr.	18.00
	Aug.-Int. due from Brenitt Hall	15.00
	Aug.-Cash rec'd. of Mr. De ???t ordered to be expended for Expenses by Assembly	<u>30.00</u>

¹Eunice (Sherman) Mack or Mansfield (bef. 1787- 1849) was a daughter of Tom Sherman Sr. and wife Eunice Shoran. When the Golden Hill reservation in Bridgeport was sold in 1802, Eunice asked that her share of the fund be used to purchase land for her and her family in Woodbridge. Her request was granted, and a separate Overseer appointed.

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Credit Sep. 8, 1806	\$314.36
Sep.1806 – Aug.1807 Debits	\$\$
Oct.1807 Debits	\$\$
1807 Int. on Note against J. Backus Esq to Feb. 17, 1807	\$18.00
½ yr Int. on Note against M. Burritt & Hall, Jan. 3, 1807	15.00
½ yr Int. on Note against M. Burritt & Hall, Jul. 3, 1807	15.00
½ yr Int. on Note against J. Backus Esq. Due to 17 Aug.	18.00
Int. on monies on hand (\$79.20 principal 1 year)	4.75
Balance of Int. due on Settlement allowed Sep. 8, 1806	<u>37.84</u>
Credit	\$108.59

Elijah Burritt, Overseer 1807-1813

Dec. 1807 – Jan. 1809 Debits	££
Mar. 1809 The amount of the property received of Josiah Lacy Late Guardian, being in notes of his and amounting To \$1179.20, the whole of the property belonging to said Indians	\$1179.20
All the interest due up to this time on the above sum	102.91
Account brought over (of £24.12.7) is	<u>82.16</u>
Balance on hand towards next years expenses	\$ 20.87
Jul. 1808 – Mar. 1809 Debits (converted to \$\$)	££
Mar. 1810 Balance on hand of the au'th. Allowed last year	\$ 20.87
Int. of their money in my hands of \$1179.20	
Amounting for 1 year to	70.75
Cash rec'd. on a settlement of a suit in favor of Phoebe Sherman ² in case of bastardy (Mark Birdseye after paying expenses thereon)	<u>11.00</u>
Credit	\$102.62
Debt brought over	<u>59.10</u>
Balance on hand towards next years expenses	\$ 43.52
Mar. 1811 – Oct. 1812 Debits	££
May 1811 – Apr. 1812 Debits	££
Dec. 1812 – Feb. 1813 Debits	££

²Phoebe Sherman (bef.1793-aft.1817) is believed to be a daughter of Tom Sherman 2nd, and a sister to Ruby Sherman and Charles Sherman. All of these people were identified in overseer's reports as Golden Hill Indians. The last mention of Phoebe in an Overseer's report occurred in 1817, and she was not enumerated on the 1823 Census de Golden Hill (although her sister Ruby was included). The petitioner has presented no documentation to demonstrate a familial relationship between Phoebe Sherman and William Sherman, claimed ancestor of a portion of the GHP petitioner.

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Mar. 1813	Interest	\$ 70.??
	Balance due me to be carried to next year	<u>9.??</u>
	Credit	\$ 80.??
Mar. 1813 -- Sep. 1813	Debits	££
New Overseer (c. Sept. 1813-1816)		
Sep. 1813 -- Feb. 1814	Debits	££
Apr. 1814	Int. of monies belong to Golden Hill Indians for 1 year ending Mar.7, 1814	\$ 70.75
	Balance due Guardian to be charged in next years acct.	<u>24.25</u>
	Credit	\$ 95.00
Mar. 1815 -- Apr. 1816	Debits	££
Elijah Burritt- Overseer 1816-1836		
Apr. 1816 -- Mar. 1817	Debits	££
Apr. 1817	Debt brought over (£37.5.5 in dollars)	\$ 24.24
	Int. of monies belonging to the Golden Hill Indians in my hands for the year ending Mar. 7, 1817	\$ 70.7?
	Balance due to be charged in next years account	<u>53.4?</u>
	Credit	\$ 124.24
Apr. 1817 -- Feb. 1818	Debits	££
Apr. 1818	Debt brought over (£34.12.1 in dollars)	\$ 115.36
	Int. of monies belong to the Golden Hill Indians in my hands for the year ending Mar. 7, 1818	\$ 70.75
	Balance due to be charged in next years account	<u>44.61</u>
	Credit	\$ 115.36
Apr. 1818 -- Feb. 1819	Debits	££
Smith Tweedy-- Overseer 1836- Approx. 1849		
Inventory of notes rec'd. of Mr. Elizer [<i>sic</i>] Burritt late Overseer of the Golden Hill Indians on the 15th of January 1836 as follows by Smith Tweedy Overseer		
- Note against Jenett Backus dated Aug. 8, 1831		\$ 700.00
- Int. unpaid on said note Jan. 15, 1836		51.80
- Note against Jenett Backus dated Nov. 14, 1831		100.00
- Int. unpaid on said note Jan. 15, 1836		12.00
- Note against Noah Plumb dated Jan. 15, 1836		286.04
- Note against Elizer Burritt dated Jan. 15, 1836		<u>29.16</u>

By cash rec'd of Elizer Burritt to correspond with his act (acct)	\$ 1179.00
Presented to the County Court Jan. 15, 1836	\$12.90

Russell Tomlinson – Overseer 1876- Bef. 1886
Sherman-Tomlinson Warranty Deed for Quarter Acre in Trumbull CT 1/13/1876

To all People to whom these Presents shall Come, Greeting:
Know Ye, that I, William Sherman³ of the town of Trumbull
Fairfield County and State of Connecticut.
For the consideration of Eight Hundred Dollars,
received to my full satisfaction of Russell Tomlinson Agent of the Golden Hill
Tribe of Indians of Bridgeport County and State aforesaid,
do give, grant, bargain, sell, and confirm unto the said Russell Tomlinson, as agent
aforesaid

a certain piece of land with all the Buildings thereon standing
situated in said Trumbull, bounded and described as follows, to wit,
Northerly on land of Isaac E. Nichols, Westerly and Southerly on land
of Peter Kuhns and Easterly on Highway. Containing one quarter (1/4)
of an acre more or less. being the same premises conveyed to me
by Charles Ambler by deed dated December 7th 1875. vol 11 pg 323

To have and to hold the above granted and bargained premises, with the privileges and
appurtenances thereof, unto
the said grantee as such agent his heirs and assigns forever, to his
and their own proper use an behoof. And also, I the said grantor
do for myself my heirs, executors, and administrators, covenant with the said grantee his
heirs and assigns, that at, and until the ensealing these presents, I am well seized of the
premises as a good and indefeasible estate in fee simple, and have good right to bargain
and sell the same in manner and form as is above written; and that the same is free of all
incumbrances whatsoever.

And furthermore I the said grantor do by these presents bind
myself and my heirs forever, to warrant and defend the above granted and bargained
premises to the said grantee as agent aforesaid his heirs and assigns against all claims and
demands whatsoever.

In Witness Whereof I have hereunto set my hand and seal the 13th day of January A. D.
1876.

Signed, sealed and delivered
in the presence of

J.P. Norman The condition of this deed is such that whereas the said
D.B. Clute grantor is hereby indebted to the said grantee in

³Although William Sherman was identified as a Golden Hill in some secondary sources, the \$800 mortgage that he
took out from the Golden Hill fund did not differ in form from the mortgages lent to non-Indians.

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the sum of Eight Hundred Dollars as indicated by his promissory note for said sum from date herewith payable to said grantee on order or demand for value received with interest payable semi-annually.

Now therefore, if said note shall be well and duly paid according to its tenor, then this deed shall be void, otherwise it remains in full force & effect.

William Sherman

Fairfield County, ss. Bridgeport. Jan. 13th A. D. 1877

Personally appeared William Sherman signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

J.P. Norman, Notary Public

Received for Record January 22nd 1876, and Recorded by

Saml G. Beardsley Town Clerk

[GHP - CT State Brief 9/17/2001 Exhibit 27]

“At the present time [1881], their [the Golden Hill Indians] fund amount to about two thousand dollars, divided as follows:

Amount paid over to town of Trumbull for support of	
Henry Pease ⁴ , per Act of Legislature	\$900
Lent William Sherman to build a house-	\$800
Balance in city Savings Bank, Bridgeport-	<u>\$321</u>
	\$2021

[Hurd, D. Hamilton, 1881, *History of Fairfield County, Connecticut, with Illustrations and Biographical Sketches of its Prominent Men and Pioneers*: J.W. Lewis Co., Philadelphia. (p. 68)].

⁴Henry O. Pease (1845-bef. 1893) was identified as a Golden Hill Indian in several documents, including a deed in which the Selectmen of Trumbull, acting as trustees, purchased five acres of land for him in the town of Huntington (Huntington Land Records 10/20/1877; 574).

Appendix C

Trumbull Reservation Ceremony

**“Indian Reservation In Nichols Dedicated by Indian Chiefs with Ceremony Yesterday”
Bridgeport Post-Telegram Oct. 4, 1933.**

Once more Fairfield County takes rank among those having full-fledged Indian Tribes. Fortified by Court order, with an Indian Overseer appointed, and by vote of more than 20 tribal chiefs assembled in New York last week from all parts of the United States, one acre of land at Nichols is denominated the Golden hill Indian Reservation, and Mrs. Ethel Baldwin of 425 Harral Avenue, Bridgeport, descendent of Tom Sherman of Bridgeport invested with the title “Chieftess” of the Golden Hill Indians with the name “Rising Star.”

Ceremonies formally opening the reservation were held yesterday at Nichols in which Chief Reindeer of the Shoshone Tribe, Wyoming, Rising Star, Red Wing of the Winnebagos, of Nebraska and her sister, White Wing, together with Overseer Raymond Baldwin [*sic*], constable at Nichols, all took part.

**Excerpt from “Chieftess for Golden Hill Reservation”
Oct. 1933, Unidentified Newspaper (GHP Response 2004, Vol. IV A, Bates Stamp 21).**

Quaint Ceremonies took place during the past week in Nichols.

The purpose of the ceremonies was to officially open the Golden Hill Reservation on the Sheldon road, one of the few remaining reservations in this country.

. . . To go back to the ceremonies that were held during the past week, a visit to the reservation was paid by Mrs. Ethel Baldwin of 425 Harral Avenue, Bridgeport, known to the Pequannock Indians as “Rising Star.” She is a chieftess of the tribe and a descendant of Tom Sherman of Bridgeport.

With the chieftess on her visit were the Princesses, White Wing and Red Wing, sisters and members of the Winnebago Indians from Nebraska and Chief Reindeer of the Shoshone Indians from Wyoming.

The group reached Nichols in a large touring car, dressed in the Indian regalia. They carried robes, tom toms, peace pipes, and other necessary requisites for the ceremony. Passing motorists as well as residents view the function with great wonderment and of course were made to realize that Sherman truly was of Indian blood.

Arriving at the reservation, the group viewed the grounds, posed for photographs and the tribal medicine song was played by Princess White Wing on her tom toms. She also sang Indian rituals.

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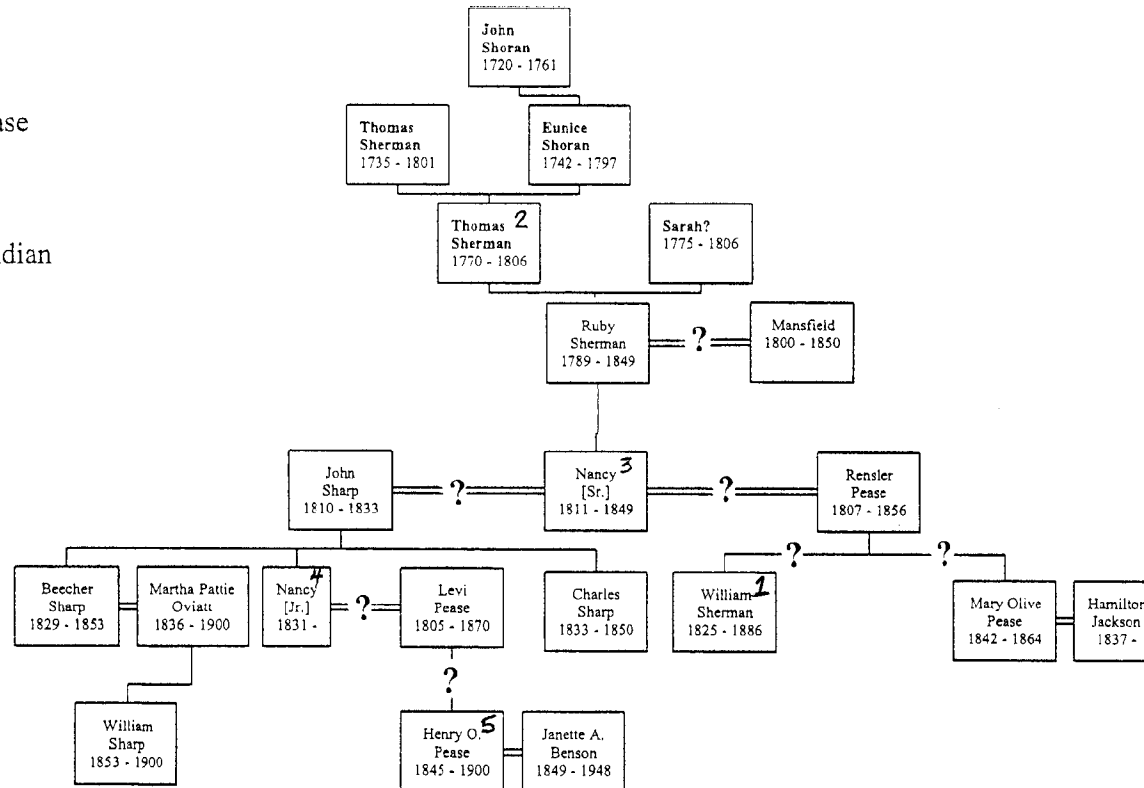
Princess White Wing and Red Wing, as well as Chief Reindeer came to Bridgeport from New York and stopped at the home of Rising Star. They had attended an Indian Day meeting on Sunday where Princess Rising Star was recognized as the Chieftess of the Golden Hill Reservation in Nichols.

Appendix D

Ancestry and Collateral Relatives of William Sherman Claimed by Petitioner

- ¹ Petitioner's ancestor
- ² Tom Sherman Jr. (2nd)
- ³ Nancy [Sr.] Sharp *alias* Pease
- ⁴ Nancy [Jr.]
- ⁵ Identified as Golden Hill Indian on 1877, 1880 deeds
- ? AS-IA unable to verify relationship.

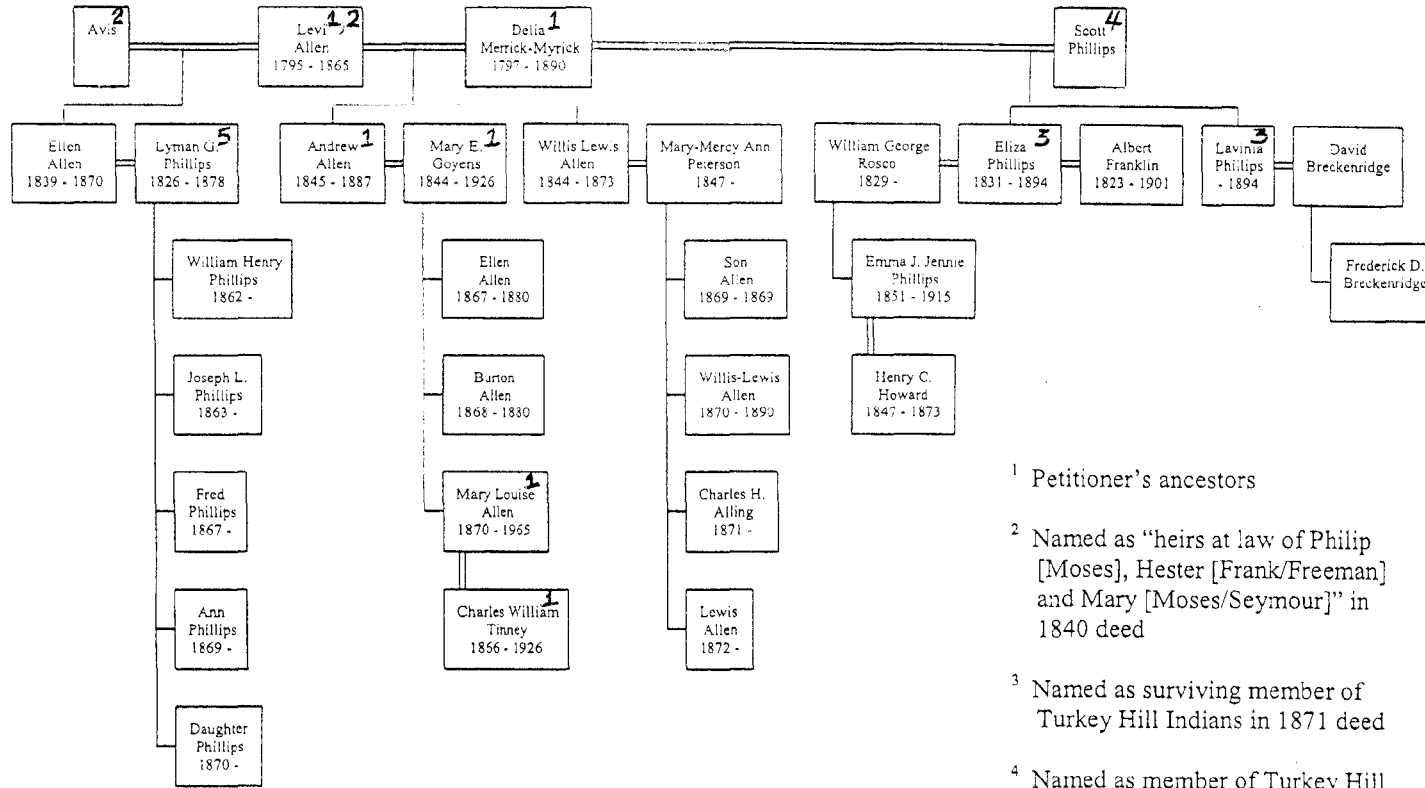
Dates are approximate.



D1

Appendix D

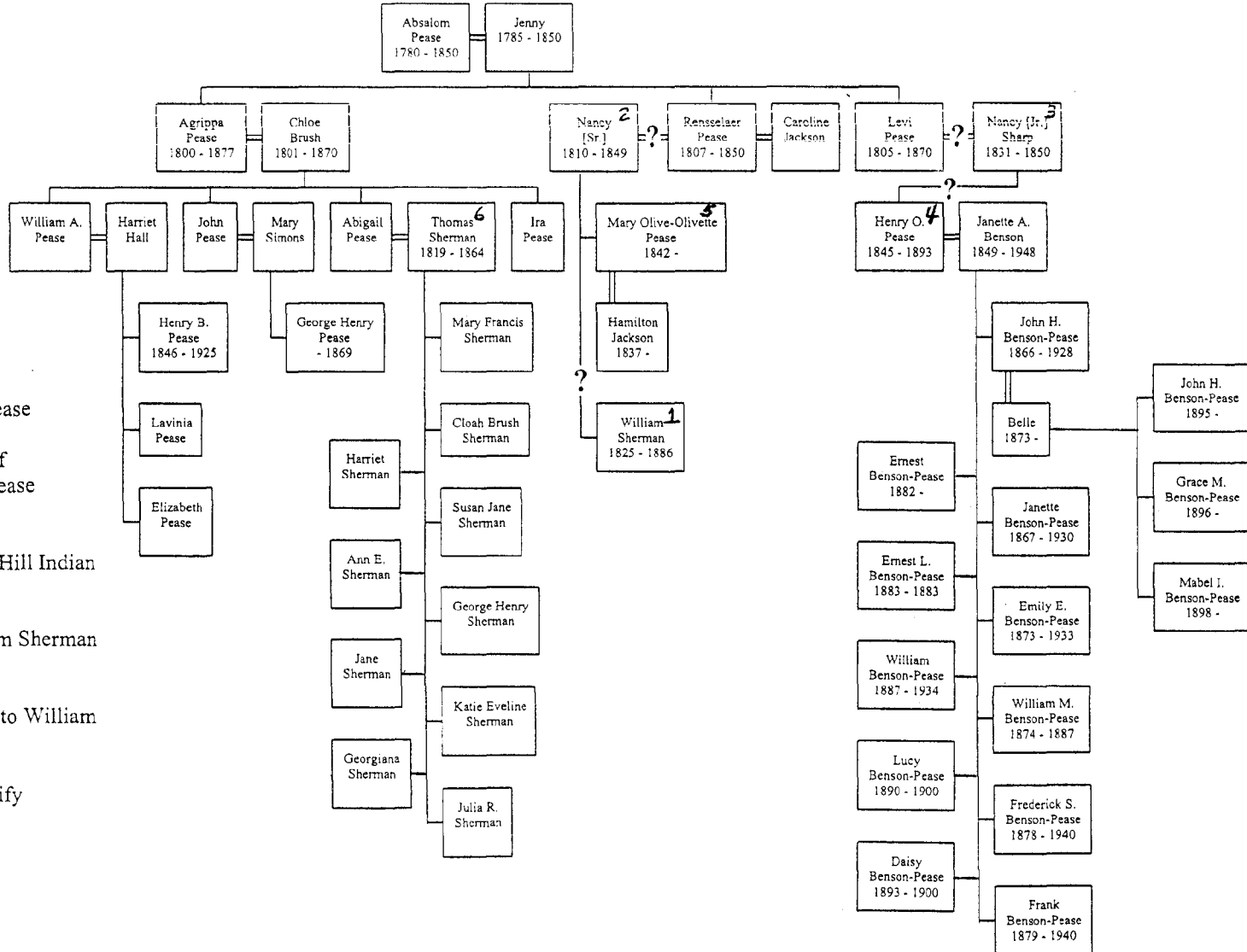
Descendants of Levi Allen/Alling and Delia Merrick/Myrick



- ¹ Petitioner's ancestors
- ² Named as "heirs at law of Philip [Moses], Hester [Frank/Freeman] and Mary [Moses/Seymour]" in 1840 deed
- ³ Named as surviving member of Turkey Hill Indians in 1871 deed
- ⁴ Named as member of Turkey Hill Indians in 1910 State court documents
- ⁵ Son of Roswell Moses/Phillips (see page D4)

Dates are approximate.

Appendix D Descendants of Absalom Pease

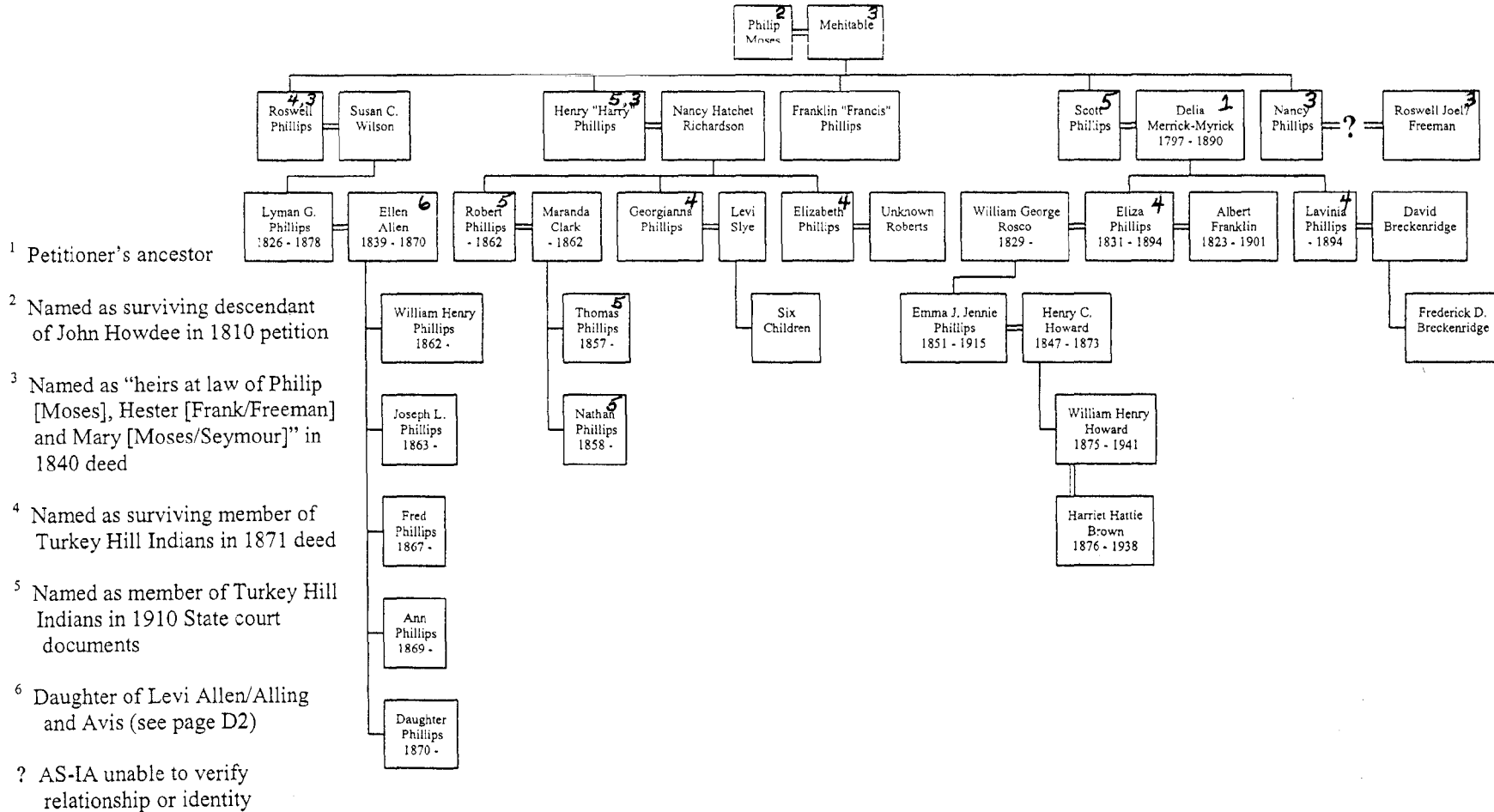


- 1 Petitioner's ancestor
 - 2 Nancy Sharp *alias* Pease
 - 3 Presumed daughter of Nancy Sharp *alias* Pease and John Sharp
 - 4 Identified as Golden Hill Indian on 1877, 1880 deeds
 - 5 Birth listed in William Sherman Bible
 - 6 Adopted, not related to William Sherman
 - ? AS-IA unable to verify relationship
- Dates are approximate.

D3

Appendix D

Descendants of Philip Moses



Dates are approximate.

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