

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

The GHP petitioner meets criterion 83.7(a), which requires that the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. The available identifications apply to a historical, state-recognized, Golden Hill entity, from which a portion of the petitioner's current membership claims descent. The available identifications do not pertain to the portion of the group, added in 1999, which claims descent from a historical Turkey Hill entity, and which the petitioner now contends was always a part of the historical Golden Hill entity. For criteria 83.7(b) and 83.7(c), the record provided does not demonstrate that a Golden Hill group and a Turkey Hill group ever combined and functioned as a single autonomous political entity. For the purposes of criterion 83.7(a), none of the available evidence shows that any outside observers at any time since 1900 identified such a combined group of Golden Hill and Turkey Hill Indians as a single Indian entity. Also, the available evidence does not identify the existence of a separate Turkey Hill group as an American Indian entity on a substantially continuous basis since 1900.

From 1900 onwards, the Golden Hill antecedents of the GHP petitioner have been identified on a substantially continuous basis as an American Indian entity in Federal and State documents, by academics, and newspaper articles. Identifications included two reports compiled in the 1940's by a Library of Congress researcher, William H. Gilbert, and published by the Government Printing Office. There was an identification from 1971 in a BIA publication. The State of Connecticut (State) generated documents that included legislative acts, official correspondence, minutes, and correspondence of State and local agencies, and the assignment of a seat on the Connecticut Indian Affairs Council to the Golden Hill in 1974.

Identifications by academics during the 20th century included Theodore Taylor (1972), Neal Salisbury (1982), Alvin Josephy (1982), and Franz Laurens Wojciechowski (1992). Multiple newspaper articles appeared in every decade from the 1930's to the present.

The GHP does not meet criterion 83.7(b), which requires that a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present. The petitioner claims that a portion of its membership descends from the historical Golden Hill Indians, which evolved from a portion of the historical Pequannock tribe. During first sustained contact with non-Indians in the 1630's, the Pequannock tribe lived along the Pequannock River in modern-day Bridgeport, Connecticut. The Colony of Connecticut set aside a reservation for the historical Golden Hill as early as 1639, on which the group resided until 1802, when the last portions of the reservation were sold by a State-appointed overseer with the approval of the historical Golden Hill and the Connecticut General Assembly.

In 1999, the petitioner's membership more than doubled. The new members, 68 percent of the named individuals on the 1999 membership list, claim descent from two individuals whom they believe to descend from the historical Turkey Hill Indians, a group which evolved from the historical Paugussett, one of the Indian tribes that resided in southwestern Connecticut in the Housatonic River valley at the time of first sustained contact with non-Indians.

The families at the Turkey Hill reservation, established by the Colony of Connecticut in 1680, evolved from the historical Paugussett, while those living at the Golden Hill reservation were originally part of the historical Pequannock, a separate tribe. The colonial (and later State) authorities consistently viewed and identified the historical Turkey Hill group as separate from the historical Golden Hill group. Both groups had separate colonial (later State) appointed guardians and were treated in the colonial and later state records as distinct and separate groups of people. The available record does not demonstrate that any continuous government-to-government relationship between the State and a Turkey Hill Indian entity existed after 1871, when the overseer sold the last of the Turkey Hill State reservation.

The evidence in the record does not demonstrate consistent interactions or significant social relationships between the historical Turkey Hill and historical Golden Hill groups after the

establishment of their reservations. In order to demonstrate the existence of historical community, the petitioner would need to submit evidence that demonstrates such interactions and relationships existed. Nor does the documentary record demonstrate the historical Golden Hill exercised any political influence or authority over the historical Turkey Hill group, or vice versa. The available evidence does not demonstrate that the two groups functioned as a single autonomous political entity. In order to demonstrate an assertion of descent from two historical tribes that amalgamated and functioned as a single entity, the petitioner would need to submit evidence of political amalgamation.

In addition, the portion of the petitioning group presently claiming descent from the historical Turkey Hill has not demonstrated ancestry from that entity. The available record also does not demonstrate that this portion of the GHP ever functioned as a group, or had any significant interaction with a Golden Hill entity. Because a separate historical social community among the Turkey Hill Indians is not linked to the historical Golden Hill, it does not demonstrate criterion 83.7(b) for the GHP petitioner or its antecedents. Accordingly, this proposed finding focuses on the historical Golden Hill for evidence of community under criterion 83.7(b).

For the period from 1637 to the 1730's, there is sufficient evidence that the historical Golden Hill comprised a distinct community. The petitioner provided evidence, including population statistics, of the occupation of a distinct area, of land disputes with colonial settlers, and of some religious ceremonies and missionary activities. When evaluating tribes in the early years of contact with non-Indians, before substantial cultural and political changes occurred, this combined evidence is sufficient to demonstrate criterion 83.7(b) from 1637 to the 1730's for the historical Golden Hill.

For the period from the 1730's to 1802, there is also sufficient evidence that the historical Golden Hill comprised a distinct community. Population statistics demonstrate a rapidly declining but generally distinct community. The petitioner submitted evidence that demonstrates the historical Golden Hill resisted land infringements by non-Indians, particularly for the period from 1763 to 1802. These documents included petitions to the General Court (later General Assembly) and Colonial and State reports. The petitioner also provided a set of overseer records from