

HISTORICAL NARRATIVE SUPPLEMENTING THE PETITION OF

THE SOUTHERN PEQUOT TRIBAL NATION

**OF CONNECTICUT FOR FEDERAL ACKNOWLEDGMENT
UNDER THE PROVISIONS OF PART 83.8 OF TITLE 25 OF THE
*CODE OF FEDERAL REGULATIONS (25 CFR 83.8)***

Prepared for

The Southern Pequot Tribal Nation of Waterford, Connecticut

by

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I. Introduction

The Southern Pequot Tribal Nation (SPTN) of Connecticut is petitioning the Assistant Secretary - Indian Affairs for Federal acknowledgment of its existence as a tribe under the provisions of Section 8 of Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR 83.8). The SPTN descends from the historical Pequot Tribe that experienced first sustained contact with Anglo-Europeans in the 17th century. The SPTN has also evolved from the Western Pequot Tribe that has been continually recognized by the Colony and State of Connecticut since at least 1666 and by the United States since 1983.

Section 83.8 of the acknowledgment regulations establishes criteria for Federal acknowledgment of Indian groups that have had “unambiguous previous Federal acknowledgment.” Section 83.8 (c) of the regulations provides that one of the three ways that an Indian group can demonstrate unambiguous previous Federal acknowledgment is to provide evidence that “the group has been denominated a tribe by act of Congress or Executive Order” (25 CFR 83.8(c)(2)). The Western Pequot Tribe was federally recognized by Act of Congress on October 18, 1983 (Exhibit 1). Section 3(1) of this statute described the term “Tribe” as meaning the Western Pequot Tribe as identified by chapter 822 of the Connecticut General Statutes (Exhibit 1, p. 852). Members of what is today the SPTN were considered members of the Western Pequot Tribe under the State of Connecticut’s laws and policies. For example, the Superior Court of New London County ruled on June 9, 1933 that individuals whose names were listed as members of the Tribe in the annual reports of the overseers were recognized to be members of the Tribe (Exhibit 2). Three years later, in 1936, the State Park and

Forest Commission, which had jurisdiction over Connecticut's Indian reservations, established further rules for tribal membership. The Commission ruled that children of resident members were to be considered tribal members by birth and that children of non-resident members were to be considered members upon showing proof of parentage (Exhibit 3). Under these rules, members of what is now the SPTN and their ancestors were considered members of the Western or Ledyard Pequot Tribe, either because: (1) their names had appeared on the overseers' lists; (2) they were resident on the reservation or were the children of resident tribal members; or (3) they were non-resident tribal members or the children of nonresident members.

The primary purpose of the Act of October 18, 1983 was to settle certain land claims brought by the "Western Pequot Tribe of Indians" then pending in U.S. District Court. The statute provided that "the Western Pequot Tribe, as represented as of the time of the passage of this Act by the Mashantucket Pequot Tribal Council, is the sole successor in interest to the aboriginal entity known as the Western Pequot Tribe" (Exhibit 1, p. 851). The legislative history of this act makes it clear that it was the intent of Congress to federally recognize the historical entity known as the Western Pequot Tribe and to identify the Mashantucket Tribal Council as "having the sole authority to act on the Tribe's behalf in this [the land claims] settlement" (Exhibit 4, p. 10).

The Mashantucket Pequot Tribal Council had only been organized as a formal political body since 1974. The entity denominated in both the federal lawsuit and in a 1979 letter of intent to file a petition for Federal acknowledgment was the Western Pequot Tribe. The number of tribal members initially organized under the Mashantucket Tribal Council was quite small, consisting only of the descendants of Elizabeth George. The Connecticut Indian Affairs Council reported in 1974 that there were only 55 members (Exhibit 5, p. 78). When asked

by the Senate Select Committee on Indian Affairs in 1983 what the potential tribal membership might be, Tribal Council Chairman Richard “Skip” Hayward replied: “Probably around 200 to 300 total. We are still identifying them.” At that time there still were only 55 members.¹ When the Mashantucket Pequot Tribal established its membership criteria, however, it did so in such a way as to exclude the Western Pequot tribal members now represented by the SPTN. Because it was part of the tribal entity recognized by Congress in 1983 as the Western Pequot Tribe, the SPTN requests the Assistant Secretary to make a “determination of the adequacy of previous Federal action acknowledging tribal status,” in accordance with Section 83.8(b) of the acknowledgment regulations. The SPTN also requests that this determination of unambiguous previous Federal acknowledgment be rendered as part of a technical assistance review of the enclosed documentation conducted pursuant to Section 83.10(b) of the regulations.

II. Historical Background

The aboriginal settlement area of the Pequot Indians consisted of twenty-eight villages in southeastern Connecticut stretching along the coast of the Atlantic Ocean from Niantic Bay to the Pawcatuck River and inland along the Thames and Mystic rivers. During the early part of the 17th Century, the Pequot Tribe expanded its area of control eastward in Connecticut as far as present-day Hartford and along the Atlantic Coast from what is now New Haven to Charleston, Rhode Island, into eastern Long Island and perhaps on Block Island in Long Island Sound. Growing conflict with the fledgling Colony of Connecticut led to the Pequot War of 1636-37, during which an estimated 1,400 tribal

¹ U.S. Congress, Senate, *Mashantucket Pequot Indian Land Claims, Hearings before the Select Committee on Indian Affairs*, 98th Cong., 1st Sess., *To Settle Certain Claims of the Mashantucket Pequot Indians*, 1983, pp. 44-45.

members were annihilated. The Pequot survivors were either distributed as bounty to neighboring tribes or scattered into refugee camps. Those distributed to the conquering Mohegan were assimilated into that tribe, while those parceled out to the Narragansett eventually became the Eastern Pequot. About 750 other Pequot refugees settled in five villages in the New London area and eventually coalesced as the Western Pequot Tribe (Exhibit 6, p. 18).

The Colony of Connecticut placed the Western Pequot on a temporary reservation at Noank in 1650 before moving them to a permanent reservation of at least 2,000 acres in Ledyard in 1666. Thereafter, the Western Pequot on this reservation and in the neighboring community became known by various names including the New London Pequots, the Groton Pequots, the Ledyard Pequots, the Indian Town Groton Pequots, and the Mashantucket Pequots, but they were most commonly referred to as the Western Pequot Tribe. Archaeologist Kevin McBride of the University of Connecticut has described the Western Pequot Reservation area “as one of the oldest continually occupied land parcels held by Native Americans in New England” (Exhibit 6, p. 18). This land has been used or occupied by native people since the Early Archaic period around 7000 B. C. (Exhibit 7, p. 165).

The Colony, and later the State, of Connecticut maintained continuous oversight of the Western Pequot Reservation and continually recognized the existence of the Western Pequot as a Tribe from 1666 to 1983, at which time the reservation became a Federal Indian reserve. The Bureau of Indian Affairs, in its proposed findings to acknowledge the Eastern Pequot and Paucatuck Eastern Pequot petitioners, signed on March 24, 2000, gave great weight to the fact that the historical Eastern Pequot Tribe, which occupied a reservation nearly adjacent to the Western Pequot Reservation, had maintained a “government-to-government relationship” with Connecticut “since colonial times” and had continuously

“retained its land area [the State reservation] to the present.” The BIA concluded that this evidence provided “a common backbone and consistent backdrop for interpreting the evidence of continued tribal existence.”²

Connecticut held title to the land and maintained administration over its Indian reservations, including the Western Pequot reserve, through the use of overseers who reported either to State agencies or to local courts. The overseer had the fiduciary responsibility of maintaining the tribal accounts and the social responsibility of purchasing goods and services for needy tribal members from reservation proceeds. The overseer also had the legal responsibility of bringing suits on behalf of tribal members who sought a redress of grievances against third parties (Exhibit 8, pp. 128-29).

The cost of maintaining the reservation, including the salary and expenses of the overseer, was paid out of proceeds primarily generated by the sale or leasing of reservation lands. The gradual reduction of the land base was proportional to the increased needs of tribal members. The acreage of the Western Pequot Reservation was reduced several times after 1771. By 1856 the reserve consisted of only 214 acres (Exhibit 7, p. 65).

The reservation overseer was periodically required to submit a report listing payments made from the tribal fund to tribal members and their debtors. On occasion, the overseer would also list the individuals that he considered as current tribal members. The BIA, in its positive proposed findings for the Eastern Pequot petitioners, found that the overseer’s lists “provided documentation of tribal membership as of the date the document was created.”³ As noted previously, Connecticut authorities considered individuals listed on the overseer’s reports to be tribal members.

² U.S., Department of the Interior, Bureau of Indian Affairs, “Summary Under the Criteria – Eastern Pequot Indians of Connecticut, Petition #35,” p. 63.

The ancestors of the SPTN lived on the Western Pequot Reservation and were listed on the overseer's reports for much of the 19th century. Even when these ancestors left the reservation they resided in proximity to the reservation and maintained tribal relations with those who continued to live on the reservation. The ancestors also maintained relations with the broader community of both Western and Eastern Pequot Indians, as well as Mohegan and Narragansett tribal members living in the area.

III. Ancestor Betsy Squib

The SPTN's oldest documented ancestor is Betsy Squib, who was listed in the account records of the overseer of the Western Pequot Reservation as early as 1821 (Exhibit 1). Betsy Squib was also named in the overseer's reports for 1822, 1823, 1824, 1825, 1826, 1829, 1830-31, and 1833 (Exhibit 9). That Betsy Squib was a resident of the reservation is evidenced by the overseer's report of 1824 that indicated that funds were allocated for the repair of her house. This report also noted that she received funds that year for boarding Anne Wampy, an Indian woman listed in previous overseer's reports (Exhibit 9). It is not known if Squib and Wampy were related. Other members of the Wampy family were identified as "Indian" or "native" in the town records of Ledyard and Groton during the late 18th century (Exhibit 10, p. 419). The Wampy family was identified by William DeLoss Love, biographer of the Mohegan leader Samson Occom, as belonging to the Tunxis Tribe in Farmington, Connecticut.⁴

Betsy Squib was born on the reservation in 1799, the daughter of John and Betsy Squib, who also were residents of the Western Pequot Reservation (Exhibit 11, p. 3). Other persons with the surname Squib have been identified as Indian in

⁴ U.S., Department of the Interior, Bureau of Indian Affairs, "Summary Under the Criteria – Eastern Pequot Indians of Connecticut, Petition #35," p. 122.

various records, but their relationship to Betsy Squib, if any, has yet to be determined. A Josiah Squib was noted as dying in 1791 in Elizabeth George's handwritten notes on the Pequot Indians (Exhibit 12). A fourteen-year old boy named Silas Squib was identified as Indian in 1810 in the records of outgoing vessels leaving the port of New London, Connecticut.⁵ A man named Joseph Squib and a child named Wales Squib were identified as Indian and noted as dying on the same day, June 23, 1811, in the records of the Congregational Church of Windham, Connecticut (Exhibit 13).

Most of the present SPTN members can document their ancestry from the Betsy Squib in the 1821 overseer's report and that connection represents the minimal extent of their Pequot ancestry. It is highly probable that a more detailed analysis of their genealogy would reveal multiple connections to the historical Pequot tribe. Thus the connection of the SPTN to the Western Pequot Reservation is older than the connections of the Eastern Pequot and Paucatuck Pequot acknowledgment petitioners to the Eastern Pequot Reservation. The BIA's proposed findings determined that the oldest ancestor of the Eastern Pequots, Moses Brushell, first appeared on the overseer's reports in 1825. Rachel Hoxie Jackson and Henry Gardner, the Paucatuck's oldest ancestors, did not appear on overseer's reports until 1849.⁶

IV. Ancestor Anna Wait

On July 4, 1824, overseer William Williams officiated at the marriage of Betsy Squib to Caesar Wait, listed in the marriage record as a resident of Exeter, Rhode Island (Exhibit 14). Caesar Wait is believed to have been a Mohegan who

⁵ U.S., Department of the Interior, Bureau of Indian Affairs, "Eastern Pequot Family Chronology" by Virginia DeMarce, June 6, 1995, p. 57, p. 29.

⁶ U.S., Department of the Interior, Bureau of Indian Affairs, "Technical Report, Eastern Pequot. Common Historical Background Section for Petitioner #35 and Petitioner #13 [sic]," p. 200, fn. 385.

⁷ U.S., Department of the Interior, Bureau of Indian Affairs, "Summary Under the Criteria – Paucatuck Eastern Pequot Indians of Connecticut, Petition #113," pp. 124-25.

was indentured to Martin Wait, a New London lawyer (Exhibit 11, p. 3). In June 1825 Betsy Squib Wait filed a complaint against her husband Caesar in the New London County Court, charging him with abuse (Exhibit 10, p. 419). The marriage ended within a decade. Born to this sometimes unhappy union were two children, George R. Wait and Anna Wait (Exhibit 11, p.3). Betsy Squib Wait was listed on the overseer's reports as Betsy Wait in 1825 (Exhibit 9). Betsy's daughter, Anna Wait, was listed in the Western Pequot tribal census of 1858 as being 33 years of age⁷ and believed to be residing in New York (Exhibit 8, p. 128). The next year, in 1859, however, she was one of the signers of a tribal petition presented to the County Court of New London (Exhibit 8, p. 129). Anna Wait is believed to have joined the Christian settlement of Brothertown Indians in New York that eventually emigrated to Wisconsin.⁸

V. Ancestor Hannah Aaron

On April 28, 1833, Betsy Squib Wait married Reuben Aaron and their marriage record was signed by reservation overseer George Ayer (Exhibit 15). Reuben Aaron had previously lived in Colchester and East Haddam, Connecticut in the 1820s (Exhibit 10, P. 1). Reuben and Betsy had one child, a daughter named Hannah Aaron. Betsy Squib Wait Aaron was listed as Betsy Aaron on the overseer's reports for the Western Pequot Reservation in 1833 and 1834 (Exhibit 9). Her daughter Hannah Aaron was listed in the overseer's reports of 1833 (Exhibit 9), 1834 (Exhibit 16), 1835, and 1852-53 (Exhibit 17). The Western Pequot census of 1858 listed Hannah as being 39 years of age⁹ and residing on the reservation (Exhibit 8, p. 128). In 1859 she was one of the signers of a tribal

⁷ The overseer apparently confused the age of Anna Wait with that of her younger half-sister, Hannah Aaron.

⁸ Information provided by Chief Ransford Collins.

⁹ The overseer apparently confused the age of Anna Wait with that of her younger half-sister, Hannah Aaron. .

petition presented to the New London County Court (Exhibit 8, p. 129). She was listed on the 1855 overseer's report as Hannah Goldsmith (Exhibit 18). Hannah Aaron also signed an undated petition requesting a new overseer. Her mother also signed as Betsy Squib and a man named James Squib, who may have been her uncle (Betsy's brother) also signed (Exhibit 19).

VI. Ancestor Jane Wheeler

Betsy Squib Wait Aaron married a third husband, Gilbert G. Wheeler, a non-Indian woodchopper of Canadian birth, on September 26, 1839 (Exhibit 20). This union produced a daughter named Jane Wheeler, born on March 27, 1840 (Exhibit 21). Betsy Squib Wait Aaron Wheeler and daughter Jane Wheeler were signers of an 1859 petition to the County Court. Of Betsy's other children, Anna Wait and Hannah Aaron also signed the petition of that year (Exhibit 8, p. 129).

The ancestors of the SPTN maintained an active role in the social and political life of the Western Pequot community throughout the 19th Century. Overseer William Morgan identified seven families that constituted the tribal core. SPTN ancestors Betsy Wheeler and Anna Wait headed two of these seven families. Women gradually took over the major tribal political roles in the Pequot community by mid-century as men were increasingly compelled to leave the area to seek employment. The vast majority of signers of tribal petitions were women, and by 1858 only one man was residing on the reservation. Many of the men went to sea as whalers, while the women reared families, gathered and cultivated subsistence food, made and peddled baskets, and served non-Indian families as farm and domestic helpers (Exhibit 8, pp. 127-28).

VII. Ancestor George R. Wait

Betsy's son, George R. Wait, left the reservation in 1842 to find work (Exhibit 11, p. 3) and married Hannah Phoebe Brown on January 2, 1845 in West Greenwich, Rhode Island (Exhibit 22), a town approximately twenty miles from the Western Pequot Reservation. A testimonial record of the wedding indicates that Hannah was from Connecticut and that the couple was married at a "freewill baptist Church of Christ" (Exhibit 23). Hannah Brown was the daughter of Lucinda Brown, a Pequot Indian who was indentured to Avery Brown of North Stonington in 1810. Lucinda Brown's father was Charles Brown (Exhibit 10, p. 44). In 1811 the Town of North Stonington paid Richard Nedson, who may have been an Eastern Pequot, for keeping the children of Charles Brown.¹⁰ Hannah Brown Wait's youngest daughter Phebe Wait would later marry a descendant of Avery Brown.

Three children were born of the union of George R. Wait and Hannah P. Brown. They were, George B. Wait, Mary Wait, and Phebe Wait (Exhibit 24, photograph of these three as adults). Hannah Brown Wait died in West Greenwich on July 23, 1850 giving birth to Phebe. Consequently, George R. Wait took daughter Phebe back to the reservation to reside with her grandmother, Betsy Squib Wait Aaron Wheeler. Phebe Wait lived on the reservation until grandmother Betsy died in 1859 (Exhibit 11, p. 4). According to Elizabeth George's handwritten notes, Betsy was buried on the reservation in the ruins behind the house later occupied by Elizabeth George (Exhibit 12). This house was eventually the last residence on the reservation prior to the organization of the Mashantucket council in 1974.

¹⁰ U.S., Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, "Technical Report, Eastern Pequot. Common Historical Background Section for Petitioner #35 and Petitioner #13 [sic]," p. 198, fn. 380.

Thereafter, George R. Wait took daughter Phebe to live as an indentured servant with the Willcox family. This family, which may have had Narragansett ancestry, owned a farm at the southern tip of the Western Pequot Reservation (Exhibit 11, p. 4). In 1823 and 1824 the reservation overseer paid funds out of the Western Pequot account to a man named John Willcox, Jr. This payment was for goods and services Willcox had provided Betsy Squib, Anne Wampy, and other members of the “Indian Tribe of Groton (Exhibit 25). The overseer’s report of 1836-1837 also indicated that funds were paid from the Western Pequot account for repair of “the House and Barn on the Wilcox place” (Exhibit 26). Phebe attended school along with her Pequot kin at a one-room schoolhouse near the reservation (Exhibit 11, p. 4). See Exhibit 32 for a map that indicates the location of the Willcox property and Exhibit 39 for a map that shows the location of the school.

During the Civil War, George R. Wait enlisted in Company K of the Twenty-Sixth Regiment Infantry of Connecticut Volunteers. His military records indicate that he was a resident of Groton who enlisted on October 7, 1862, saw action in the battle of Port Hudson, Louisiana, and was mustered out of service on August 17, 1863. The Louisiana swampland took its toll on the Twenty-Sixth regiment. While the final casualty report listed 52 men killed in action, it indicated that 84 died of disease, primarily from malaria (Exhibit 27, see also Exhibit 28, a photograph of George R. Wait in Uniform). George returned home to work with his son George B. Wait, making and repairing wagons and wagon wheels near Old Mystic, Connecticut (Exhibit 11, p. 5), within approximately three miles of the Western Pequot Reservation. The elder George died on January 21, 1873 (Exhibit 29).

George R. Wait’s half-sister, Jane Wheeler, married a whaler named John Noyes Hoxie, who was identified in the special Indian Population schedule of the

1900 census as a Pequot-Narragansett living on the Eastern Pequot Reservation in North Stonington.¹¹ Like George Wait, John Hoxie was also a veteran of the Civil War. His sister Rachel has been identified as a key ancestor of the Eastern Pequots. John and Jane Hoxie had one child, a daughter named Martha Ann Hoxie, who later married Cyrus George, the son of Austin George and Eunice Wheeler George.¹² Austin George was a Western Pequot,¹³ and Eunice Wheeler George was Narragansett.¹⁴ Eunice later married Marlboro Gardner, a key ancestor of the Paucatuck Eastern Pequots.¹⁵

The families that organized in the 1970s as the Mashantucket Pequot Tribal Council descend from the line of Cyrus George and Martha Ann Hoxie George. The line includes the following Mashantucket leaders: Cyrus and Martha's daughter Elizabeth George, recognized as a tribal elder and the last resident of the reservation prior to the organization of the Mashantucket council (Exhibit 8, pp. 135-38); their son Amos George, who was a leader of the council following the death of Elizabeth George (Exhibit 8, p. 138); Elizabeth George's daughters Theresa and Loretta, who signed the 1974 Mashantucket constitution and received leadership positions on the council (Exhibit 30, pp. 145, 149); and Elizabeth's grandson and Theresa's son Skip Hayward, who was the chairman of the council from 1975 to 1998 (Exhibit 8, p. 138; Exhibit 30, p. 340). Thus the core family of the Mashantucket council that was recognized by Congress in 1983 as the Western Pequot Tribe's settlement representative is related to the members of the SPTN through their common ancestor Betsy Squib Wait Aaron Wheeler. In turn, the Cyrus and Martha George family also has ties to the leadership lines of the Eastern Pequots. Their son John married Mildred Jenny Williams, the son

¹¹ U.S., Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, "Technical Report, Paucatuck Eastern Pequot, Historical and Genealogical Portions," by Virginia DeMarce, February 14, 2000, p. 26, fnt. 45.

¹² Ibid., pp. 30-31.

¹³ Ibid., p. 30.

¹⁴ Ibid., p.18.

of Atwood Williams, Sr.¹⁶ Atwood Williams, Sr., was a key leader of Eastern Pequots in the early 20th century and the line from which the current membership of the Paucatuck Eastern Pequots descend. In 1933 Atwood Williams, Sr., appointed John George chief of the Western Pequots.¹⁷ Cyrus and Martha George's daughter Annie married Jesse C. Sebastian,¹⁸ from whom Kenneth Reels, the current Mashantucket chairman, and his mother Juanita, a current council member, descend (Exhibit 30, pp. 230-33, 295, 341). The Sebastian family also provides the leadership for the current Eastern Pequot acknowledgment petitioner.

VIII. Ancestor Phebe Wait

Betsy Wheeler's granddaughter and Jane Wheeler's niece, Phebe Wait, the daughter of George R. Wait, married Raymond Willcox on March 15, 1868 (Exhibit 31). Phebe and Raymond had grown up together in the same household, since Raymond was a son of the same Willcox family to which Phebe had been indentured as a young girl. The newlyweds settled in a house on Iron Street in Ledyard, less than two miles from the Western Pequot Reservation, in order to remain close to their families, including Phebe's Pequot relatives on the reservation and in nearby communities. The couple eventually had fourteen children (Exhibit 11, p. 5). For a map depicting the location of the Willcox farmstead and Iron Street that runs through the village of Ledyard, see Exhibit 32.

Betsy's daughter, Jane Wheeler Hoxie, married Frederick B. Durfee, a non-Indian born in Danielsonville, Connecticut, on June 28, 1897 (Exhibit 30, p. 147). Jane Wheeler Hoxie Durfee was a Pequot tribal culture keeper who lived on the reservation for most of her life. She was known as "Grandmother Durfee" and recognized as a tribal elder throughout the extended Pequot community. She

¹⁵ Ibid., pp.32-33.

¹⁶ Ibid., p. 33.

¹⁷ Ibid., pp. 46-47.

was a traditional storyteller and a basketmaker who demonstrated her craft at powwows, including those held by the Eastern Pequot at North Stonington. In her old age, Grandmother Durfee was boarded out to local caretakers, the last of whom was Mrs. Lurie Main, a relative through marriage to the descendants of Betsy Squib (Exhibit 33; Exhibit 34, pp. 168-69).

Phebe Wait Willcox and her husband Raymond raised their large family in Ledyard, where Raymond made his living as a farmer (Exhibit 35). The members of their family interacted on a regular basis with the Pequot, Narragansett, and other Indian descendants that remained in the area (Exhibit 36, photographs).

IX. Ancestor Ray Ernest Willcox, Sr.

Ray Ernest Willcox, Sr., the last of the children of Raymond and Phebe Willcox, was born on June 29, 1893 (Exhibit 37). On September 30, 1916, he married sixteen-year old Mary Elvira Pierce (Exhibit 38). The couple had seven children (Exhibit 11, p.5).

Mary Elvira's mother Mary Stanton Main Pierce, was a member of the Main family, one prominent in the Ledyard area. Members of this family had served as overseers of the Western Pequot Reservation and some had married Indians. Mary Stanton Main Pierce's mother was Sarah Eliza Brown, a descendant of Avery Brown. Avery Brown owned considerable land adjacent to the Western Pequot Reservation (see Exhibit 39, a map showing the location of Main and Brown properties in relation to the reservation) and a number of Indian women worked for him as indentured servants. One of these servants was Lucinda Brown, the mother of Hannah Brown, the woman who married George R. Wait.¹⁹

¹⁸ Ibid., p. 31.

¹⁹ Information provided by Chief Ransford Collins.

Ray Earnest Willcox, Sr., became a leader among the Pequot and other Indians who remained in the area. These individuals regularly sought his advice and opinion. Willcox was always willing to help other Indians and his home became a regular gathering place for them, especially on Sunday afternoons. Ransford Collins, the present Chief of the SPTN, who attended these gatherings as a boy, remembers seeing Tazan Brown, Henry Story, Charles Haskell, and Mo Sebastian at his grandfather's house, as well as Elizabeth George Plouffe and her half-sister Martha Langevin Ellal from the reservation (Exhibit 11, part 2, pp. 1-2).

Like his father, Ray Ernest Willcox, Sr., made his living as a farmer. He worked on various parcels of land that were originally within the boundaries of the Western Pequot Reservation and made annual payments toward the purchase of the deeds. He worked a parcel in Indiantown along the Indiantown Road where he planted vegetables and cut birch wood for a birch mill and firewood for domestic use (Exhibit 40, p. 2). In 1930 he finally obtained title to this land (Exhibit 41). Chief Ransford Collins recalls that his grandfather planted potatoes on his Indiantown property and that he regularly shared part of his harvest, as well as firewood and cornmeal, with the George sisters on the reservation. He also made repairs at their houses (see Exhibit 42 for map depicting the location of their houses).

Together the families would attend the powwows at Indiantown, visit each other's farms, and honor their ancestors at various cemeteries.³⁰ (also see Exhibit 11, part 2, pp. 1-2). In 1949 Ray Earnest Willcox, Sr., obtained title from his wife's relatives, Harry and Lurie E. Main, to three tracts within the Great Cedar Swamp, near where now stands Foxwoods, the Mashantucket Pequot's casino (Exhibit 43; see also Exhibits 32 and 39 for maps depicting the location of the

³⁰ Ibid.

Great Cedar Swamp). It was Willcox's intent to log the cedar timber in the swamp, but he died in 1951 before he could begin work. This property is now within the current boundaries of the Mashantucket Pequot Reservation (Exhibit 40, p. 2); however, the three parcels of the Great Cedar Swamp are still owned by Ray Earnest Willcox, Sr.'s daughter, Phoebe Coates (Exhibit 44). Coates is now affiliated with the Eastern Pequot Tribe²¹, but Chief Collins of the SPTN pays the taxes on this property because Coates is not able and because the Chief wants the property to remain in the family (Exhibit 45). The Great Cedar Swamp served as a refuge for the Pequots during the Pequot War and later (Exhibit 7, p. 66). Exhibit 46 contains copies of photographs of Ray Ernest Willcox and other members of the Willcox family.

X. Tribal Gatherings

The extended Willcox family attended gatherings at Indiantown, as well as the annual Narragansett powwow at Charleston, Rhode Island (Exhibit 47). They always camped at the same spot at the Charlestown powwow. They also attended the family reunions held for the descendants of George Main and Sarah Brown, the grandparents of Mary Elvira Pierce Willcox. Although many of the descendants were not of Pequot or other Indian ancestry, the reunion provided an opportunity for those who were to interact and bond. They gathered separately within the context of the overall reunion.²² The reunions, all-day events held on a Sunday in July, began in the late 19th century and have been held sporadically up to the present. Homemade clam chowder seems always to have been a feature of the event, along with various potluck dishes. The activities included games, swimming, reminiscing, general discussions, and a business meeting for the election of officers, etc. (Exhibit 48). Sometimes these gatherings were held at

²¹ Ibid.

Indiantown Park, which was and is now again part of the Western Pequot reservation (Exhibit 48, clippings of July 30, 1966) and at Lantern Hill on the Eastern Pequot Reservation (Exhibit 48, clippings of July 30, 1973). The reunion site later was moved to Saw Mill Park on Iron Street in Ledyard, a property once owned by Main and Brown descendants (Exhibit 48, clipping of July 19, 1976). See Exhibit 32 for a map showing the location of Indiantown Park and Iron Street in Ledyard.

XI. The Peckham Burial Ground

One of Ray Earnest Willcox, Sr.'s leadership duties was to serve as the keeper or sextant of the Peckham burial ground in the village of Ledyard. This burial ground was originally affiliated with a small church that served as a mission to the Pequots. It may have also served as a Pequot burial ground prior to the establishment of the mission as it contains 28 unengraved headstones. Ray Earnest Willcox and other Indian descendants maintained the burial ground and determined who had the right to be buried there or even to visit.²³

On October 17, 1935, Phebe Wait Willcox died at the age of 85 in a New London hospital (Exhibits 49 and 50). She had spent her entire life in the area, including the nine years she lived on the Western Pequot Reservation. Only five of her fourteen children survived her, four of who still resided in nearby towns. She was buried at the Peckham burial ground that was maintained by her son and other Pequot descendants.²⁴

²² Ibid.

²³ Ibid.

²⁴ Ibid.

XII. Recent Tribal Leaders

Ray Ernest Willcox died on January 9, 1951 (Exhibit 29) and was also buried in the Peckham burial ground. His wife Mary Pierce Willcox assumed his role as leader of the Pequot descendants, and his son Ray Ernest Willcox, Jr., became the keeper of the Peckham burial ground.²⁵ Mary Pierce Willcox also served as president of the Brown-Main reunion (Exhibit 48, clipping of July 30, 1966) and was honored as the oldest family member in attendance in 1973 (Exhibit 48, clipping of July 30, 1973). She died in 1974 (Exhibit 29) and a silent prayer was conducted in her memory at the 1974 reunion (Exhibit 48, clipping of August 2, 1974). Her daughter Sadie E. Willcox Green then became both the leader of the Pequot descendants²⁶ and president of the Main-Brown reunion (Exhibit 48, clipping July 31, 1974). She had previously served as secretary of the reunion (Exhibit 48, clipping of July 26, 1967) and even made the clam chowder in some years.

XIII. Organization of the Mashantucket Council

In August 1974 a small group of the descendants of Elizabeth George, led by her grandson Skip Hayward, met on the Western Pequot Reservation and organized themselves as the Western Pequot Indians of Connecticut, Inc. and the Mashantucket Tribal Council. The purpose of this organization was to legitimize a tribal entity in order to pursue land claims. Only ten individuals signed the constitution and bylaws that had been drafted by attorney Thomas Tureen prior to the meeting. The signers included Hayward, who was elected tribal chairman, Bruce Kirchner, a distant cousin of Hayward, three of Hayward's sisters, one of George's daughters, and three other George descendants (Exhibit 30, pp. 60-65).

The membership criteria for this organization was as follows:

²⁵ Ibid.

An authentic descendant of the Western Pequot Tribe of Indians is a person who can prove through a birth certificate or other legal document that he or she is directly related to an Indian who is genealogically recorded as a Western Pequot Indian by the State of Connecticut. An authentic descendant of the Western Pequot Tribe of Indians contributing annually at least Five (\$5.00) Dollars may become a member upon the approval of the Board of Directors (Exhibit 51).

Since their ancestor Martha Hoxie George Langevin was listed as a Pequot and a reservation resident on the 1910 Federal Indian census, this census was established as the base roll for this new Pequot organization. Later, in order to expand membership by including the Sebastian and Reels families, the 1900 Indian census was also established as a base roll, because it listed their ancestor, Annie E. George (Exhibit 52). The Connecticut Indian Affairs Council reported in 1974 that “In August of this year the Western Pequot tribe formed an organization, since incorporated, to represent the tribal members. Their recent efforts to update tribal membership rolls listed some 55 members in preliminary tally” (Exhibit 5, p. 78).

XIV. The Mashantucket Land Claims

In 1976 the entity organized by Skip Hayward filed suit in the U. S. District Court for the District of Connecticut as “the Western Pequot Tribe of Indians” to recover land from twenty-seven private land owners. The suit claimed that these lands were taken from the Tribe in violation of the Trade and Nonintercourse Acts. The purpose of this litigation was to gain a settlement that would federally recognize a Western Pequot tribal entity, expand the Western Pequot Reservation to its original boundaries, and establish the recovered land base as a Federal Indian Reservation for the purpose of economic development. The key piece of property sought by Hayward and the other George descendants

²⁶ Ibid.

was a 550-acre parcel along Connecticut Route 2 owned by descendants of the Main family. A part of the Great Cedar Swamp was located in the center of this property. Although some of the Main family had intermarried with Pequot descendants, those who established or inherited this estate were not on good terms with the Western Pequots (Exhibit 30, pp. 114-15, 156-164, 172).

On January 5, 1976, the Hayward organization revised its membership criteria to provide that membership could only be gained by either birth or adoption. Membership through birth required at least one-eighth “Mashantucket Pequot Indian blood” while membership through adoption required at least 1/8 “Indian blood” (Exhibit 53, pp. 65-66). The Pequot blood quantum was calculated on the presumption that the ancestors listed on the 1900 and 1910 Federal Indian censuses were full-blood Pequots. On April 25, 1976 the Hayward organization voted to name itself the “Mashantucket Pequot Indians of Connecticut” (Exhibit 53, p. 66).

The Western Pequot land claim was used ultimately by Skip Hayward and his supporters to leverage successfully a legislative settlement from Congress. In order to convince lawmakers that his organization constituted a tribe, Hayward thought of ways to expand its memberships. He is alleged to have told a reporter that if he could not find enough Pequots, “We will open the land up to Indians from other tribes.” Hayward could have easily taken in the people who now constitute the membership of the SPTN, whose ancestors had also been recognized by the State as Western Pequots. He had interacted with members of these families for most of his life, as had his grandmother Elizabeth George Plouffe, his aunt Martha Langevin Ellal, and his great-grandmother Martha Hoxie George Langevin. Hayward rode to work with a member of the Willcox family for ten years and another SPTN member regularly babysat for his nieces and nephews. Ray Ernest Willcox, Jr., showed him parts of the reservation that were

unfamiliar to Hayward and current SPTN member Darlene Cheeks even lived on the reservation for a time in the 1970s.²⁷ Hayward chose instead, however, to accept African-American individuals from Rhode Island with whom he had not had contact prior to 1977. These people claimed to be the descendants of Elizabeth George's sister Annie through her marriage to Jesse Sebastian. These descendants included Juanita Reels, who had previously been rejected for membership in the reorganized Eastern Pequot Tribe, and her son Kenneth Reels (Exhibit 30, pp. 230-36). Juanita's father Clarence Sebastian was born on the Eastern Pequot Reservation and was identified as a member of the "Eastern Tribe" in Judge Allyn L. Brown's 1933 court order (Exhibit 54). Although Hayward readily accepted these new members in order to bolster his claims, he testified before the Connecticut Indian Affairs Council in January 1977 that neither he nor his family ever considered the Sebastians to be Indians (Exhibit 30, p. 234).

In February 1977 the Mashantucket council again revised its membership criteria to include its present members, including the Sebastian and Reels families, descendants of those members who had "one-eighth or more Mashantucket (Western) Pequot blood," and those persons adopted into the Tribe who had "at least 1/8 American Indian blood." Adopted members were given full tribal rights with the exception of holding elected office (Exhibit 55).

On January 15, 1979, the Hayward council submitted a letter of intent to petition the Bureau of Indian Affairs for Federal acknowledgment as the "Western Pequot Tribe." The petitioner did not submit documentation to support its petition until 1983, by which time it had changed its name to the "Mashantucket Pequot Tribe" (Exhibit 30, pp. 126, 134; Exhibit 4, p.).

²⁷ Ibid.

The pending Pequot land claim inflicted great pressure on politicians to negotiate a compromise settlement. The litigation placed a cloud on the title of private property owners within the claims area and posed thorny legal issues that might take many years to resolve through the courts. Several settlement bills were introduced in Congress, but none progressed very far. Finally, in the first session of the 98th Congress in 1983, a bill (S.366) passed both houses of Congress only to be vetoed by President Ronald Reagan on April 5, 1983 (Exhibit 4, pp. 8-9). The President stated in his veto message that “the government-to-government relationship between the Western Pequot Tribe that would be established by this bill is not warranted at this time, pending further study by Interior” (Exhibit 44, p. 21). It should be noted that the President viewed the legislation as recognizing the “Western Pequot Tribe” and not “the Mashantucket Pequot Tribe.” Indeed, at the beginning of his remarks he referred to the “the Mashantucket Band of the Western Pequot Indian Tribe” and its claim to approximately 800 acres in the town of Ledyard. In his closing remarks, the President also stated that he was “convinced that a satisfactory resolution of the Western Pequot land claims can be achieved” (Exhibit 4, pp. 20-21).

As a result of the veto, Senate Majority Leader Howard Baker sponsored negotiations between Senator Lowell Weicker of Connecticut, the Senate Select Committee on Indian Affairs, and the Reagan Administration (including the Department of the Interior). The product of these negotiations was a new bill (S.1499) introduced by Weicker and his Connecticut colleague, Senator Christopher Dodd. The Senate Select Committee held a hearing on this bill on July 19, 1983 (Exhibit 4, p. 9). At this hearing, John W. Fritz, the Deputy Assistant Secretary – Indian Affairs, testified that the Mashantucket Pequots had only recently submitted a documented petition and that he could not, therefore, “categorically state that they would meet the criteria of our Federal

acknowledgment process.” Fritz then erroneously stated that “the Mashantucket Pequot Tribe has, however, held title to their present State reservation of 220 acres for over 250 years” (Exhibit 4, pp. 19-20).

This statement was completely in error because the entity known as the Mashantucket Pequot Tribe did not exist prior to 1974 and the title to the Western Pequot Reservation was held by the State and not by any Tribe. The Tribe that the State and Colony of Connecticut most consistently recognized as being entitled to use the reservation was the Western Pequot Tribe; the period of holding title was over 300 years not 250 years; and the then existing acreage of the reservation was 214 acres not 220. Nevertheless, Fritz concluded that because of the long tenure of the reservation “the tribe has a prima facie case for Federal recognition status and we do not object to their recognition” (Exhibit 4, p. 20).

This statement and the fact that the State of Connecticut agreed to contribute more funds to the settlement helped pave the way for a legislative solution of the claim that President Reagan would agree to sign. Congress, however, also erred in its understanding of the history of the reservation. The Historical Background section of the Select Committee’s Report on S.1499 stated incorrectly that the Western Pequot Tribe held title to its reservation lands (Exhibit 4, pp. 5-6). The Select Committee relied heavily for its background information on the 1976 Final Report of Task Force 10 to the American Indian Policy Review Commission on “Terminated and Nonfederally Recognized Indians,” which relied in turn on a 1974 report of the Connecticut Indian Affairs Council. The Task Force Ten report, which was riddled with typos and inaccuracies, stated that “The major portion of the reservation is approximately 204 acres; this section has remained in Mashantucket hands since the reservation was first established” (Exhibit 5, p. 78).

Even William O'Neill, the Governor of Connecticut, was not accurate when he wrote to the Select Committee in support of S.1499 that the State had "made substantial contributions of funds, land, time, and other resources to the Mashantucket Pequot over the years." Connecticut had not recognized a "Mashantucket Pequot" tribal entity prior to 1974 and it did not differentiate "Mashantucket Pequot" from "Western Pequot" until 1981. Nevertheless, the Governor supported the legislation because it would enable realization of the Indians' "dream of regaining and developing their land for the benefit of all of the members of their Tribe" (emphasis added) (Exhibit 4, p. 22). The Connecticut General Assembly was more forthright when it made it clear in the second section of legislation it enacted on June 9, 1982 to implement the settlement that the State was confirming to the Tribe "in fee simple the lands comprising the reservation" Section 3 of this act also provided for the conveyance of an additional 19.5 acres of land that contained Pequot burial grounds (Exhibit 4, pp. 22-24).

XV. Recognition of the Western Pequot Tribe

After Connecticut agreed to increase its contributions to the settlement and the Interior Department lifted its objections to legislative recognition, the Mashantucket Pequot Indian Claims Settlement Act was approved by Congress and signed into law by President Reagan on October 18, 1983. It is clear from the legislative history of this statute that the primary purpose of the legislation, from the point of view of the State of Connecticut and the United States Congress, was to settle the claims lawsuit and thereby rescue the private land owners in Ledyard from "economic hardship."

According to the first legislative finding in 2(a) of the settlement act, the claims lawsuit had been brought by the Western Pequot Tribe through the Mashantucket Pequot Tribe. This means that whatever action was taken in

connection with the Nonintercourse Act claims affected all of the Western Pequots and not just the Mashantucket members. This is also apparent from a careful reading of the text of the statute. In the definitions section, for example, the settlement act defined “Tribe” to include the Western Pequot Tribe:

The term ‘Tribe’ means the Mashantucket Pequot Tribe (also known as the Western Pequot Tribe) as identified by chapter 832 of the Connecticut General Statutes and all predecessors and successors in interest. The Mashantucket Pequot Tribe is represented, as of October 18, 1983, by the Mashantucket Pequot Tribal Council (Exhibit 1, p. 852).

Prior to 1981 Connecticut did not differentiate “Western Pequot” from Mashantucket. By Public Act 81-375, Section 1(a) enacted by the General Assembly in that year “Mashantucket” was substituted for “Western” in the text of the statute:

The following terms as used in this chapter, shall have the following meanings: ‘Indian’ means a member of any of the following tribes, Paucatuck Eastern Pequot, Mashantucket Pequot . . . ‘reservation’ means the Paucatuck Pequot reservation in the town of North Stonington assigned to the use of the Paucatuck Eastern Pequot Tribe, ...and the Mashantucket Pequot reservation in the town of Ledyard, assigned to the Mashantucket Pequot tribe²⁸

In 1973 the Connecticut General Assembly redefined the term “Indian” in its statutes to list specific tribes, thereby replacing the reference to persons of tribes “for whose use any reservation was set out.”²⁹ The 1981 amendment changed the names of the tribes (Western Pequot to Mashantucket Pequot for example) and added for the first time a reference to the Colchester reservation of the Golden Hill Paugussett. Martin Gold, the executive assistant to Commissioner Stanley Pac of the Connecticut Department of Environmental Protection, explained to a legislative committee on March 30, 1981 that the purpose of the amendment was to “recognize each tribe by historical name rather

²⁸ State of Connecticut, General Assembly, Public Act 81-375, Section 1(a), 1983.

²⁹ State of Connecticut, General Assembly, Public Act 73-660, 1973.

than that of a descriptive lable [sic] applied by a state agency in the distant past and continuing in the current statutes.”³⁰ The change then was one of nomenclature rather than substance and was not meant to define a smaller group of people.

In the last two legislative findings in the Mashantucket Pequot Indian Claims Settlement Act, the emphasis is on the Western Pequot Tribe not the Mashantucket Pequot Tribe. This is because Congress wanted the settlement, and its consequent legal effect of disencumbrancing the titles of private landholders, to be as broad as possible:

- (e) the Western Pequot Tribe as represented as of the date of passage of this Act by the Mashantucket Pequot Tribal Council, is the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe which years ago claimed aboriginal title to certain lands in the State of Connecticut; and
- (f) the State of Connecticut is contributing twenty acres of land owned by the State of Connecticut to fulfill this subchapter. The State of Connecticut will construct and repair three sections paved or gravel roadways within the reservation of the Tribe. The State of Connecticut has provided special services to the members of the Western Pequot Tribe residing within its borders. The United States has provided few, if any, special services to the Western Pequot Tribe and has denied that it had jurisdiction over or responsibility for said Tribe. In view of the provision of land by the State of Connecticut, the provision of paved roadways by the State of Connecticut, and the provision of special services by the State of Connecticut without being required to do so by Federal law, it is the intent of Congress that the State of Connecticut not be required or otherwise contribute to this claims settlement (Exhibit 1, p. 851).

Construing the terms strictly, Congress intended to solve the Pequot land claims problem once and for all time, hence it constituted the Western Pequot Tribe, as represented by the Mashantucket Tribal Council to be “the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe.” It is essential to note that that the Mashantucket was not the sole

³⁰ State of Connecticut, General Assembly, Joint Standing Committee Hearings 11981, Government

or exclusive successor, but rather the legal representative of a broader entity, the Western Pequot Tribe. It was for this reason that Congress phrased the extinguishment language so broadly.

The Federal acknowledgment regulations provide special criteria for Tribes that have had “Unambiguous previous Federal acknowledgment.” It may be argued that there is ambiguity in the Mashantucket settlement act because the statute refers to both the Mashantucket Pequot and the Western Pequot and seems to consider that the latter is the former. When the statute is carefully read, however, the ambiguity disappears. In Section 2(a) of the legislative findings, reference is made to the lawsuit brought by “the Western Tribe of Pequot Indians” then pending in the U.S. District Court. Further down in the findings, at Section 2(e), the statute proclaims that “the Western Pequot Tribe, *as represented as of the time of the passage of this Act by the Mashantucket Tribal Council*, is the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe” (Exhibit 1, p. 851, emphasis added). The sentence plainly means that the that the Mashantucket Tribal Council was prosecuting the Federal lawsuit as of October 18, 1983, and that it is the Western Pequot Tribe that is the successor to the historical Tribe of the same name.

The definitions section of the statute in Section 3(1) states that “Tribe” means the “Mashantucket Pequot Tribe (also known as the Western Pequot Tribe),” which in turn is the Tribe referred to in the Connecticut statute cited, which, as has been indicated, referred to the “Western Pequot Tribe” prior to being amended in 1981. The settlement act does not state that the Mashantucket Pequot Tribe is the sole or exclusive successor of the historical Western Pequot Tribe, but rather that the Mashantucket Pequot Tribe is also known as the Western Pequot Tribe. This language represented a statutory confirmation of a political

decision, as had been previously explained by the Senate Select Committee: “This definition recognizes the Mashantucket Tribal Council as the political body representing the Tribe and is intended to make clear that Congress recognizes the Council as having the sole authority to act on the Tribe’s behalf in this settlement” (Exhibit 4, p. 10). This language does not alter the manifest Congressional intent to recognize, as a tribe, the Western Pequots, but only makes note of the fact that the settlement representative was the Mashantucket Tribal Council.

Finally, there were references to “the Mashantucket Band of the Western Pequot Indian Tribe” in both President Reagan’s 1983 veto message and in the statements of Deputy Assistant Secretary Fritz before the Senate Select Committee (Exhibit 4, pp. 19-20). Therefore, Congress, the President, the Bureau of Indian Affairs, and the State of Connecticut all acknowledged that the Tribe being recognized in the land settlement statute was the Western Pequot Tribe.

XVI. Precedent of the Eastern Pequot Findings

The fact that the Western Pequot Tribe may include a recognizable entity other than the Mashantucket should not be a problem unfamiliar to the Bureau of Indian Affairs. Indeed, the Interior Department has provided a recent precedent. The State of Connecticut has only recognized one entity as representing the Eastern Pequot and in the 1981 amendment cited above defined that entity as being the Paucatuck Eastern Pequot Tribe. The BIA, however, has recently proposed to federally acknowledge two Pequot entities within the State, the Paucatuck Eastern Pequot Indians and the Eastern Pequot Indians.

The Mashantucket settlement act also contains a provision that inextricably binds the various components of the Western Pequot Tribe together, and that is the extinguishment section. By doing so, Congress placed the entire Western Pequot Tribe, and not just its Mashantucket component, within the

coverage of the recognition. Section 4 of the statute contains very broad and sweeping extinguishment of aboriginal title and claims arising under it, Section 4(a) extends coverage of the extinguishment to two categories:

- (1) to any claim by the “Tribe,” meaning the Western Pequot Tribe, arising out of any transfer of land or natural resources anyplace in the United States made before October 18, 1983; and
- (2) to any claim made by “any Indian, Indian nation, or tribe of band of Indians,” arising out of any transfer of land or natural resources within the Town of Ledyard made before October 18, 1983 (Exhibit 1, pp. 851-52).

This means that the Western Pequot Tribe cannot make a Nonintercourse Act claim anywhere in the United States. The corollary of this is that the Western Pequot Tribe has had its Nonintercourse Act claims completely foreclosed. A Tribe other than the Western Pequot may make a claim anywhere else, but the Town of Ledyard has been cleansed of Nonintercourse Act claims by any Tribe.

Congress has not in every case recognized an Indian Tribe when it has passed a settlement act. The Maine Indian Land Claims Settlement Act (25 USC 1741) recognized only the Houlton Band of Maliseet Indians out of the three Tribes affected. It did not recognize the Narragansett Tribe when it passed the Rhode Island Indian Land Claim Settlement Act (25 USC 1701). When it passed the Mohegan Indian Claims Settlement Act (25 USC 1775), Congress relied on the BIA’s favorable acknowledgment decision. It follows, then, that in the Mashantucket Pequot Indian Claims Settlement Act, Congress specifically recognized the Western Pequot Tribe by tying into it the extinguishment.

Courts tend to construe extinguishment statutes broadly. Accordingly, any lawsuit brought anywhere in the United States by the SPTN, as a component of and successor to, the Western Pequot Tribe, would be for naught because of the

broad extinguishment provisions of the Mashantucket settlement act. Additional arguments in favor of the 1983 legislative recognition of the Western Pequot Tribe come from the canons of statutory construction, of which two closely related concepts are applicable. The first is that remedial legislation, such as the Mashantucket Pequot Indian Claims Settlement Act, should be construed liberally in order that the benefits of the statute may be enjoyed by the persons whom Congress intended to be helped. In this case these persons are the citizens of southeastern Connecticut who wanted the cloud lifted from their land titles and the Tribe, which wanted to gain title to its reservation land and become federally recognized. The second canon is that statutes benefiting Native Americans should be construed liberally in their favor.

XVII. Rejection by the Mashantucket Council

The Mashantucket Tribal Council utilized the land claims settlement act to expand its land base. It also took advantage of the Indian Gaming Regulatory Act to compel the State of Connecticut to negotiate a gaming compact. With the help of Malaysian investors, the council implemented an expansive and diversified plan for economic development and, on February 14, 1992, it celebrated the opening of the Foxwoods casino resort, which would eventually become the largest gaming facility in the world. The revenues from its many ventures allowed the Mashantucket Pequots to become the richest and most powerful Tribe in the United States, to build the largest Indian museum in the world, to become the Smithsonian Institution's greatest single benefactor, and to become a major contributor to the Democratic National Committee. The story of this meteoric rise to fortune and influence is detailed in a recent book by author Jeff Benedict entitled *Without Reservation* (see Exhibit 30).

In the meantime, the families who would eventually become the SPTN watched all of these events from the sidelines. They assumed that if they were Western Pequot descendants and Congress had recognized the Western Pequot Tribe for the first time, then they would eventually become a part of the tribal entity that was recognized by the settlement act. This never happened, however, perhaps because of a political power shift within the Mashantucket Tribal Council. In 1991 Kenneth Reels was elected to the Council, receiving the largest number of votes. This election represented the beginning of a shift in power from the Hayward family to the Reels and Sebastian families (Exhibit 30, pp. 292-93, 341).

Kenneth Reels became the vice-chairman of the Tribal Council in 1993 and quickly took over the Enrollment Committee. The one-eighth blood quantum requirement had by then been watered down to one-sixteenth, still based on the assumption that all of the Pequots on the 1900 and 1910 censuses were full-bloods. Reels convinced the council to drop the blood quantum requirement all together, a move that allowed him to gain more support within the Tribe. In 1992 the Tribe had only 175 members, but the number was expanded to 275 in 1993 and 383 in 1995. Reel's mother was elected to the council in 1994. In November 1998 Kenneth Reels defeated Skip Hayward in the election for tribal chairman and the Reels and Sebastian families took firm control of all tribal affairs and assets, including Foxwoods casino (Exhibit 30, pp. 295, 341).

Members of the families that would eventually become the SPTN applied to the Mashantucket Tribal Council for membership in 1995 (Exhibit 56) and again in 1996 (Exhibit 57). They were rejected, however, by Kenneth Reels in his role as Chairman of the Enrollment Committee, because they could only demonstrate collateral descent, rather than lineal descent, from Pequot ancestors listed on the 1900 or 1910 Indian census, the base roll of the Mashantucket

Pequot Tribe (Exhibit 58). Richard Lewis Perkins, another grandson of tribal leader Ray Earnest Willcox, appealed this decision to Reels and to Skip Hayward, but to no avail (Exhibit 40). The irony of the situation is that the descendants of Betsy Squib, who had traditionally remained in the Ledyard and Waterford areas for most of their lives and had interacted with residents of the Western Pequot Reservation, were rejected by a Tribal Council that was increasingly being controlled by individuals who neither grew up in Connecticut or had any affiliation with the reservation until recent times.

Faced with no other alternative for recognition as part of a Pequot tribal entity, the families decided to organize a separate entity that would formally incorporate the informal social and political relationships and interaction they had been part of for years. Because they felt that they could not organize as the Western Pequot Tribe without legal challenge, they decided to adopt the name Southern Pequot Tribe, since most of their members lived south of the reservation. The name was later changed to the Southern Pequot Tribal Nation.³¹

The Southern Pequot organization drafted a constitution (Exhibit 59). At a meeting of the Tribal Council on July 26, 1998, Ransford Collins, who had been an informal leader among the families for many years, was officially installed as Chief for life (Exhibit 60). As noted previously, Collins had enjoyed frequent contact with his grandfather, tribal leader Ray Earnest Willcox, when he was growing up in Ledyard. Collins moved to Waterford, approximately twelve miles from the reservation, at about the time his grandfather died in 1951. He continued to spend his summers with his widowed grandmother and uncle at Ledyard, however, and to visit the George family members on the reservation. He interacted with Indians at school, including Roland Harris, a Mohegan tribal member, and Beverly Sebastian, who later became the historian for the

³¹ Information provided by Chief Ransford Collins.

Mashantucket Pequot. Collins served a stint in the Army, where he identified himself as an Indian and was called “Chief” by his fellow soldiers. When his enlistment was up, he returned to Waterford and began working as a welder and steamfitter at General Dynamics Electric Boat in Groton. His employment and union records identified him as being an American Indian and he was also identified as such in the workplace (Exhibit 11, part 2, pp. 2-3).

The Southern Pequot petitioned the BIA for Federal acknowledgment on July 7, 1998 and on March 1, 1999 was incorporated under the laws of Connecticut as the Southern Pequot Tribe, Inc. (Exhibit 60). The Southern Pequot Tribe currently consists of about 120 members, approximately 65 of whom are adults.³²

XVIII . The SPTN Meets Acknowledgment Criterion 83.8(d)(1)

Part 83.8(d)(1) of the Federal acknowledgment regulations provides that in order to be acknowledged as a previously acknowledged Tribe a petitioner must demonstrate that it meets criterion 83.7(a):

except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that

³² Ibid.

was previously acknowledged or as a portion that has evolved from that entity.

Criterion 83.7(a) requires essentially that a petitioner has been identified as an American Indian entity on “a substantially continuous basis since 1900” by sources external to the petitioner.

This narrative has shown that the petitioner was part of an Indian entity that was most commonly referred to as the Western Pequot Tribe. By this name (or by the name Ledyard or Groton Pequots) that tribal entity was continuously identified by the State of Connecticut from 1900 to 1981. It has also been shown that the United States identified and recognized the Western Pequot Tribe when Congress provided for settlement of the Mashantucket land claims in 1983. The BIA has frequently advised petitioners that they must provide at least one form of documentation evidencing external identification for every decade. The Western Pequot Tribe was identified in the 1980s and in every decade prior to that going back to 1666. The Southern Pequot Tribe was not identified in the 1980s or at any time prior to 1995 because it then existed as the Western Pequot Tribe. This report has established that the Southern Pequot Tribe evolved as a portion of the Western Pequot Tribe that was previously acknowledged and identified.

Since being established in the mid-1990s, the Southern Pequot Tribe has been identified as a tribal entity by a variety of external sources, including local government. Unlike the Eastern Pequot petitioners, the Southern Pequot Tribal Nation is supported by the town in which it is based. Thomas A. Sheridan, First Selectman in the Town of Waterford, has endorsed the Tribe’s efforts to gain Federal recognition.(Exhibit 62). The Southern Pequot Tribal Nation has been identified as a tribal entity in articles that have appeared in *The Day*, New London County’s largest circulation newspaper (Exhibits 62, 63, 68) and in *The Hartford Courant*, the State of Connecticut’s largest newspaper (Exhibit 65). The Tribe has also been identified as an entity by an agency under the Mashantucket Tribal

Council, the Mashantucket Pequot Museum and Research Center (Exhibits 66, 67, and 68).

XIX. The SPTN Meets Acknowledgment Criterion 83.8(d)(2)

Petitioners for acknowledgment under the provisions of Part 83.8(d)(2) must meet criterion 83.7(b) to demonstrate that they comprise a distinct community currently. The Southern Pequot Tribal Nation meets criterion 83.7(b) at present because the majority of its members live close enough to each other to permit them to interact socially on a regular basis and they do, in fact, maintain significant social relationships. The annual tribal reunions permit those members outside of the Tribe's geographic and social core area to retain connections with the SPTN families. Nearly all of the Tribe's membership resides in southern New London County, particularly in Waterford and New London. A newspaper article on the 1998 tribal reunion indicated that the vast majority of tribal members (100 out of 120) attended (Exhibit 68).

The SPTN also meets the community criterion at present because it has maintained "a named collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name" (such as Western Pequot to Southern Pequot), as specified under 83.7(a)(1)(viii).

XX. The SPTN Meets Acknowledgment Criterion 83.8(d)(3)

Acknowledgment criterion 83.8(d)(3) requires that a group must meet the requirements of criterion 83.7(c)

to demonstrate that political influence or authority is exercised within the group at present. Sufficient evidence to meet the criterion in §83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative knowledgeable external sources of leaders and or a governing body who exercises political influence or authority,

together with demonstration of one form of evidence listed in §83.7(c).

The SPTN is presently governed by a Chief, Ransford L. Collins, who was elected for life, and a Tribal Council consisting of seven members. The Chief serves as chairman of the Tribal Council. The Tribal Council has no other officers. The Tribe also has a six-member Elders' Council that advises the Tribal Council, particularly on membership issues (Exhibit 59; Exhibit 70). The Chief and council members exercise political influence over the membership independent of any other tribal entity. These leaders are able to mobilize the majority of the membership to participate in tribal events, such as the annual tribal reunion, and to address issues of importance to the members, such as documenting the Tribe's history and heritage, even when there is turmoil and opposition (Exhibit 71). The Tribe's membership is well informed and generally supportive of the leadership's goals and actions. These include pursuing Federal recognition and maintaining traditions such as the annual reunion and maintenance of the Peckham burial ground. The leaderships' ability to mobilize the membership in regard to tribal activities is demonstrated by its successful effort in collecting food for donation to a New London soup kitchen in November 1998 (Exhibit 72).

Prior to the formal organization of the SPTN, tribal political influence was exercised by informal leaders in the Willcox family line. At the time that the Western Pequot Tribe was recognized by Congress and prior to the organization of the SPTN, these leaders were Sadie L. Willcox Greene, who played a key role in organizing the Main-Brown reunions, and Ray Ernest Willcox, Jr., who served as proprietor of the Peckham burial ground in Ledyard.

XXI. The SPTN Meets Acknowledgment Criterion 83.8(d)(4)

In order to meet this criterion, previously acknowledged petitioners must meet criteria 83.7 (d) through (g) as do all other petitioners. Criterion 83.7(d) demands

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

The SPTN's governing document is submitted as Exhibit 59. This document outlines the Tribe's current governing procedures, but does not set forth its membership criteria. The Tribe's basic requirement for membership is demonstration of descent from a member of the historical Western Pequot Tribe as identified on the overseer's reports at any time during the 19th century.³³. Applicants for tribal membership must submit a complete application form, including an ancestry chart (Exhibit 73), to the Tribal Clerk, along with a certified copy of their birth certificate or other documentation of their birth and parentage (Exhibit 72). The Elder's Council then reviews the application. If approved by the Elder's Council, the application is reviewed and voted on by the Tribal Council (Exhibit 59).

Criterion 83.7(e) requires that

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.

The SPTN requires that its membership must demonstrate descent from the historical Western Pequot Tribe as identified in the 19th century. The Western Pequot Tribe was continually identified by the Colony and State of Connecticut as a single autonomous tribal political entity. It was also recognized as such by the United States Government in 1983. The SPTN has previously provided the BIA

with ancestry charts and copies of vital records that show that all of its members meet the requirement of demonstration of descent from the historical Western Pequot Tribe.

Criterion 83.7(f) demands that

The membership of the petitioning group is composed principally of persons who are not members of any other acknowledged tribe.

The SPTN meets this criterion because none of its members are also enrolled with any federally acknowledged tribal entity.

Criterion 83.7(g) requires further that

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

The SPTN meets criterion 83.7(g) because neither the Tribe nor its members have been terminated or forbidden a Federal relationship by Congress. The United States did not recognize the Western Pequot Tribe until 1983 and there has been no legislation since that time that has withdrawn or altered this recognition.

XXII. Conclusion

The Southern Pequot Tribal Nation has descended and evolved from the historical Western Pequot Tribe. The continual existence of the Pequot Tribe and its Western division in southeastern Connecticut has been well documented since first sustained contact with Euro-Americans in the 17th century. The Western Pequot Tribe was denominated as a federally recognized Tribe by act of Congress in 1983, but not all of descendants of its historical membership have been the beneficiaries of this unambiguous previous Federal acknowledgment. The SPTN has therefore petitioned the Assistant Secretary – Indian Affairs for Federal acknowledgment as a Tribe under the provisions of 25 CFR 83.8. Accordingly,

³³ Ibid.

the Tribe requests the Assistant Secretary to direct that two actions be taken in regard to this petition as soon as possible:

- (1) that the facts presented in this narrative and the evidence previously submitted by the SPTN be given a technical assistance (TA) review in accordance with Section 83.10(b) of the Acknowledgment regulations, and
- (2) that as part of this TA review, a determination be made whether or not the evidence presented is adequate to demonstrate unambiguous previous Federal acknowledgment, in accordance with Section 83.8 of the Acknowledgment regulations, based on Congressional denomination of the Western Pequot Tribe as a federally recognized Tribe in 1983.