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Reconsideration of the Final Determination and Order Directing Consideration of Golden Hill Paugussett Petition Under All Seven Mandatory Criteria

Decision

The Deputy Assistant Secretary - Indian Affairs, Michael J. Anderson, on Monday will issue a new decision (technically described as a "reconsidered final determination," even though it is not a final determination) on the petition of the Golden Hill Paugussett for acknowledgment as an Indian tribe.

The reconsideration decision concludes that the earlier decision of Assistant Secretary Deer in 1996 rejecting the petition needs to be reconsidered.

The earlier decision was reached under what is called an "expedited review process" called for in the regulations, which is a procedural way of reaching a quicker decision on a petition when it is clear (after an initial investigation) that petition does not meet one of three specified criteria. (Overall, a petition must meet seven criteria in order to be granted; but only three can be examined under the expedited review.) Anderson's decision also cites the fact that new historical information that could affect the petition had been identified during this reconsideration, and warranted full evaluation.

The effect of Anderson's decision is that the Golden Hill petition will now be evaluated under all seven criteria. The decision does not reach the merits of whether the petitioner is an Indian tribe or even whether its members are descendants of the Golden Hill Paugussett which once inhabited the area around Stratfield (modern Bridgeport), Connecticut.

Background

Golden Hill filed its petition for acknowledgment in April 1993. Several months earlier, in September 1992, Golden Hill had sued the State of Connecticut, the Federal government and various land owners claiming it was entitled to certain lands in the state. In January 1993 the court held that

Golden Hill had no standing because it was not a federally recognized Indian tribe. Golden Hill appealed (as well as filing the petition for acknowledgment), and in October 1994 the federal court of appeals remanded the case to the district court but directed it give the Department some time to consider the petition.

Following the Assistant Secretary's September 1996 decision rejecting the petition under the "expedited review process," Golden Hill appealed to the Interior Board of Indian Appeals (IBIA). In June 1998, IBIA generally affirmed the decision, but referred five issues back to the Secretary for further consideration. The Secretary of the Interior sent the matter back to the Assistant Secretary's office. (Assistant Secretary Gover recused himself from this matter because he had represented Golden Hill in private law practice.) Anderson's decision found that four of the five issues submitted did not require reconsideration.



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Reconsideration of the Final Determination and Order Directing Full Consideration of the Documented Petition of the Golden Hill Paugussett Tribe under All Seven Mandatory Criteria

The Interior Board of Indian Appeals (IBIA) in its decisions of June 10, 1998, and September 8, 1998, affirmed the Assistant Secretary - Indian Affairs' (AS-IA) September 17, 1996, Final Determination against the Federal acknowledgment of the Golden Hill Paugussett Tribe (Golden Hill). However, the IBIA referred "five allegations of error" to the Secretary of the Interior (Secretary) to determine whether the Secretary should request reconsideration of the final determination made by the AS-IA pursuant to his discretionary authority (25 CFR § 83.11(f)). These issues are outside the scope of the IBIA's authority to review (83.11(d)). In a memorandum dated December 22, 1998, the Secretary "[w]ithout in any way passing on the merits," requested that the AS-IA address these five issues and issue a "reconsidered determination" in accordance with the applicable regulations. On April 12, 1999, an extension of time was granted to the Deputy AS-IA to make a reconsidered final determination by May 24, 1999. This document is a reconsideration of the final determination and orders full evaluation of the documented petition of the Golden Hill Paugussett Tribe under all seven mandatory criteria.

Background

On June 8, 1995, the Department published a notice of the proposed finding declining to acknowledge that the Golden Hill petitioner existed as a tribe (60 FR 30,430). This proposed finding was made pursuant to the expedited review provision of 25 CFR § 83.10(e). This provision permits a negative proposed finding based on the evaluation of only one criterion if the evidence reviewed prior to active consideration "clearly establishes that the group does not meet the mandatory criteria in paragraphs (e), (f), or (g) of § 83.7." In the proposed finding, the Department found that the evidence clearly established that the Golden Hill did not meet the mandatory criterion 83.7(e), descent from a historical Indian tribe.

Following the public comment period and response by Golden Hill, the AS-IA issued a final determination on September 17, 1996, (62 FR 50,501). The AS-IA determined that the Golden Hill failed to satisfy criterion 83.7(e), descent from a historical Indian tribe, because the evidence did not establish a "reasonable likelihood of the validity of the facts relating to that criterion" (25 CFR § 83.6(d)). The AS-IA found that the petitioner did not establish by this reasonable likelihood standard that the single ancestor through whom the Golden Hill claimed descent had ancestry either from the historical Golden Hill Paugussett or from any other identified historical Indian Tribe; that this ancestral individual was not a member of a tribe; and that he did not live in tribal relations during his lifetime.

The Golden Hill filed a request for reconsideration of the final determination with the IBIA on December 26, 1996, pursuant to 25 CFR § 83.11(b)(2). Another group, the Golden Hill Paugeesukq Tribal Nation (Requester), also requested reconsideration, claiming that it is the actual governing body of the petitioning group.

After reviewing the materials and accepting submissions from the Golden Hill and interested parties (the Department remained neutral in the proceedings, providing documents requested by the IBIA and expressing views on "interested party" status), the IBIA on June 10, 1998, issued a decision, In Re Federal Acknowledgment of the Golden Hill Paugussett Tribe, 32 IBIA 216 (1998). The IBIA conditionally affirmed the AS-IA's final determination not to acknowledge a government-to-government relationship with the Golden Hill. The IBIA indicated that, following completion of a supplemental proceeding to ascertain whether there existed new evidence that was not considered by the Department, it would refer five issues to the Secretary. The Golden Hill was given an opportunity to submit certain additional documents as possible new evidence and declined to do so.

On September 8, 1998, the IBIA affirmed the decision not to acknowledge the Golden Hill as an Indian tribe and referred "five allegations of error" to the Secretary (33 IBIA 4 (1998)). The first four of the following five issues were raised by the Golden Hill and the fifth was raised by the Requester. The IBIA detailed the issues in its June decision on page 229, as follows:

- (1) BIA placed the burden of proof on petitioner, despite the provisions of 25 CFR § 83.10(e)(1).
- (2) BIA adopted a "one-ancestor" rule without following rule making procedures and improperly relied on that rule in the final determination.
- (3) BIA declined to hold a formal meeting, despite the requirement of 25 CFR § 83.10(j)(2).
- (4) BIA considered materials submitted by third parties despite a statement in the rule making preamble indicating that third-party materials will not be considered until a petition for acknowledgment is placed on active consideration, 59 Fed. Reg. at 9283, and the fact that the limited review process, under which the final determination was made in this case, is undertaken prior to active consideration (25 CFR § 83.10(e)).
- (5) BIA considered petitioner's petition for Federal acknowledgment without requiring that it be certified by the governing body of the Golden Hill group.

Under the regulations at 25 CFR § 83.11(f)(4), several interested or informed parties submitted comments to the Secretary to express their views on whether the Secretary should request the AS-IA to reconsider the decision not to acknowledge the Golden Hill as an Indian tribe.

The AS-IA is recused from this matter. Under the Departmental Manual, the Deputy Assistant Secretary - Indian Affairs therefore became responsible for the reconsideration of the five issues referred by the IBIA and the Secretary (25 CFR § 83.11(g)).

Issue One

(1) BIA placed the burden of proof on petitioner, despite the provisions of 25 CFR § 83.10(e)(1).

The first question referred to me is whether the BIA placed the burden of proof on the petitioner, despite the requirements of 25 CFR § 83.10(e)(1). This sub-paragraph provides, in essence, that the AS-IA shall issue a proposed finding to decline to acknowledge a petitioner if a review of the evidence regarding any one of the criteria set forth in §§ 83.7(e), (f) or (g) "clearly establishes" that the group does not meet that criterion. Because the "review" referred to in paragraph (e)(1) will not be commenced unless the BIA first concludes that the petition contains "little or no evidence" that establishes that the petitioner can meet any one of the applicable criteria, I believe that my review of this issue fairly subsumes the question of whether the record contained more than little or no evidence at the point when the BIA decided to further investigate the petition under § 83.10(e). A number of arguments reasonably considered to go to the issue of burden of proof are raised in this matter. Because I conclude below that the record contained more than little or no evidence when the decision was made to conduct a further investigation under § 83.10(e), I do not address or express an opinion regarding the correctness of any other aspect of the burden of proof issue raised in this matter.

Overview

The regulation at 25 CFR § 83.10(e) describes the expedited process as follows:

Prior to active consideration, the Assistant Secretary shall investigate any petitioner whose documented petition and response to the technical assistance review letter indicates that there is little or no evidence that establishes that the group can meet the mandatory criteria in paragraphs (e), (f), or (g) of § 83.7.

(1) If this review finds that the evidence clearly establishes that the group does not meet the mandatory criteria in paragraph (e), (f) or (g) of § 83.7, a full consideration of the documented petition under all seven of the mandatory criteria will not be undertaken pursuant to paragraph (a) of this section. Rather, the Assistant Secretary shall instead decline to acknowledge that the petitioner is an Indian tribe and publish a proposed finding to that effect in the **FEDERAL REGISTER**. The periods for receipt of comments on the proposed finding from petitioners, interested parties, for consideration of comments received, and for

publication of a final determination regarding the petitioner's status shall follow the timetables established in paragraphs (h) through (l) of this section.

(2) If the review cannot clearly demonstrate that the group does not meet one or more of the mandatory criteria in paragraph (e), (f) or (g) or § 83.7, a full evaluation of the documented petition under all seven of the mandatory criteria shall be undertaken during active consideration of the documented petition pursuant to paragraph (g) of this section.

After the Golden Hill had received two technical assistance letters and responded to them, the BIA found little or no evidence to establish that the petitioner met the requirements of criterion 83.7(e) (Final Determination (FD), Summary 4). This lack of evidence triggered the expedited review provision which requires the AS-IA to investigate the petitioner when there was little or no evidence presented that established "that the group can meet the mandatory criteria in paragraphs (e), (f), or (g) of § 83.7."

An evaluation of a single criterion for an expedited negative proposed finding occurs only after the petitioner has had the opportunity to respond to the technical assistance review of its petition materials (59 FR 9290). In the case of the Golden Hill, two such reviews occurred. An evaluation of a petition on a single criterion, an expedited proposed finding, as in this case, occurs only after the documented petition is complete and before the petition is placed under "active consideration" (25 CFR 83.10(e)).

Following this investigation, the Department prepared the proposed finding and its technical report which were based on both the absence of positive evidence, as well as on the negative evidence presented, concerning the Golden Hill petitioner (Proposed Finding (PF), Technical Report (TR), 3). The Summary under the Criteria (Summary) concludes under § 83.10(e)(1) that this review found "that the evidence clearly establishes that the group does not meet the mandatory criteria in paragraph [83.7](e) . . ." (PF, Summary, 1).

Analysis

On reconsideration, the Department concludes that the expedited process was not the appropriate manner in which to handle this petition. Under the regulations, the AS-IA must consider a petition under all seven mandatory criteria unless the documented petition, including the petitioner's response to the technical assistance letters, indicates that there is little or no evidence that establishes that the group can meet one of the mandatory criteria in paragraphs (e), (f), or (g) of § 83.7. There is no specific standard set forth in the regulations on the meaning of "little or no evidence." The dictionary definition of "little" includes the terms "not much" and "trivial" and defines "evidence" as "something that tends to prove." Webster's New World Dictionary (3rd Ed).

The BIA's technical assistance letters (Bacon to Piper August 26, 1993; Thomas to Piper October 19, 1994) to the Golden Hill asked for further documentation of William Sherman's Indian ancestry, because the petitioner presented Mr. Sherman as the key link between the historic Golden Hill Indians and the members of the modern Golden Hill Paugussett Tribe. On November 10, 1994, the Golden Hill notified the BIA that their response to the technical assistance letters was complete and they would now like their petition "to go into active review"(Piper to Reckord November 10, 1994). The BIA declared the petition "Ready, Waiting for Active Consideration" on November 21, 1994. After having reviewed the Golden Hill responses to the technical assistance letters, the BIA decided without putting in writing that there was "little or no evidence" regarding William Sherman's ancestry and his descent from the Golden Hill Indians and proceeded to conduct the investigation provided for in § 83.10(e)(1).

Upon reconsideration, the Department concludes that the implicit finding by the BIA that there was "little or no evidence" was in error. While the record does not contain an express application of the "little or no evidence" standard, the Department finds that at that stage of the process, there was more than "little or no evidence" in the record. The evidence included 1850, 1860, 1870, and 1880 Federal census records for William Sherman; an 1876 deed; the 1886 church and civil death records of William Sherman; William Sherman's 1886 obituary; and excerpts from two local histories, D. Hamilton Hurd's *History of Fairfield County, Connecticut* (Hurd 1881) and Samuel Orcutt's *The History of the Old Town of Stratford and the City of Bridgeport, Connecticut* (Orcutt 1886). These documents may be summarized as follows:

(a) the 1850 and 1860 Federal census records did not identify William Sherman as Indian; his ethnicity on the 1870 Federal census was smudged (as was his gender); the 1880 Federal census record identified him as Indian;

(b) the January 13, 1876, deed was a mortgage by William Sherman of his real property to Russell Tomlinson, agent of the funds of the Golden Hill Indians (Trumbull Land Records, 12:659), for money to build a house on property he had purchased in fee simple the preceding year;

(c) the civil death record of William Sherman identified him as Indian; the church record of his death identified him as a Golden Hill Indian and specifically referenced Orcutt (Orcutt 1886);

(d) the obituary of William Sherman published in the Bridgeport Standard specifically identified him as a Golden Hill Indian, referencing Orcutt (Orcutt 1886);

(e) Hurd (Hurd 1881) discussed the Golden Hill Indians in the first half of the 19th century and stated that there were "several families of these Indians remaining," specifically identifying William Sherman as "the most intelligent of their number" and stating that Henry Pease was his nephew (Hurd 1881, 68);

(f) Orcutt (Orcutt 1886) discussed the Golden Hill Indians, provided a biography of William Sherman, and specifically identified William Sherman as: "son of Nancy and grand-son of Tom 2d and Ruby, was born in 1825 in Poughkeepsie, N.Y., and is still living at Nichols Farms in Trumbull, Conn. being the sole claimant on the Indian money from the sale of Golden Hill" (Orcutt 1886, 43).

Upon reconsideration, the Department concludes that, collectively, the above documents cited are more than "little or no evidence" and therefore justify a more complete review of the Golden Hill petition for Federal acknowledgment under all seven mandatory criteria. None of the primary documents identified William Sherman's ancestry (in that none of them mentioned his parentage). However, the 1880 Federal census and the 1886 civil death record did identify him as Indian. Two other late primary sources, the church death record and the obituary, did identify him as a descendant of the Golden Hill Indians, although both referenced the same secondary source (Orcutt 1886). Two secondary sources (Hurd 1881 and Orcutt 1886) also identified him as a Golden Hill descendant, and Orcutt (Orcutt 1886) additionally specified a family lineage that attempted to show his genealogical connection to the historical Golden Hill Indians.

In addition, the BIA overlooked and failed to consider other relevant evidence the Golden Hill submitted at the stage during which the BIA determined whether there was "little or no evidence" in the record.¹ The items (a-f) cited above, in combination with other evidence that was in the record and discussed in the technical report to the proposed finding, provide more than "little or no evidence" and support a decision to place the Golden Hill petition on active consideration. The full active consideration process under all seven mandatory criteria (25 CFR § 83.7(a)-(g)) is appropriate where the petitioner has provided more than "little or no evidence" pursuant to § 83.10(e).

During the reconsideration, following the Secretary's referral of the five issues, I reviewed the question of burden of proof used in the proposed finding and final determination. As part of my review of question one of the Secretary's referral, I raised questions which prompted limited additional research by BIA researchers as well as a review of the existing record. This process

¹ For example, the petitioner submitted excerpts from the 1800 Federal census and the 1830 Federal census from the Town of Derby, New Haven County, Connecticut. The first contained an entry for a household categorized as "all other free persons except Indians not taxed" headed by a Mack Mansfield, which should have been analyzed for its relevance to the varying surnames of Eunice Sherman, whose married name was given by Orcutt as "Mack or Mansfield" (Orcutt 1886) and to the varying surnames of Ruby Mansfield, whose death record may have appeared as Ruby Mack. The 1830 Federal census listed households bearing both the surnames of Mack and Mansfield in the vicinity of the entry for Eunice Mack, and additionally contained nearby households headed by "free persons of color" bearing surnames identified in other primary documents, as well as secondary sources, as Golden Hill, Howd, or Turkey Hill descendants.

resulted in the identification of some factual errors in the proposed finding and final determination which are corrected in Appendix I.

The new research also shed a different light on some of the evidence already in the administrative record. As one instance, a technically enhanced version of the 1886 obituary of William Sherman indicates that it contained information in addition to that it had extracted from Orcutt (Orcutt 1886). The new research also pinpointed certain additional record series which had not been researched by the petitioner, interested parties, or previously by the BIA, and which should contain pertinent evidence. This constitutes new evidence that could affect the determination.² Therefore, there is new evidence and additional groups of records which were not presented by the petitioner, who has the burden to provide these records, or by an interested party, but rather were located by BIA researchers.

After a final determination is issued, a petitioner or interested party may request reconsideration before the IBIA on certain enumerated grounds, including if there is new evidence. Under § 83.11(d)(1), if there is new evidence that could affect the determination, the IBIA may vacate the final determination. Because the Department places a priority on making fair and accurate decisions, I cannot ignore this evidence when the matter has otherwise been remanded to me for review. This new evidence is an alternative ground to order full consideration of the documented petition under all seven mandatory criteria.

Issue Two

- (2) BIA adopted a “one-ancestor” rule without following rulemaking procedures and improperly relied on that rule in the final determination.**

Overview

The authority for the Secretary to promulgate and interpret the acknowledgment regulations lies in the general powers vested by Congress in the Department to “have the management of all Indian affairs and of all matters arising out of Indian relations” (25 U.S.C. §§ 2, 9. 43 U.S.C. § 1457). The Department's authority to issue the acknowledgment regulations was upheld in *James v. United States Dep't of Health & Human Services*, 824 F.2d 1132 (D.C. Cir. 1987). The court in *Miami Nation of Indians of Indiana v. Babbitt*, 887 F. Supp. 1158, 1165 (N. D. Ind. 1995) affirmed *James* and specifically upheld the Federal acknowledgment regulations. The question raised by the IBIA and petitioner is whether in interpreting the wording of § 83.7(e), the AS-IA erroneously, or without notice, concluded that, “descent of a petitioning group from one

² See Appendix II for a list of the possibly relevant record series identified by the BIA in the course of reviewing the record at the request of the Deputy AS-IA.

individual who did not live in tribal relations does not meet the standard of tribal descent established under criterion 83.7 (e). (emphasis added)" (FD, Summary, 9).

Analysis

This issue includes two claims. As to the claim of lack of notice, I conclude that the AS-IA has the general authority to make reasonable interpretations of Federal regulations and is not required in interpreting them to follow the notice and rulemaking procedures of the Administrative Procedures Act (APA) when doing so. *Udall v. Tallman*, 380 U.S. 1, 16-17 (1965); *Masayesva v. Zah*, 792 F. Supp. 1178 (D. Ariz. 1992) (upholding the AS-IA's interpretation of "tribal roll" as used in the acknowledgment regulations).

The Department notes 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.³

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.

Issue Three

- (3) **BIA declined to hold a formal meeting, despite the requirement of 25 CFR § 83.10(j)(2).**

Overview

Although 25 CFR § 83.10(j)(2) provides the opportunity to hold a formal meeting for particular limited purposes, such a meeting is not required unless a petitioner or interested party specifically requests such a formal meeting. The regulations provide the following:

³ While this is not the appropriate locus for an extended discussion of the issue, there may be instances under 25 CFR Part 83 where tribal descent could properly derive through one ancestor. 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 cases 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.

In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final determination.

The regulations distinguish between formal, on-the-record, meetings under § 83.10(j)(2) and informal technical assistance meetings which may be requested throughout the petition evaluation process. Informal meetings are off the record and can be arranged relatively rapidly. More detailed arrangements are necessary for a formal meeting, particularly to engage a court reporter, provide notice to interested parties, or to the petitioner if an interested party requests the meeting, and to prepare an agenda.⁴ The BIA has prepared guidelines for the conduct of formal meetings, including timing of the request, notice to the petitioner and to other parties, and the requirement of an agenda. These guidelines establish non-binding procedures to put all participants on notice of the meeting and to allow the researchers and participants to prepare for the anticipated areas of inquiry.

Analysis

On November 24, 1995, the day after Thanksgiving and seven working days before the December 5 closing date of the comment period on the proposed finding, an attorney for the petitioner telefaxed a request for a meeting to the Assistant Secretary. The telefax requested the following:

[T]echnical advice concerning the factual basis of the Proposed Finding, the reason for preparing it, and suggestions regarding the preparation of material in response to the Proposed Finding. In addition, we ask that you identify and make available to us all documents and records used for the Proposed Finding and accompanying technical report.

Also we request a formal meeting, on the record, pursuant to 25 CFR § 83.10(j)(2), for purposes of inquiring into the reasoning, analysis, and factual

⁴ The purpose of a formal meeting is to permit petitioners and interested parties to inquire into the basis of the proposed finding in order to better research and prepare a response to it. Late requests may prevent the Department from making adequate preparations and notification to the petitioner and interested parties, without also extending the time period. The BIA was also concerned that interested parties would delay their requests for on-the-record meetings in order to delay final determinations at the expense of petitioners. As the chronology shows, the Golden Hill requested a formal meeting only days before the end of the comment period on the proposed finding.

basis of your Proposed Findings [sic] against federal recognition of the Golden Hill Paugussett Tribe. We ask that the formal meeting be held no later than November 29, 1995, since the response period ends on December 5, 1995. We ask that your office provide us with the documents used for the Proposed Findings [sic] prior to the meeting so we have an opportunity to fully prepare our questions and document our response.

We are available at your earliest convenience to discuss these issues and coordinate our calendars to schedule the formal meeting and delivery of the documents.

On Monday, November 27, petitioner's attorney telephoned about setting up a meeting, stating that she would like it on November 29 or 30 but not on December 1. On Thursday, November 30, petitioner's counsel met with the Chief of the Branch of Acknowledgment and Research, the BIA researchers on the Golden Hill petition, another BIA staff member, and an attorney from the Office of the Solicitor.

At this meeting, the BIA was available to provide technical assistance and provided the petitioner's counsel with a copy of the guidelines concerning the conduct of formal meetings. BIA staff explained that these guidelines require the BIA to arrange for a court reporter and facilities, to notify interested parties or petitioners and give them an opportunity to participate, and to allow time for the government's researchers and others to prepare for the meeting. It was also explained at this time that the requestor must submit a proposed agenda for the meeting.

The Golden Hill expressed concern at the informal meeting about the participation of interested parties at the formal meeting. They did not, however, object to the guidelines. Nor did they further communicate with the BIA concerning a formal meeting. This silence, as well as the concerns they expressed over the participation of others at the formal meeting, is consistent with the conclusion that the Golden Hill had abandoned their request for a formal meeting.

The Golden Hill did not request a formal meeting subsequent to the informal November 30 meeting based on the guidelines that were provided to them on November 30. The comment period closed on December 5. The Golden Hill did not complain about the lack of a formal meeting until a year later and after new counsel had been engaged.⁵ At that time, had they or their attorneys of record raised their concerns that a formal meeting was still needed, such a meeting could have been scheduled, provided that an extension of the public comment period

⁵ The attorneys who prepared the request for reconsideration are with the law firm of Sidley & Austin and not Gover, Stetson & Williams.

also had been requested and approved. Because there was extensive communication between the BIA staff and the Golden Hill, the Golden Hill was not prejudiced by the lack of a formal meeting.⁶

The Golden Hill referenced the informal November 30 meeting held in response to their November 24, 1995, request, in their December 5, 1995, Arguments and Evidence in Response to BIA Proposed Finding at 6. However, the Golden Hill did not indicate in the December 5 document that they were denied either the technical assistance or the formal meeting which they had requested, an indication that they were satisfied with the discussions which occurred at the informal meeting and that they had abandoned their request for the formal meeting.

There was never a renewal of a request for a formal meeting, nor did the Golden Hill ask for an extension to the comment period, for good cause, under § 83.10(D), in order to hold a formal meeting. The Golden Hill responded to the third party comments on January 30, 1996, in Golden Hill Paugussett Tribe's Response to Connecticut Attorney General's Comments. Again, the Golden Hill did not indicate in it that they were denied a formal meeting.

The first time that the Golden Hill raised the issue of being denied a formal meeting was on December 24, 1996, 90 days after publication of the final determination, in its Brief in Support of Request for Reconsideration at 80-81. Had the Golden Hill raised their concern over being "denied" a formal meeting earlier in the process, the Department could have timely addressed their concern. Raising the concern after the comment periods closed and after the final determination was made, however, precluded the Department from addressing their concern within the regulatory procedures. The Department's actions were consistent with actions by the Golden Hill which indicated that they had abandoned their request for a formal meeting.

Based on the foregoing, this issue concerning the formal meeting is not a ground to reconsider or otherwise revise the final determination.

Issue Four

- (4) **BIA considered materials submitted by third parties despite a statement in the rulemaking preamble indicating that third-party materials will not be considered until a petition for acknowledgment is placed on active consideration, 59 Fed. Reg. at 9283, and the fact that the limited review**

⁶ At the end of the comment period on the proposed finding, the Federal government experienced several furlough days due to the lack of a Federal budget. The first series of furlough days was November 15, 16, and 17. From December 16, 1995, to January 6, 1996, the Federal Government was again on furlough. A conference call scheduled for December 20 among counsel for the petitioner and the Office of the Solicitor did not occur due to the furlough. Finally, January 8, 9, 10, and 12 were snow days for the Federal Government.

process, under which the Final Determination was made in this case, is undertaken prior to active consideration. 25 CFR § 83.10(e).

Overview

The regulations allow the BIA to consider any evidence submitted by interested or informed parties, as well as to actively initiate research on behalf of the AS-IA (25 CFR § 83.10(a)). Consideration of materials submitted by third parties is allowed, indeed encouraged, by the regulations. The publication of notice in the Federal Register of the receipt by the BIA of a letter of intent or a documented petition, invites third parties to submit factual or legal arguments to support or oppose a petitioner's request (25 CFR § 83.9(a)).

The regulations require the BIA to notify petitioners of comments received from third parties before active consideration has begun as well as during the development of the proposed finding so that petitioners can respond to such comments (25 CFR § 83.10(f)(2)). Prior to the beginning of work on the proposed finding by the BIA, the petitioner received copies of and responded to all third party comments received by that date, January 30, 1995. The Golden Hill petitioner exercised its prerogative to respond to all submitted comments.

Analysis

The BIA at each stage of the process must take a look at all available evidence, both favorable and unfavorable, in order to prepare an evaluation that will permit the AS-IA to render an accurate, factually-based decision. It is unreasonable, in the context of the regulations, to limit the examination by the BIA researchers and decision makers to only the documents submitted by petitioning groups when other documentation is presented. The regulations do not include such a limitation at this stage.

The petitioner references the statement in the preamble to the regulations that "information received from third parties will not be considered by the Department until a petition is under active consideration" (59 FR 9283). This language in the preamble may be construed to be a substantive requirement which would then conflict with other parts of the regulations.⁷ However, the statement in the preamble is in the context of an evaluation under all criteria, which begins with active consideration. It does not pertain to the expedited review process. Thus, it does not conflict with the regulations. It was not intended to preclude use of such materials in the context of a review to prepare an expedited proposed finding. Even if it were in conflict with the

⁷ This language in the preamble responded to specific concerns expressed in comments on the proposed regulations that the Department might consider third party comments before a petition was under review and before the petitioner could respond to them.

regulations, the language cited from the preamble cannot overrule the specific language contained in the regulations.

The regulations do not specify whether third party evidence may be reviewed at the "little or no" stage referenced in § 83.10(e). However, this section of the regulations provides for an investigation to determine if an expedited finding is merited. It contains no limitations concerning the sources of the materials which can be considered. More generally, § 83.10(a) provides that the AS-IA may "initiate other research for any purpose . . . and obtain[] additional information . . . The Assistant Secretary may likewise consider any evidence which may be submitted by interested or informed parties." (emphasis added). These two provisions of the regulations permit consideration of material submitted by third parties at least during the investigation and preparation of the expedited proposed finding.

In this case, it is unclear if the materials submitted by a Connecticut homeowners group in April-June 1994 were reviewed at the point in the process when the BIA was determining whether the record contained "little or no evidence." However, if they were, such a review would not have harmed the petitioner because the evidence submitted would have, if anything, assisted the petitioner, not harmed them in their claims. In addition, the BIA must review these documents in order to transmit any substantive comments to petitioners so that they may respond, as the Golden Hill did.

It is inaccurate to characterize the final determination as being issued prior to active consideration. Publication of an expedited proposed finding provides notice that the petition is under active consideration under 25 CFR § 83.10(f) and starts the process and time periods established in the regulations (25 CFR § 83.10(h) - (l)). Only the proposed finding is issued prior to active consideration.

Based on the foregoing analysis, this issue is not grounds for reconsidering the merits of the Final Determination.

Issue Five

- (5) BIA considered petitioner's petition for Federal acknowledgment without requiring that it be certified by the governing body of the Golden Hill group.**

Overview

The Golden Hill Paugeesukq Tribal Nation (Requester) did not provide substantive comment on this issue beyond those contained in its December 24, 1996, request for reconsideration to the IBIA. In this request they assert that the "application" . . . was submitted by an individual who lacks the requisite authority to speak for the Tribal Nation." On October 30, 1998, the Requester

wrote the Secretary stating its position that Aurelius Piper, Jr., did not represent the petitioner when he wrote that the application was ready for active consideration. The Requester never challenged that the petition was not ready for active consideration prior to the request for reconsideration. Under the 1978 regulations, the BIA received adequate documentation that the petition submitted was the official petition of the Golden Hill.

Analysis

The 1978 regulations under which the Golden Hill originally petitioned did not require that the letter of intent or the documented petition be certified by the governing body. Although, as noted by the IBIA, it was the policy of the BIA to request certification, and this point was raised in the first technical assistance (TA) letter of August 26, 1993, certification was not required by the regulations. When the 1994 regulations became effective, they did not create a retroactive requirement. Petitioners were not required to re-create or resubmit previous submissions and "certify" them by their governing body.

In the first TA review letter, the BIA advised the Golden Hill that the governing body needed to be involved in the certification of submissions and membership lists. The second TA review letter of October 19, 1994, following the receipt of the second revised petition, noted to Aurelius Piper, Jr., "We understand that you believe that a single chief has the authority to act on behalf of the entire group, but it would be advantageous for the group's membership roll to be signed by more than one person." Subsequently, on November 23, 1994, the BIA received from Aurelius Piper, [Sr.] a copy of a document entitled "Practice and Usage of the Golden Hill Tribe Concerning Membership," with an October 24, 1990 date stamp received "Department of Environmental Protection." This document is signed by members of the Golden Hill, including Kenneth (Moon Face) Piper (a leader of the Requester). This document provides that "the Chief of the Tribe" renders membership decisions. Also in the administrative record is a document titled, "Method of Selecting the Leader of the Golden Hill Paugussett Tribe" dated June 30, 1993, in which Aurelius H. Piper, Sr. provides that Aurelius H. Piper, Jr. was named in 1990 as "Council Chief" to whom he may delegate his power and duties. *See also*, Letter dated February 15, 1990, from Moon Face Bear to "All Federal and State Agencies" which notes Aurelius H. Piper, Jr.'s appointment; Affidavit of Aurelius H. Piper [, Sr.] dated February 22, 1991 [sic], delineating the authority of Aurelius H. Piper, Jr. The petitioner did not follow the BIA's suggestion for certification. This choice did not preclude the AS-IA from proceeding with an evaluation of criterion 83.7(e) and did not prejudice the final determination.

"Chief Aurelius Piper" filed a letter of intent to petition dated April 8, 1982. Section 54.4, renumbered 83.4 in 1982 without substantive changes, did not include a requirement that this letter of intent be signed by the governing body. The Golden Hill petitioner's subsequent submissions and other documents show that both sons and the group's membership supported efforts of Aurelius Piper [, Sr.] to press for federal acknowledgment.

On April 28, 1992, the attorney for the Golden Hill forwarded to the Department two resolutions. In the resolution dated March 21, 1992, eight members of the governing body of the Golden Hill, including Kenneth Piper, a representative of the Requester's faction, attested, "acknowledged and affirmed" "Aurelius H. Piper, Sr. (Chief Big Eagle) as Traditional Chief" and "Aurelius Piper, Jr. (Chief Quiet Hawk). . .to be the Tribal Council Chief," and "Kenneth Piper (Moon Face Bear). . . to be the Tribal War Chief." Another resolution dated May 10, 1992, "resolved that the governing chiefs of the tribal government of the Golden Hill Tribe of the Paugussett Nation" applied for funding from the Administration for Native Americans to complete the research necessary for filing a petition for Federal acknowledgment. This resolution was signed by "Aurelius H. Piper, Jr. (Quiet Hawk, Tribal Council Chief, Tribal Council Member)" and "Kenneth Piper (Moon Face Bear, War Chief, Tribal Council Member)."

On November 10, 1994, Aurelius Piper, Jr., who had been responsible for forwarding the second revised petition, requested that the petition go into active review. The BIA's response letter dated November 21, 1994, was sent to Mr. Piper, Jr., with copies to Moon Face Bear.

The certification issue, now being raised, is based on the continuation of an internal leadership dispute originally between two sons of the petitioner's former leader, Aurelius Piper, [Sr.]. The Department does not interfere in internal conflicts of petitioning groups. *See*, letter dated August 16, 1993, from Acting Chief, Branch of Acknowledgment and Research, to Aurelius H. Piper, Jr. In any case, the leadership dispute is not central to the evaluation of the petition under criterion 83.7(e), as those involved were close relatives and shared the same genealogy. The Requester does not deny his membership in the Golden Hill.

The various submissions by the Requester prior to preparation of the proposed finding, although referencing the dispute with Aurelius H. Piper, Jr., and raising the certification issue in a letter dated February 28, 1995, did not ask for delay in the review of the petition. There was no disagreement between the factions as to the BIA timetable in handling the petition before the proposed finding. Although the Requester asked for an extension of time to file comments after the proposed finding was issued, this request was received on February 5, 1996, the same day the Golden Hill filed the documented reply to the third party comments. A letter denying the extension and explaining the receipt of the petitioner's comments was sent to the Requester on February 26, 1996.

I conclude that this ground for reconsideration does not impact the merits of the final decision. Further, the Department's reliance on Aurelius H. Piper, Jr.'s letter that the petition was ready for active consideration, as well as the Department's refusal to extend the time for Requester to file a reply, was appropriate.

The leadership dispute may continue in the future. In the absence of substantive information to indicate the council headed by Aurelius H. Piper, Jr., no longer represents the petitioner, the Department continued and will continue to deal with that council as the representative body for the petitioner for purposes of receipt and evaluation of the petition for acknowledgment.

CONCLUSION

Based on the above reconsideration of the final determination in response to the Secretary's request, this document orders that the Golden Hill Paugussett Tribe be considered under all seven mandatory criteria (25 CFR Part 83). The petition will continue in active consideration. I am suspending active consideration under § 83.10(g). Active consideration will be resumed when the petitioner either submits a supplement to the documented petition in response to this order or notifies the BIA that it does not intend to submit additional documentation. In accordance with 25 CFR § 83.11(h)(3), a Federal Register notice announcing the reconsideration of the final determination and order will be published.

May 24, 1999
Date

Michael J. Anderson
Deputy Assistant Secretary - Indian Affairs

APPENDIX I

BUREAU OF INDIAN AFFAIRS TECHNICAL CORRECTIONS AND CLARIFICATIONS GOLDEN HILL PAUGUSSETT PROPOSED FINDING AND FINAL DETERMINATION

Scope. This appendix identifies errors noted by the BIA in the proposed finding and final determination issued on the Golden Hill Paugussett Tribe. Some errors made in the proposed finding were corrected in the final determination. All documentary references in this appendix are to materials in the record as it existed at the time the final determination was issued.

Proposed Finding, Summary under the Criteria. Statements (double-indented) and corrections follow.

Statement.

Neither the petitioner's ancestor, William Sherman, nor his family, were ever listed on the special Indian Federal census schedules, nor listed with other Indians on a census identifying them as an Indian group (GHP PF, Summ. Crit. 10).

Clarification. While this statement is technically accurate, no special Indian Federal census schedules were taken during the lifetime of William Sherman (who died in 1886). His surviving children were not enumerated on the special Indian Federal census schedules in 1900 or 1910. Neither William Sherman nor his children were listed with other Indians on a census identifying them as an Indian group, but there were individual census references identifying them as Indians (GHP PF, Summ. Crit. 11-12). The conclusions that could be derived from the Federal census records were more accurately stated in the final determination (GHP FD, Summ. Crit. 15).

Statement.

The first documents clearly identifying the William Sherman who was the Golden Hill petitioner's ancestor were seaman records that did not identify him as "Indian," even when the records identified other seamen as "Indian" (GHP PF, Summ. Crit. 11).

Clarification. While he was not identified as "Indian," his complexion was described in the seamen's records as "Copper" (Photocopy, Siefer 1994).

Statement.

His wife was always listed on documents as “black” or “negro” (GHP PF, Summ. Crit. 11).

Correction. This misstatement was corrected in the final determination. Most documents created during the lifetime of Nancy (Hopkins) Sherman (1832-1903) identified her as “black” or “negro.” If the 1857 birth record in Trumbull, Connecticut, for a William “Sharpe” pertained to a son of William and Nancy Sherman, it identified both parents as white (GHP FD, Tech. Rept. 24). The 1870 Federal census listed Nancy (Hopkins) Sherman as Indian, although the ethnic identification was smudged on the Federal copy (GHP FD, Tech. Rept. 70-72). Nancy (Hopkins) Sherman died in 1903. The only other indication that she may have been Indian located during BIA review of the genealogical materials submitted by the petitioner were the genealogical charts compiled by the State of Connecticut in the late 1930's or early 1940's, which listed her as Pequot.

Statement.

The Paugussett/Pequanock tribe . . . by 1763, only one family remained on this land . . . a petition of re-dress to the Colonial Assembly the following year initiated a committee to investigate the allegation. The 1769 report and petition . . . (GHP PF, Summ. Crit. 13).

Clarification. The definition of “one family” in this passage is unclear. The 1763 petition was signed by three persons: husband, wife, and a sister of the wife. The subsequent reports indicated that only the two women were direct descendants of those Indians for whom the reservation had been laid out.

Correction. There was no 1769 report. The petition was dated 1763. The reports were dated 1764 and 1765. The dates were given correctly in the technical report to the proposed finding (GHP PF, Tech. Rept. 9-10), but misstated in the Summary under the Criteria. The dates were also given correctly in the final determination (GHP FD, Summ. Crit. 10).

Statement.

The Connecticut “Indian Papers” continued to document that the descendants of that one family sold their land in 1802 and moved into non-Indian communities (GHP PF, Summ. Crit. 13).

Clarification. The term “one family” is correct only if Eunice (Shoran) Sherman and Sarah (Shoran) Chops are defined as having constituted one family in 1763-1765 (see above).

Correction. The cited documents from the Indian papers showed that on certain occasions, members of the Golden Hill Indians became ill or injured while in other communities (Newtown,

Norwalk) but provided no clear data on their actual residency and provided no data at all on the ethnic composition of any neighborhoods.

Statement.

There were other descendants of the original Paugussett/Pequanock tribe who lived in Connecticut. Both Golden Hill and BIA researchers have identified many individuals who were descended from the original Shoran family, who were the original heirs to the Poaugussett/Pequanock tribe. (Eunice Shoran married Tom Sherman, Sr.) They have either assimilated into non-Indian society, or assimilated into other tribes (GHP PF, Summ. Crit, 13-14).

Correction. The technical report did not identify “many individuals who were descended from the original Shoran family.” It referred to three Shoran descendants, living at Brothertown, New York, who submitted a petition in 1793 (see further discussion below on the descendants of Sarah Montaugk/Wampey).

Statement.

In 1841, two women, Ruby Mansfield and Nancy Sharpe, alias Pease, petitioned the General Assembly for land . . . , but the land was sold again in 1851. . . . In 1876, William Sherman, the ancestor of the petitioner, borrowed money from the fund resulting from the 1802 sale of the land, as well as from the proceeds of the sale of the Mansfield/Sharpe home in 1851 (GHP PF, Summ. Crit. 14).

Correction. Throughout the Summary under the Criteria and Technical Report for the proposed finding and final determination, the name form “Nancy Sharpe *alias* Pease” was used. Most of the documents from the 1840's, specifically the 1841 petition, the 1846 petition, the 1846 letter from Smith Tweedy (overseer of the Golden Hill funds), and the 1849 letter from the Bridgeport, Connecticut, selectmen, used only the form “Nancy Sharp.” The June 5, 1841, committee report of the Connecticut General Assembly stated: “Ruby Mansfield and Nancy Sharpe,” with “alias Nancy Pease” written above the line (photocopy, Lynch Supplement June 1994; citation Connecticut Assembly Papers RG 2, Box 35, Doc. 55); the summation by the clerk of the General Assembly stated: “Ruby Mansfield and Nancy Sharp alias Nancy Pease” (photocopy, Lynch Supplement June 1994; no citation).

Correction. The sale of the lands purchased for Ruby and Nancy did not take place until 1854 (GHP Response 1994, Appendix VII, 38; citing Trumbull Land Records, Vol. IX:265).

Proposed Finding, Technical Report. Statements (double indented) and corrections follow.

Statement.

For instance, in 1744, the Indians living near Milford were called “Milford Indians,” although they were also recorded as “Potatuck Indians.” Another group on the borders of Woodbury were also called “Potatuck Indians” (IP Vol. I, 241) (GHP PF, Tech. Rept. 7).

Correction. The Indians mentioned in 1742 (not 1744) were not living near Milford, but rather near New Milford (Wojciechowski 1992, 252-253). Milford, in southwestern New Haven County, was near the GH area in Bridgeport. New Milford lay considerably to the northwest, in Litchfield County.

Statement.

During the 18th century, the [Golden Hill] tribe dispersed. Most moved and assimilated with other tribes such as the Oneida in New York, while others joined with other groups and formed new confederations, such as those in Litchfield County, Connecticut (Wojciechowski 1992, 79-80) (GHP PF, Tech. Rept. 8).

Correction. While there is direct evidence that some GH descendants were residing at Brothertown (next to the Oneida reservation) and Schaghticoke in the second half of the 18th century (GHP PF, Tech. Rept. 10n5), there is no evidence that any of them had assimilated with the Oneida *per se*. This misstatement in the technical report to the proposed finding was corrected in the technical report to the final determination (GHP FD, Tech. Rept. 35).

Statement.

On the eve of the Revolution, in 1774, there was only one family left at Golden Hill (GHP PF, Tech. Rept. 11).

Correction. The original document cited (IP 2:156) referred to a family in the singular, that headed by Thomas Sherman and his wife Eunice Shoran. On the following page, the report correctly noted that contemporary overseer’s reports from the 1770’s also mentioned Eunice’s sister, her husband, and their son, plus some unidentified individual names (GHP PF, Tech. Rept. 12).

Statement.

The ancestry of Tom Sherman has not been established (GHP PF, Tech. Rept. 15).

Clarification. The specific parentage of Thomas Sherman Sr. has not been established. However, land deeds exist which identify him as a Potatuck Indian who in the later 1750's sold property in the vicinity of modern Southbury, Town of Woodbury, Litchfield County, Connecticut (see Wojciechowski 1992).

Statement.

In 1811, Burritt dispensed food and/or clothing to **James Sherman, Wheeler Sherman, Charles Sherman, Phebe Sherman, Nat'l Sherman and Ruby Sherman**. Also included were John Towsey and John Chops (GHPet Response, Appendix V. 8-84-5) (GHP Pet., Tech. Rept. 18). [emphasis in original]

Correction. Wheeler Sherman was not a Golden Hill Indian, but rather a non-Indian neighbor who (like many others) was mentioned in the overseer's report as having received payment for services rendered, rather than a disbursement of food or clothing. It appears to be only coincidental that he bore the surname Sherman.

Statement.

Ruby and Nancy petitioned to have a barn built upon the land in 1843 (General Assembly Papers 1846) (GHP PF, Tech. Rept. 21).

The date of the petition from Ruba [*sic*] Mansfield and Nancy Sharp for the barn was May 1846 (photocopy in Siefer 1994, 6; citation Connecticut General Assembly Papers, RG 2, Box 44, #76 and 78). The 1843 entry referenced (GHP PF, Tech. Rept. 21n2) did not pertain to this 1846 petition.

Statement.

Benjamin Roberts died in Litchfield County, Connecticut in March 1850. He was 79 years old. A Sarah Roberts, age 74, was listed in the 1850 census living with Garaders Roberts . . . in Litchfield County, Connecticut (GHP PF, Tech. Rept. 22n11).

Correction. While these statements were technically correct, the report did not establish any relevance to the GHP. The 1850 death of Benjamin Roberts was recorded in the mortality file of the Federal census for that year and did not show that he was the same man linked to Sarah

Sherman by Orcutt (Orcutt 1886, 42-43), while the Sarah Roberts who was living in Litchfield County was listed as white, in a household also listed as white (NARS M-432, Roll 43, 1850 U.S. Census, New Milford, Litchfield Co., CT, 109, #70/76), and not documented to be connected to the Sarah (Sherman) Roberts named as a Golden Hill Indian by Orcutt.

Statement.

In discussing the various local histories authored by Samuel Orcutt, the technical report indicated that the 1880 *History of the Old Town of Derby, Connecticut* (Orcutt and Beardsley 1880) was a better source than the *History of the Old Town of Stratford and City of Bridgeport, Connecticut* (Orcutt 1886) because of the co-authorship by Beardsley, who had

... some personal knowledge of the family ... (GHP PF, Tech. Rept. 25; citation from Orcutt and Beardsley 1880, xlix).

Correction. The “personal knowledge” held by Beardsley concerned the descendants of Molly Hatchett, one of the Turkey Hill Indians in the Town of Derby--it was not stated in this passage that Dr. Beardsley’s “personal knowledge” pertained to the Golden Hill Indians or to the Sherman family (Orcutt and Beardsley 1880, xlix).

Statement.

Orcutt reported that ten of the Mack community sickened with smallpox and only the three children survived. DeForest’s book, in 1851, did not state that only the children remained (GHP PF, Tech. Rept. 27).

Clarification. The discussion contrasting two passages from DeForest (DeForest 1852, 357) and the *History of the Old Town of Derby* (Orcutt and Beardsley 1880, liv), presented them as contradictory (GHP PF, Tech., 26-27). They may equally well, based on the literal text, have referred not to three survivors as a whole of the 1833 smallpox epidemic, but rather to Eunice, Jim, and Ruby who lived in one location (on the one hand) (DeForest 1852, 357) and three vaccinated children who lived in the other location where Jerry Mack resided (on the other hand) (Orcutt and Beardsley 1880, liv).

Statement.

The Records of the Congregational Church of Orange, Connecticut list a Nancy, born January 4, 1810, as the daughter of Joseph Richardson, son of Molly Hatchett (Orange Connecticut Church Records 1970, 107) (GHP PF, Tech. Rept. 35).

Correction. The listing for the birth of a Nancy Richardson, daughter of Joseph Richardson, is correct. However, the cited passage did not state that Joseph Richardson was a son of Molly Hatchet, but merely listed him after her name, indicating that he was in some unspecified way a member of Molly Hatchet's family.

Statement.

Nancy Sharpe was listed on the 1850 census (GHP PF, Tech. Rept. 37). [no citation to source].

Correction. Nancy Sharp, the alleged mother of William Sherman, has not been located on the 1850 census. This statement in the technical report to the proposed finding may, since it was part of a paragraph which also mentioned Beecher Sharp and Charles Sharp, the other persons listed by Orcutt as children of John Sharp and Nancy (Orcutt 1886, 43), have been intended to refer to her daughter. If so, it is dependent upon an identification of the 19-year-old Nancy [Peas] in the 1850 census in the household of Levi Peas as Nancy Sharp (GHP PF, Tech. Rept. 36; see NARS M-432, 1850 U.S. Census, Town of Trumbull, Fairfield Co., CT, 320, #5/5). This Nancy's name was ditto-marked as Peas, followed by that of Charles Sharp, age 17. †

Statement.

The petitioner provided an extremely old Bible for BAR's inspection in 1994, (GH PF, Tech. Rept. 40).

Clarification. To give greater precision, the title page of this Bible indicates that it was published in 1877 (BAR files. photocopy).

Statement.

Three months prior to his death in 1876, William Sherman quit claimed the mortgaged land (GHP PF, Tech. Rept. 47).

Correction.

This was a typographical error. William Sherman died in 1886 and the quitclaim deed was also dated 1886.

Statement.

At the time of the [1876] Act, there was no reservation in Trumbull, but a loan for a barn had been issued to William Sherman (Hurd 1881, 68) (GHP PF, Tech. Rept. 51).

Correction. The loan was for the construction of a house (GHP PF, Tech. Rept. 53), not a barn.

Statement. Among the persons mentioned as associates in William Sherman's diary was George Freeman. Sherman stated that he, "Went to George Freemans." The technical report identified the relevant George Freeman as:

1870: with father, Edward and mother, Eliza, age; 10, male, black, b. CT (Huntington) (GHP PF, Tech. Rept., 65 col. 3).

Correction. It is unlikely that the George Freeman identified in the 1870 Federal census, being only ten years old, living with his parents in the Town of Huntington, was the same George Freeman referenced in the passage from William Sherman's diary.

The GHP Response to the proposed finding submitted a comment (GHP Response 1995, Response to Siefer, Supplement) which referenced an adult George Freeman in Stratford, Connecticut, and also a Theodore Freeman, described as "living next door to" George Freeman at the time of the 1870 Federal census, whose funeral William Sherman attended. The Golden Hill did not submit a copy of the 1870 Federal census to which their comment referred. The technical report to the final determination did not analyze further the Freeman material submitted by the petitioner.

Statement.

"Neal and bryon came here" [mention in William Sherman's diary 1876]. There were very few Bryon at that time, and it may be Brian Oviatt from Orange, who is one of the relatives of the Sharpe/Jackson group (GHP PF, Tech. Rept. 66).

Correction. According to the Federal censuses in the record, Brion Oviatt may have died between 1860 and 1870.

Final Determination, Summary under the Criteria. Statements (double indented) and corrections follow.

Statement.

... considerable documentation was submitted by third parties and located by BIA researchers which provided additional circumstantial evidence that William Sherman ... was closely associated with demonstrably a non-Indian [*sic*] Sherman family (GHP FD, Summ. Crit. 9).

Correction. Because of an editing error, this passage was included in the Summary under the Criteria, although the factual errors in the discussion had previously been detected and the material had been removed from the technical report.

The documentation in the record did not show any direct personal contact or social interaction between William Sherman and the other Sherman family in question. All documentation was circumstantial, and confirmed only that both William Sherman and the other Sherman family had connections with the Pease family. The other Sherman family was not properly described as non-Indian, since the wife, Abigail (Pease) Sherman, was the daughter of a documented Indian, Agrippa Pease.

Statement.

Throughout the 1800's, the funds from the sale of the land provided for the "heirs" of Sarah Shoran (who had moved to Oneida) and Eunice (Shoran) Sherman (GHP FD, Summ. Crit. 10).

Correction. This passage confused two different women named Sarah Shoran of two different generations. The elder woman's descendants were at Oneida at the time of their 1793 petition; the descendants of the younger woman (a sister of Eunice (Shoran) Sherman), namely John Chops and Adonijah Chops, were named in GH records during the first half of the 19th century. It also improperly extended the time period "throughout the 1800's." The last known descendant of Sarah (Shoran) Chops died in Litchfield County, Connecticut, in 1848.¹

¹Documents in the GHP record included: 1823 Report, Connecticut State Legislature: "5. Adonijah Chops, son of John Chops deceased -- 32 years."
CHOPS, Adonigah, d. 1848, ae. 58. Connecticut Church Records, Index Harwinton First Congregational Church 1791-1861. Connecticut State Library.

Statement.

... the BIA found no evidence that documented a line of descent from the above Golden Hill Paugussett Sherman family to William Sherman, ... (GHP FD, Summ. Crit. 10).

Correction. More precisely, rather than “no evidence,” the petitioner submitted and BIA researchers located only limited circumstantial evidence, mainly from secondary sources, that indicated William Sherman might be a son of Nancy Sharp *alias* Pease (Hurd 1881; Orcutt 1886; Obituary 1886). This limited circumstantial evidence had been discussed extensively in the technical report to the proposed finding (GHP PF, Tech. Rept. 33-42), and the Summary under the Criteria also analyzed the evidence at some length (GHP FD, Summ. Crit. 14-17). At the time of the final determination, the situation remained that there was no direct primary evidence which documented that William Sherman was a Golden Hill descendant.

Statement.

Neither William Sherman nor his children married Paugussett Indians or other Indians; therefore, the membership cannot establish tribal or Indian ancestry through any other possible Indian ancestors (GHP FD, Summ. Crit., 14).

Correction. This statement should have read that the record did not show that either William Sherman or his children had married Paugussett Indians or other Indians; that therefore the petitioner’s membership had not established tribal or Indian ancestry through other ancestors.

Final Determination, Technical Report. Statements (double indented) and corrections follow.

Ruby Mack.

Statement.

A Ruby Mack died in 1841 ... The Ruby Mansfield who petitioned for a home in Bridgeport, Connecticut, in 1841 with Nancy Sharpe, *alias* Pease, appears to have been a different person from the Ruby Mack who died the same year ... (GH FD, Tech. Rept. 15).

Correction. It was not Ruby² Mack who died in 1841, but Eunice Mack. This had been stated correctly in the technical report to the proposed finding (GHP PF, Tech. Rept. 25), which quoted directly: "1841 May 20, Mack, Eunice, Indian woman, 85 or more (Woodbridge Church Records 1934, 89)."

Statement. Based on the mistaken 1841 death date for Ruby Mack, the technical report to the final determination stated:

However, a Ruby Mansfield was listed as living with her husband, "a colored man," in 1848, seven years after Ruby Mack's death (Fairfield County, Connecticut, Court Files, 1858-1849 [*sic*]) (GHP FD, Tech. Rept., 16).

This paragraph concluded:

These documents provide clear evidence that Ruby Mansfield and Ruby Mack were not the same person (GHP FD, Technical Report, 16).

Correction. Ruby Mack did not die until October 11, 1849, several months after the May 8, 1849, letter written by the Bridgeport selectmen contained in the 1849 General Assembly documents concerning the land sale (Photocopies, Siefer 1994). Her death was recorded as: Derby, New Haven Co., CT, Town Records: Death "1849 Oct. 11. : Ruby Mack, female: Age: 60; Color: Black (Indian); Place of Birth: Newtown; Residence: Derby; Reported Cause: Fits" (Derby Vital Records, Vol 4, 1849). This death record had also been quoted correctly in the technical report to the proposed finding (GHP PF, Tech. Rept. 30).

Because of the actual 1849 death date for Ruby Mack, it is possible that the two women, Ruby Mansfield and Ruby Mack, were the same individual. In the 1850 census of Oxford, where Ruby Mansfield was said to be living with her husband in 1848, there was no man of color with a wife named Ruby there. However, in Derby, we find not only the 1849 death of a Ruby Mack and but also an 1850 census entry for a James Mack (GHP PF, Tech. Rept. 27; NARS M-432, 1850 U.S. Census, Town of Derby, New Haven Co., CT, 301).

Additionally, the age of Ruby Mack at death in 1849 matches the age of Ruby, daughter of Tom Sherman, on the 1823 Golden Hill census (born 1789) (see GHP PF, Tech. Rept. 30). While the three women are not, by currently available documents in the record, shown to be the same person (GHP PF, Tech. Rept. 52), there was no "clear evidence" as stated in the above statement from the technical report to the final determination (GHP FD, Technical Report, 16) that Ruby Sherman, Ruby Mansfield, and Ruby Mack were not the same person.

²Ruby was not a common given name in the first half of the 19th century.

Cam Family.

Introduction. The section on the Cam family (GHP FD, Tech. Rept. 49-52) was generally incorrect, to some extent because it responded to unverified statements in the petitioner's submissions without resolving the underlying inconsistencies. The problem is as follows.

(1) The petitioner in the 1995 Response submitted two secondary sources³ which identified the Cam family, frequently mentioned in the diary of William Sherman (GHP PF, Tech. Rept. 65), with the Indian Pann family that had been mentioned by DeForest (DeForest 1852),⁴ while elsewhere submitting a selection from one of the same secondary sources that asserted that "the

³The submissions were as follows:

"Not all of the Indians in these parts moved north to New Milford after the 'White Hills Purchase.' Some stayed and lived in the households of the new settlers, having the same status as the slaves. A remnant of the Pann tribe lived near Indian Well and also in Upper White Hills until the middle of the 19th century. There is reference to Kate's Swamp, and Kate Pann's cabin on Daniel Shelton's property in Upper White Hills, and 'the Indian house of John Pann' which was across the road from Kate's Swamp" (*The White Hills of Shelton by the History Committee of the White Hills Civil Club, Inc.* Shelton, Connecticut. Essex, CT: Pequot Press, Inc., n.d., 16).

"In spite of the disappearance of their tribe, a few members of the Pann Indians remained in White Hills and served in households of the new settlement. In the old records of Upper White Hills, 'the Indian house of John Pann,' 'Kate Pann's cabin' and 'Kate's Swamp' on Daniel Shelton's property are mentioned. Some residents in White Hills remember Rob Starr, an Indian of mixed blood, who worked as a farmhand until the 1930's. The last known mixed blood Indian in White Hills was John Benson, who worked on what is now the Jones' Tree Farm in the summer and made and sold baskets in the winter" (*A Pictorial History: Shelton, Connecticut* n.d., 21).

The maiden name of the wife of Henry Pease, identified by Hurd as William Sherman's nephew (Hurd 1881), was Janette A. Benson (1900 U.S. Census, Stratford, CT).

⁴DeForest wrote concerning the Pan group, in its entirety: "There is another family, called the Pan tribe, who wander about in this part of the country, and seem to have no land. They number three adults and one boy, and resemble the Shermans in their character and habits" (DeForest 1852, 357).

Nearly 30 years later, Orcutt and Beardsley appeared to identify the settled family in Huntington with the group that DeForest had described: "There was another family called the Pann tribe, who were described by Mr. DeForest thirty years ago, as wandering about in that part of the country and owning no land. In a letter from a correspondent in Derby (W.L. Durand, Esq.) their settlement is described as located on the west side of the Ousatonic, above the Old Bridge place. He says: 'They were called the Pann tribe and the old chief was named Pannee. I remember seeing some of the Panns when I was a boy . . .'" (Orcutt and Beardsley 1880, lv).

In discussing the Coram Hill reservation assigned to the Paugussetts in the first half of the 18th century, near Shelton, Connecticut, a 20th century local historian wrote: "The Indians did not like the place, made frequent complaints, and finally, about 1732, the remnants joined their brethren further up 'the great river,' although even in the last century, a small group called the Panns, led by a chief named Pannee, had their head quarters near Indian Well. DeForest in 1850, describes them as 'wandering about the country, and owning no land.'" (*History of Derby, Ansonia, Shelton, and Seymour. A Chronicle of the Progress and Achievement of the Several Cities and Towns.* Ansonia, CT: Press of the Emerson Bros., Inc., 1935, 269-260).

Cams were descendants of slaves of the Shelton family on Long Hill" (*A Pictorial History, Shelton, Connecticut* in GHP Response 1995, Appendix 3);

(2) The petitioner also submitted one photocopied page from an inventory of estate for a man named Daniel Shelton showing that he had an Indian slave named Dick (GHP Response 1995, Appendix 3) and some additional documentation on the John L. Cam whose second wife was William Sherman's daughter, Harriet Huldah Sherman. These submissions resulted in some misstatements concerning the ancestry of John L. Cam.

Statements.

The Probate record submitted containing the will of Harriet Huldah (Sherman) Cam Robinson was acceptable documentation that John Cam was a descendant of Kate Cam (GHP FD, Tech. Rept. 51).

Kate Cam, from whom John Cam descended, was not identified as Indian (GHP FD, Tech. Rept. 51).

Correction. There was no evidence in the record showing that John Cam descended from Kate Cam--only that he owned land which bordered hers.⁵ There was no will of Harriet Huldah (Sherman) Cam Robinson included in the probate record submitted--only a Certificate of Devise.⁶

⁵Deed, October 14, 1907, from Cathrine [*sic*] E. Cam to Annie Buresch of the Town of Derby, New Haven Co., CT: one piece or parcel of land situated in the Town of Huntington, County of Fairfield, State of Connecticut, situated in the Ferry Districted, bounded . . . SOUTHERLY and WESTERLY by land of Huldah Robinson, containing three acres, more or less. p. 182. Attested and recorded October 14, 1907 (GHP Response 1995, Second Addition to Genealogical Addendum).

⁶Certificate of Devise, State of Connecticut, District of Hartford, Harriet Huldah Robinson. Died a resident of Hartford, in said District, on the 12th day of November, 1909, leaving a will which was duly admitted to probate in this Court on the 22nd day of November, 1909; that Joseph Samuel Robinson, of said Hartford, the executor named in said will, duly qualified . . . that the sole devisee and legatee named in the will of said decedent is the said Joseph Samuel Robinson, who as such devisee takes . . . all such right, title and interest as said decedent had at the time of her decease in and to a certain piece or parcel of land situated in the Ferry School district, in the town of Huntington, State of Connecticut and containing 12 acres of land more or less, with a dwelling house, barn and out-house thereon standing, bounded westerly by land of J. H. Beard and Long Hill Ave.; easterly and southerly by the Old Cam Road, land of Kate Cam and land formerly of John Gibbins, partly by each . . ." Recorded November 29, 1909 (GHP Response 1995, Second Addition to Genealogical Addendum).

Statement.

A. The inventory indicates that Shelton's Indian slave was named "Dick" and thus has no bearing on this case (GHP FD, Tech. Rept. 51).

Correction. Until the parentage of the Cam family members born in the late 18th and early 19th centuries is ascertained, there is no way to verify whether or not the existence of Shelton's slave Dick is genealogically relevant to the family. The estate inventory naming Dick, submitted in the GHP Response 1995, was undated and no source was given.

Miscellaneous.

Statement.

... Sarah (Monaugk/Shoran) Wampey, who was named on the 1765 Golden Hill record as one of the Golden Hill Indians petitioning the Connecticut Assembly for redress (GHP FD, Tech. Rept. 35-36).

Correction. This statement again confused two different women, Sarah Wampey, whose descendants petitioned in 1793, and the younger Sarah (Shoran) Chops, who as Sarah Shoran was one of the three Golden Hill Indians who made their marks on the 1763 petition for redress.

Statement.

As discussed in the Proposed Finding, in 1763, one of the men and two of the women from Golden Hill, John Sherman, Eunice Shoran, and Sarah Shoran, went to the Assembly with a grievance (GHP FD, Tech. Rept. 39).

Correction. The name "John Sherman" in this paragraph was a misstatement for "Thomas Sherman." The misstatement of the name was taken over from DeForest (DeForest 1852).

Statement.

No documentation has been offered to rebut the Proposed Finding's data that by 1765 the Golden Hill Paugussett had been reduced to one family, in fact, to one woman . . . (GHP FD, Tech. Rept. 39).

Correction. No such data concerning "one woman" existed in the proposed finding, which indicated that in 1765, the adult Golden Hill heirs were determined by a committee of the Connecticut General Assembly to be two, Eunice Shoran and her sister Sarah Shoran (GHP PF,

Tech. Rept. 10; citing IP 2:149d). Both these women had been named in the preceding paragraph of the technical report to the final determination (see immediately above).

Statement.

As noted above, an 1871 document of the Superior Court listed Molly Hatchet's descendants (Superior Court document 1871 *in Siefer*. William Sherman was not included in the list of her descendants (GHP FD, Tech. Rept. 41).

Correction. The list in question did not pertain to the descendants of Molly Hatchet (one of the Turkey Hill Indians) but rather to the descendants of John Howde, an Indian who, in the first half of the 18th century, together with Joseph Mauwee, the son of Gideon Mauwee of Schaghticoke, had obtained land at what is now Seymour, New Haven County, Connecticut. The GHP Response 1995 submitted additional documentation concerning Howde's descendants. Their statement also confused the Turkey Hill Indians with the Indian proprietors at Seymour, Joseph Mauwee and John Howde (see GHP FD, Tech. Rept. 48).

Subsequent BIA review of the documents submitted indicates that in 1813, the descendants of John Howde were not "Philip, Moses, Hester, Frank & Mary Seymour, Indians . . ." as punctuated in the resolution of the Connecticut General Assembly (GHP FD, Tech. Rept. 48), but rather: Philip Moses, Hester Frank, and Mary Seymour, Indians." The marks on the 1810 petition were for Philip Moses, Hester Freeman, Mary Seymour, and Eli Seymour [her husband].

Statement.

The assumptions made by the petitioner that Billy Sharp, who appears to be a young man in the 1900 picture of Aunt Icey's 100th birthday in the History of Orange, was the same person as William Alfred Sharp, born in 1853 (who would have been middle-aged at the time the photograph was taken) are undocumented. Though William Alfred Sharp could possibly be the Billy Sharp in the picture listed, the petitioner submitted no documents that connect William Alfred Sharp to William Sherman (GHP FD, Tech. Rept. 88).

Correction. The "picture" mentioned was a dark photocopy of a photograph. The report cited no documents that refuted the suggested connection.

APPENDIX II

BUREAU OF INDIAN AFFAIRS IDENTIFIED RECORDS SERIES THAT SHOULD BE EXAMINED FOR CONSIDERATION OF THE GOLDEN HILL PAUGUSSETT TRIBE'S PETITION UNDER ALL SEVEN MANDATORY CRITERIA (25 CFR PART 83)

This appendix does not purport to be a full listing of records series which may contain information pertinent to the GHP petition. It is only a listing of those records which the BIA, upon review of the record at request of the Deputy AS-IA, identified as containing, or possibly containing, relevant documentation not currently in the record.

In the course of the re-examination, the BIA also discovered additional information in already utilized records series, such as the Federal censuses from 1800 through 1880, that provided relevant data to explain and potentially reinterpret the significance of material already in the record. The BIA will provide technical assistance to the petitioner, the requester, and interested parties in regard to data uncovered in the course of the re-examination requested by the Deputy AS-IA.

(1) In relation to the petitioner's assertions that William Sherman associated with descendants of[†] historical Paugussett groups¹ other than the Golden Hill Indians:

(a) All portions of the Connecticut Indian Papers² that refer to Indian groups in Fairfield and New Haven Counties that were associated with the identified Golden Hill Indians in the 17th, 18th and 19th century records (such as the Turkey Hill Indians in the Town of Derby, New Haven County; the Coram Hill reservation near modern Shelton, Fairfield County; and the Indians near Chusetown in the Town of Derby, later the Town of Seymour, in New Haven County);

(b) Connecticut overseer's reports concerning the Turkey Hill Indians in the Town of Derby, New Haven County, Connecticut;³

¹The petitioner's governing document states that descendants of Indians from any of the four 18th century reservations in Fairfield and New Haven Counties (Golden Hill, Turkey Hill, Coram Hill, and Naugatuck) are eligible for GHP membership. The eligibility standards do not require that such families have maintained tribal relations through time. Therefore, in estimating the potential for GHP membership expansion, not only the current GHP membership through William Sherman but also the existence of other potential membership lines must be evaluated.

²The existing record contains copies of portions of the Indian Papers, but only those pertaining specifically to the historical Golden Hill Indians. The Indian Papers are available on microfilm at the Connecticut State Library and Archives. Typescripts also exist.

³The current location of these is not known to BIA researchers at this time. They should originally have been filed with the Superior Court of New Haven County, but the records may have been transferred to the Connecticut State Library and Archives.

- (c) Connecticut overseer's reports pertaining to any other Indian groups in the lower Housatonic Valley;
 - (d) Land records⁴ of the Town of Derby and Town of Seymour, New Haven County, Connecticut, concerning the Turkey Hill Indians and the descendants of John Howd;⁵
 - (e) Selectmen's records of the Town of Seymour concerning the Howd descendants in the 19th century;
 - (f) Selectmen's records of the Town of Derby concerning the Turkey Hill Indian families in the 19th century.
- (2) In relation to the petitioner's assertion that the Cam family with which William Sherman associated was identical to the Pan family of Paugussett descendants mentioned by DeForest (DeForest 1852) as Golden Hill descendants:
- (a) Land and probate⁶ records of the Town of Huntington (now Shelton), Fairfield County, Connecticut, since the Cams have been documented as landowners, particularly in regard to Cam/Pann connections and Cam/Sherman connections;⁷
 - (b) Selectmen's records of the Town of Huntington (now Shelton) concerning allegedly Indian families who resided there in the 19th century;

⁴Land, selectmen's and vital records are probably still held by the Towns themselves.

⁵In the course of the re-examination, BIA researchers determined that most of these descendants utilized the surname Phillips during the 19th century, as descendants of Phillip Moses on the 1810-1813 documents submitted, although they again used the surname Moses on the documents submitted from the 1870's. The BIA will provide guidance on this family as technical assistance to the petitioner, the requester, and interested parties.

⁶The location of probate records must be determined by the appropriate probate district at the time the document was created.

⁷Census records indicated that Catherine E. Cam, or Kate Cam, who owned the land bordering that of John L. Cam was born about 1845. Since John L. Cam was born about 1830, she clearly was not his ancestress.

Catherine E. Cam was the daughter of Benloe [Burlock] and Augustine [Justine] Cam. She was also the aunt of Harriet Curtis, who would later marry another of William Sherman's children, George Sherman (see NARS T-9, 1880 U.S. Census, Town of Huntinton, Fairfield County, Connecticut, 357, #155/285).

If the GHP assertions concerning the identity of the Cam and Pann families should be confirmed, the data would cast doubt upon the statements in the record, made by George Sherman's daughter Ethel, that her mother was a "white woman of English derivation" (see interviews, 1964 and 1972).

(c) Land and selectmen's records of the Towns of Monroe and Huntington for purpose of re-examination and verification of the Federal census records submitted by the petitioner as allegedly pertaining to the Pan/Pann family;⁸

(d) Vital records of the Town of Huntington (now Shelton) to determine interrelationships and maternal lineages for various branches of the Cam family.

(3) In regard to other families identified in the major 19th century secondary sources (Hurd 1881, Orcutt 1886) as Golden Hill descendants:

(a) Selectmen's records from the Town of Trumbull to attempt to ascertain the fate of the "other portion" of the GH funds which, according to William Sherman's obituary, were to be administered on behalf of some persons named Sharp;

(b) Vital records of Stratford, Fairfield County, Connecticut, in the early 20th century to determine what the identified descendants of Henry O. Pease stated concerning their ancestry;

(c) Land and probate records of the Town of Stratford, Fairfield County, Connecticut, to shed light on the relationship between William Sherman and the families of George Freeman and George Martinsberg [Martinburr, Martinsborough], both mentioned in his diary as "Sunday associates;"

(d) Land records of the Town of Derby and Town of Seymour, New Haven County, Connecticut, concerning the descendants of Eunice (Sherman) Mack--especially the sale of her land authorized on behalf of James Mack in 1845 (GHP FD, Tech. Rept. 31);

(e) Selectmen's records of the Town of Derby concerning the Mack descendants in the 19th century;⁹

⁸Upon the review of the record requested by the Deputy AS-IA, BIA researchers determined that most, but not all, of the 1860 "Pann" census records submitted by the GHP pertained to unrelated white families with the surname Burr. The BIA will provide technical assistance to the petitioner, the requester, and interested parties concerning this issue.

⁹In the course of the re-examination of the record requested by the Deputy AS-IA, BIA researchers determined that pre-1850 Federal census records provided more data concerning this settlement than had been submitted by the petitioner or interested parties. These records may also prove pertinent to the issue of ascertaining the reliability of Samuel Orcutt's statements concerning Golden Hill descendants in the first half of the 19th century (Orcutt 1886). The BIA will provide technical assistance on this issue, and other census-related issues, to the petitioner, the requester, and interested parties.

(f) Land records, selectmen's records, and vital records of the Towns of Milford and Orange, New Haven County, Connecticut, for documentation pertaining to the descendants of the Sarah (Sherman) Roberts identified by Orcutt (Orcutt 1886),

(g) Land records, selectmen's records, and vital records of the Towns of Milford and Orange, New Haven County, Connecticut, to clarify the Oviatt/Sharp/Jackson family.¹⁰

¹⁰The 1870 Federal census, Town of Orange, New Haven County, Connecticut, shows a William Sharp, the same age as the William Sharp born in 1853 as a son of Beecher Sharp and Patty Oviatt, in the same household as Hannah I. Oviatt, age 65. In the 1880 Federal census, he was also in the household of Isabella Oviatt in Orange, Connecticut, identified as her grandson. Hannah I., or Isabella, Oviatt, was the widow of Bean/Pen/Bion/Brion/Bryon Oviatt. Her ancestry was not determined in any of the documents in the existing record.