



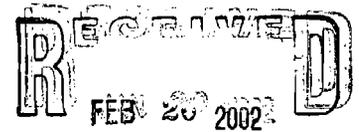
United States Department of the Interior

NATIONAL PARK SERVICE
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Washington, D.C. 20240

IN REPLY REFER TO:

Carolann D. Wicks, Assistant Chief Engineer
Department of Transportation
State of Delaware
800 Bay Road, P.O. Box 778
Dover, Delaware 19903

FEB 12 2002



DEPT. OF TRANSPORTATION

Dear Ms. Wicks:

Enclosed is the technical review of the report by Edward F. Heite and Cara Blume, with William Sandy, Edward Otter, and H.J. Heikkinen, entitled *Mitsawokett to Bloomsbury: Archaeology and History of an Unrecognized Indigenous Community in Central Delaware*. This technical review is a response to your request for technical assistance of September 4, 2001. As we indicated to you at that time, this review focuses on the data used in the report to describe the historical context associated with the Bloomsbury site, and to make a number of inferences characterizing community and ethnicity through time. As such, this review judges neither the ethnicity nor social organization of the people associated with the Bloomsbury site through time. It is not evidence for or against the Federal acknowledgment of peoples living in this area today as Indian tribes. Moreover, this review makes no judgment about the professional competence of the report's authors.

We congratulate you and the Delaware Department of Transportation on both your program to share the information derived from studies and your outreach and consultation with the many stakeholders who have interest in your archeological reports. We wish you the best in your future endeavors.

Sincerely,

Francis P. McManamon, Departmental Consulting Archeologist
Manager, Archeology and Ethnography Program
National Park Service
Department of the Interior

Technical Report:
*Mitsawokett to Bloomsbury: Archaeology and History of an Unrecognized
Indigenous Community in Central Delaware*

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February 11, 2002

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Introduction

This technical review is a response to a request by the State of Delaware Department of Transportation (DOT), September 4, 2001, for a review of the draft final report by Edward F. Heite, Cara Blume, et al entitled *Mitsawokett to Bloomsbury: Archaeology and History Of An Unrecognized Indigenous Community In Central Delaware*. This report will be referred to as the Bloomsbury report. The Bloomsbury report was conducted as part of the procedure mandated by 16 USC Sec. 470f, i.e., Section 106 of the National Historic Preservation Act of 1966, as amended. This statute and its implementation regulations require that:

... a proposed Federal or federally assisted undertaking in any State ... shall, prior to the approval of the expenditure of any Federal funds on the undertaking ... take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.

In this situation, the Delaware Department of Transportation proposed to convert the Bloomsbury Site location to a wetland to replace wetland lost from the development of State Route 1 (Heite, Blume et al 1999, 1). Because Federal funds were involved, DOT needed to conduct an archeological survey. Generally, although the survey might reveal archeological sites, the existence of such sites does not necessarily stop the wetland creation. To mitigate the damage, archeologists may also be required to conduct data recovery. The Bloomsbury report is a result of this data recovery. The public may comment on such studies through consultation with the agency in charge of the undertaking as part of the process outlined in 36 CFR Part 800 Subpart B.

This review addresses criticism of the Bloomsbury report received by the Delaware Department of Transportation from Kenneth S. Clark, Sr., Charles C. Clark IV, and Jay F. Custer. Kenneth Clark Sr. and Charles C. Clark IV are officials from the Nanticoke Indian Association, Inc. The Nanticoke Indian Association, Inc. is an organization that was seeking Federal recognition as an Indian tribe.¹ Jay F. Custer is a professor of Anthropology at the University of Delaware.

This review draws primarily on the contents of the Bloomsbury report. In preparing the review, we also have drawn on the works of Frank G. Speck (1981) and Clifford. A. Weslager (1943) to address specific points raised by Messrs. Clark and Dr. Custer. These works are cited in this report. As part of the research, the report also reviewed works by Frank Porter III (1986a, b, 1987). DOT also requested that this technical review address statements to DOT by representatives of the Lenape Indian Tribe of Delaware (DOT 10/24/01) and of the Nanticoke Indian Association, Inc. (DOT 10/26/01). The technical review cites these statements where appropriate.

¹ The Nanticoke Indian Association, Inc. submitted a letter of intent in August 8, 1978 to submit a fully-documented petition for Federal Acknowledgment as an Indian Tribe under 25 CFR 83. On March 25, 1989, the group requested that the petition be placed on hold (BIA 2000a).

This technical review will show that the Bloomsbury study appears to meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* in research design, description of archeological resources, methods used, and summary of historic context. Thus, this review finds no significant problem with the archeological survey and description of immediate historical context associated with the site itself. Data gaps exist, however, for both the Bloomsbury study and its critics when they characterize the Indian ancestry, continuous community, or differences or similarities between the different groups. In response to these data gaps, this technical review identifies data and methods that would be needed to address these data gaps.

This technical assistance addresses the evidence produced by the Bloomsbury study, and by the comments of Messrs. Charles Clark, Kenneth Clark, and Dr. Jay Custer. It does not characterize the Nanticoke Indian Association members or any other peoples associated with the Bloomsbury study regarding their Indian status, Indian ancestry, or the nature of any community that may exist among these peoples. This technical assistance thus should not be used as evidence regarding these peoples' Indian ancestry, social interaction, or status for Federal recognition.

The Study Itself

The study describes an 18th century farm site outside the town of Cheswold, about 30 miles north of Dover, Delaware. In addition to the archeological field work, the study relies on some apparent primary documentation to describe "the people who were residing on or near the part of the 300-acre Bloomsbury tract, survey in 1683 for William Williams. . . ." (Heite, Blume et al 1999, 32). These people consisted of neighbors, descendants, and tenants of Samuel Exell (Axell), who purchased the property in 1735 (Heite, Blume et al 1999, 32). The study then describes these people, and makes reference to others who resided in nearby Kent County through the 18th century (Heite, Blume et al 1999, 46). These families included Allee, Cutler, Conner, McMullen, Cisco, Moore, Denny, Thompson, Sappington, and Conselor.

The Bloomsbury study then proposes that:

- at least some of the people known today as members of the Lenape Indian Tribe of Delaware were descendants of Lenape or Delaware Indians
- these descendants comprise a distinct community around the town of Cheswold, Delaware, who withstood assimilation into the dominant society
- these particular descendants today comprise a genealogical community indistinguishable from the Nanticoke Indian Association, Inc. membership.

Specific Objections

Specific objections involved “. . . serious errors of fact and logic” that misrepresent “the Nanticoke Indian Tribe of Delaware,” the concern that these alleged errors violate National Park Service and other Federal standards, and concern about how the Nanticoke Indian Association membership is characterized.

Logical and Factual Errors

The principal errors attributed to the Bloomsbury report are described in Custer's letter of November 17, 2000 as involving:

1. testimony falsely attributed to Lydia Clark, an ancestor of today's Nanticoke leadership
2. the Bloomsbury report's failure to acknowledge the work of Frank Speck as proof of modern-day Nanticoke tribal existence
3. the report's interpretation of flaked glass artifacts found at the Bloomsbury site as Indian artifacts, and as evidence of Indian residence there.

1. *The truth of Lydia Clark's testimony.* Charles and Kenneth Clark both consider Lydia Clark their ancestor. Charles Clark maintained that she was a Nanticoke Indian, and the "last person to speak the Nanticoke language fluently" (DOT 10/26/01, 15).² She allegedly testified in 1855 that a neighbor of hers, Levin Sockum, was "negro." One disagreement between the Clarks and Heite, Blume, et al (1999) appears to center around whether Lydia Clark was forced to testify against Levin Sockum or was paid to do so willingly. The truth or falseness of Lydia Clark's testimony is impossible to determine from the evidence provided. Documentation from the time of this testimony does not show how accurate her testimony was. It also does not indicate any motive for this testimony. Writers, such as Weslager (1943, 33), who discuss the accuracy and truth of her testimony, base their arguments on oral accounts that they may have collected as long as 80 years later. There is no evidence that these oral accounts were eyewitness accounts. While Weslager (1943, 208) refers to Georgetown court records "not previously . . . cited in any literature" he too does not cite them.

2. *The Works of Frank Speck.* Custer maintains that Heite disregards Frank Speck's conclusions that "the Sussex Community remnant [is] an authentic Nanticoke community. . . ." Heite (Deldot 2001a, 18) appears to use Speck as evidence when he has found no documentary evidence available to make generalized inferences about community organization after the period covered in the Bloomsbury site's historical context description. He considers these writers "very good sources that are at hand." The question here, is whether the works of Speck or Weslager are adequate to make any inferences about today's possible Lenape Indian Tribe of Delaware or Nanticoke Indian Association, Inc. community structure at all.

This technical review restricts itself to Speck's book *The Nanticoke Community of Delaware* (Speck 1981). In this book, Speck reports that his fieldwork lasted from 1911 to 1915, the year of the book's first publication. Weslager (1943, 90) maintains that Frank and his wife Florence lived

² An observation that Russel Clark apparently made to William Babcock (Babcock 1899, 280).

in the area from 1911 through at least 1919. Weslager appears to have conducted his research shortly before 1943 (Weslager 1943).

Neither Speck's nor Weslager's writings can be used as primary evidence either for Nanticoke or Lenape Indian descent, or for their continuous community. First, there is considerable discrepancy between how Speck, whose research began in 1911, and William Babcock, whose research occurred shortly before 1899 (1899, 277-278), define the size and boundary of the groups.

Second, Speck takes on face value the various claims of Nanticoke and Lenape history, and makes little effort to verify or validate these claims. Instead he cites historical or ethnologic evidence such as Heckewelder's (1819)³ for these claims. Heckewelder's work describes his missionary experience "with the Delaware Indians in Pennsylvania and Ohio between 1771 and 1810" (Washburn 1988, 650). His firsthand missionary experience with either the Lenape or Nanticoke was thus after the component Indian tribes and bands had moved to Pennsylvania and Ohio i.e., well after 1750 (Goddard 1978, 222).

Evidence is thus insufficient for Speck to rely on Heckewelder to explain Lenape or Nanticoke genealogy or history in Delaware after 1750. At best, he could only suggest that events or descendency *may possibly* have occurred. Speck cites no documentation showing what happened in Delaware, or that anybody saw what happened there. Regarding the ancestry of today's Lenape Indian Tribe of Delaware, he again bases his conclusions on speculation of what could have happened, not what contemporaries may have witnessed.

Finally, it should be noted that Speck's primary research purpose was "the gathering of ethnological specimens" and gathering "fragments of material life and folklore." He simply then intended to add "a few introductory historical references" to his narrative (Speck 1981, 5). Thus, systematic history and ethnology did not appear to be primary tasks.

In sum, a researcher should use Weslager's and Frank Speck's works as secondary documentation. They are good research guides, but their conclusions need to be verified independently by primary historical documentation.⁴ Neither the works of Frank Speck nor of Clifford Weslager can be used as authoritative documentation of either today's Lenape Indian Tribe of Delaware or Nanticoke Indian Association groups.

3. *The presence of Flaked Glass Artifacts.* Custer takes issue with the interpretation given by Heite, Blume et al (1999) about the existence of certain glass artifacts. The study maintains that these glass artifacts are similar to artifacts made of flint by early Native American populations, and thus indicate the presence of Indians at the site. Custer maintains that the Bloomsbury site is

³ John Gottlieb Ernestus Heckewelder (1743-1823) was a Moravian missionary. His firsthand observations were highly respected by 19th century writers (Berkhofer 1988). However, this review was unable to examine Heckewelder's 1819 publication, and cannot comment on the accuracy of his observations or Speck's interpretations of them.

⁴ It is possible that an examination of Speck's and Weslager's field notes would provide better information on fieldwork accuracy. However, this review did not obtain this information.

an “anomaly,” and: “. . . it is quite possible that the flaked glass artifacts have absolutely nothing to do with the later Euro american artifacts found at the site” (Custer to Griffith 11/17/2000, 3). He adds that the study

. . . does not cite significant earlier studies of glass artifacts such as ‘The Persistence of Pre-Columbian Lithic Technology in the Form of Glassworking’ by Michael Deal and Brian Hayden . . . and the fourteen additional major studies cited by Deal and Hayden.

He does not indicate, however, how these studies would contradict or illuminate the interpretation in the Bloomsbury report.

In general, this technical evaluation assumes that the archeological merits of the report have been reviewed and affirmed during consultation by archeological experts of the Delaware DOT and the Delaware SHPO office. This consultation is outlined in 36 CFR 800, Subpart B. The issue of glass fragments, however, does require additional discussion because the Bloomsbury report maintains that these fragments were Indian artifacts in which the makers replaced flint with glass. The report then uses these proposed artifacts as evidence showing that the Bloomsbury site was an Indian community undergoing cultural transition.

There are two major problems with the analysis and its conclusions. First, an examination of the photos of the fragments shows that distinguishing among those pieces modified purposefully for tool use by humans, those accidentally modified, and those not modified by humans at all is difficult and inexact. The study considers only eight out of 178 total pieces to be “found with obvious human modification” (Heite, Blume et al 1999, 263), and judgments on these pieces as artifacts is not without doubt.

Second, the conclusions that these chipped glass artifacts denote the site's occupation by a culturally changing Indian group are based on assumptions for which there is weak support. The study cites as supporting evidence the presence of glass artifacts from the other Virginia, Delaware, and Pennsylvania sites. However, the report also concedes either that the sites were not well documented, may indicate different time periods, or had evidence of Indian occupation other than just the glass fragments. The Bloomsbury Site, on the other hand, had entirely Euro-American artifacts, except possibly for the glass fragments, and no other evidence of Indian occupation.

In sum, the Bloomsbury report provides interesting evidence for the need to study the possible replacement by historic period Native Americans of flint by certain manufactured chipped glass artifacts. The study may thus someday contribute to what may become a growing body of evidence for such tool making at other sites. However, until further sites are discovered and studied, the study alone cannot be used to conclude that the Bloomsbury site demonstrates either a large number of purposefully-made glass tools or that their presence marks a Native American site.

National Park Service and other Federal standards

Custer (Custer to Carper 11/17/2000, 1) maintains that:

The problems with the report are so severe that it may not meet National Park Service standards for documentation of compliance with federal and local cultural resource protection statutes, thereby possibly placing the future granting of federal highway funds to Delaware in jeopardy.

The National Park Service follows the Secretary of Interior's *Standards and Guidelines for Archeology and Historic Preservation* (NPS 1983a). We believe that these same standards and guidelines are used by the Delaware SHPO office, and probably also by the Delaware DOT archeological program, when evaluating reports. The standards and guidelines most pertinent to this technical report are those for archeological documentation and historical documentation.⁵

The Bloomsbury report appears to meet these standards in the research design, the description of the archeological resources, the methods used, and the summary of historic context. The report uses a model that combines primary historical documentation with existing models to focus archeological testing on areas where they might realistically expect to find certain features. At the same time it insures "bias control that involves investigating at least some of the places where no resources were expected" (Heite, Blume et al 1999, 26-29). Thus, the methods involved considerable preparatory documentary research as well as site sampling.

Characterizing the Nanticoke Community

Charles Clark objected to "Heite's claim that the Nanticoke are not who [they] claim to be" (Clark to Canby, 12/4/2000, 2). He maintains that the Nanticoke Indian Association, Inc. membership are socially distinct from the today's Lenape Indian Tribe of Delaware i.e., the people attributed to the groups that are the subject of the Bloomsbury report.

Both Charles and Kenneth Clark maintain that the Nanticoke membership are distinct from Lenape Indian Tribe of Delaware members residing around Cheswold. They allege the existence of exclusive rolls that restrict membership to their group (DOT 10/26/01, 9-10, 25-26), and maintain that these rolls were derived from an earlier one designed to identify families eligible for enrollment in separate schools. Today's Lenape Indian Tribe of Delaware members, they maintain, had no part in this historical development. Clark provided no independent documentary

⁵ Both archeological and historical documentation standards strongly urge the researcher to:

- follow objectives or research design "that responds to needs identified in the planning process"
- use methods and techniques that "obtain the information required" by the statement of objectives or research design
- assess the results of both kinds of documentation against the research design or statement of objectives "and integrated into the planning process"
- report the results of both kinds of documentation and make them available to the public"

however, refuting Heite's claim that the Nanticoke Indian Association members are indistinguishable as a community from the members of today's Lenape Indian Tribe of Delaware. However, the Bloomsbury report provides insufficient evidence showing the membership of the two groups are in fact indistinguishable as a community.

Specific Objections in Sum

This technical evaluation thus finds that the criticisms of the Bloomsbury report do not invalidate the report's description of the archeological resources and immediate historical context. Evidence is lacking to determine the accuracy of testimony that occurred more than a century and a half ago, to vouch for the accuracy of field work conducted by two ethnographers in the first half of the 20th century, or either to refute or support interpretations of glass fragments on the Bloomsbury site. The research design, description of archeological resources, and description of historical context do not appear to fall short of standards either for archeological or historical documentation. However, the Bloomsbury report study makes a number of inferences about the modern day ethnicity and community structure of the people who may be descendants of those who have resided around the Bloomsbury site. It is these inferences for which data gaps exist, at least within the Bloomsbury report. This report will discuss these gaps in the following section.

Data Gaps and Data Needs

Following the detailed description, documentation, and functional interpretation of the archeological site, the Bloomsbury report draws some inferences regarding the ethnic identities and community for the past inhabitants of the site. The Bloomsbury report plausibly suggests that the historic occupants of this site may comprise a community of people that resembles the so-called tri-racial isolate communities that evolved during the 19th and 20th centuries throughout the eastern United States.⁶ This study also plausibly suggests that the ancestors of at least some of the historical occupants of the site may have come from Indian tribes, such as the Nanticoke and Delaware Lenape, who either resided in the Bloomsbury area or migrated through it before their removal west into Ohio and Pennsylvania in the mid 18th century.

In Chapters 4, 5, and 26, the study also maintains that there were three communities of Native American descendants (Heite, Blume et al 1999, 46). The study adds that:

These communities have maintained internal cohesion through three centuries of European domination and official denial of [their] Indian identities. The two Indian communities in Delaware [i.e., today's Lenape Indian Tribe of Delaware and Nanticoke Indian Association groups] and a third community centered around Bridgeton New Jersey maintained strong social ties throughout the nineteenth and twentieth centuries. Today about 1,500 families belong to a regional Nanticoke-

⁶See Blume in Heite et al (1999, 248):

Analysis of documents contemporary with this occupation make it clear that the dominant Euro-American community regarded the people of Bloomsbury as separate both from themselves and from the African-American community, although the term 'Indian' is never used. . . .

Lenape organization in Kent County and across the river in New Jersey. . . .
(Heite, Blume et al 1999, 47).

The study then claims to “[chronicle] the community’s membership and relationships from the seventeenth century through the early nineteenth century” (Heite, Blume et al 1999, 344).

However, the Bloomsbury report does not provide data sufficient to conclude definitively that any of the members mentioned are Indian descendants, that groups of them have existed as continuous communities throughout the 19th and 20th centuries, or that today’s Lenape Indian Tribe of Delaware members are indistinguishable from the Nanticoke Indian Association membership.

Native American Descent

The report neither cites nor provides primary documentary evidence supporting Native American descent for various ancestors. This lack of evidence applies both for Nanticoke and Lenape ancestry. The report maintains that this lack of evidence is due to a racist practice in which census takers and other officials categorized the descendants as "negro." The report then maintains that this categorization was practiced toward members of various so-called isolate groups who may in fact have been remnant Indian communities.

It is possible that the 18th century inhabitants of the farm site and others around Cheswold comprised such an isolate community. So-called tri-racial isolates are socially marginal groups that evolved throughout eastern United States during the 18th and 19th centuries (DeMarce 1993). The genealogies of these groups include mixes of African American, Anglo, and Native American ancestry (DeMarce 1993). Families within these communities are interrelated genealogically. Today, these descendant groups comprise, among others, the Lumbee, Melungeons, and Ramapough, as well as possibly the people residing around Cheswold and Indian Creek.

However, while such isolate communities are well documented, not all of them contained Indian ancestry. Evaluations e.g., of the Ramapough of New Jersey conducted by the Bureau of Indian Affairs Branch of Acknowledgment and Research (Bureau of Indian Affairs 1996), have revealed no evidence that shows them to be of American Indian background. Other technical evaluations from Federal acknowledgment of petitioners seeking Federal Recognition as Indian tribes show that some oral history accounts of Indian ancestry have been refuted by contemporary documentation explicitly showing that ancestry is either non-Indian or from a tribe different from that claimed (see Bureau of Indian Affairs 2000b for Steilacoom).

It is insufficient simply to say that membership in an isolate community means Indian ancestry. The Bloomsbury report does not provide contemporary documentation in addition to oral history testimony showing Indian ancestry either for today’s Lenape Indian Tribe of Delaware or the Nanticoke groups. Without contemporary documentation explicitly showing descent from Indian groups, the Bloomsbury report cannot rule out the possibility that the ancestry is African American, European, or some other.

We must emphasize that for the Bloomsbury report an absence of evidence for Indian descent is not evidence of absence. The Lenape Indian Tribe of Delaware and Nanticoke Association members may indeed be Native American descendants. More corroborative evidence is needed, however, to establish this assertion as fact rather than as hypothesis.

Continuous Community.

The fact that the Bloomsbury report identified genealogical groupings does not automatically imply that these groupings are communities. These groups must be characterized as communities through time, adding both historical documentation and ethnography to the genealogical studies.

The study reasonably suggests that people living on or around Cheswold and the Bloomsbury site were a community in the 18th century. However, the study lacks any evidence that:

- shows that these groups' lived together continuously as communities through the latter 19th or 20th centuries (DOT 10/24/01, 8)
- characterizes how these people may have interacted during these two centuries
- shows how these groups were viewed as separate communities by outsiders until the last decade of the 19th century

However, the technical reports from the Bureau of Indian Affairs Branch of Acknowledgment show that

- Groups of descendants can disperse with little or no social interaction, and coalesce as voluntary Associations later on (Bureau of Indian Affairs 2001)
- Such groups may be viewed as separate by outsiders only in recent times (see Bureau of Indian Affairs 1996).

Moreover, the discrepancy between Babcock in 1899, Speck in 1911, and Weslager ca. 1943 as to population numbers indicates that these authors experienced difficulty placing a boundary around these groups, and thus in defining who these groups were.

The issue again involves an absence of evidence in the Bloomsbury report. The report illustrates that continuous communities *might* exist at Cheswold and Indian River, and that such groups *might* even contain some Native American descendants. However, without combined genealogical, historic, and ethnographic data, the study cannot conclude that these groups comprise continuous communities. Thus, the Bloomsbury report cannot conclude unconditionally that these groups were Native American communities that were recognized as such contemporarily by others, as well as by the members themselves.

Lack of Differentiation among the Three Groups.

The Bloomsbury report concludes that the families at Cheswold, Duck Creek, and in New Jersey are interrelated to such a degree that they are undifferentiated i.e., "today they are genealogically a single community" (Heite, Blume et al 1999, 53; see also DOT 10/24/01, 7-9). Edward Heite and Dennis Coker (DOT 10/24/01, 6) place greatest weight for their arguments about the

existence of community on genealogy, and provided color-coded charts for some of their group. The charts suggest strongly that there is shared ancestry.

However, even if the genealogies were well documented, the existence of a genealogically defined group does not imply the existence of a highly integrated community. The fact that certain descendants of various genealogical lines comprise a genealogical group means only that they have been defined as such through genealogical analysis. It does not mean they comprise a single, interconnected, community. Members may differentiate themselves sharply in many other ways such as by race, religion, ethnicity, or geographical location. For example, a family member may marry into another group and sever social ties with his or her group of origin. Thus, a decision to marry into another group of kin could force one's exclusion from the group of origin.

Again, an absence of evidence for similarity or difference is not evidence of absence. More corroborative data are needed to advance these assertions beyond hypothesis.

Data Gaps in Sum

The Bloomsbury study fails to show that either the people who today refer to themselves as the Lenape Indian Tribe of Delaware residing around Cheswold, or the Nanticoke Association members residing around Duck and Indian Creeks are Indian descendants. The study does not rule out the possibility that these two groups are of a different ethnicity altogether. Second, the study does not show the existence of a continuous community, much less characterize it, until the end of the 19th century. Instead, it draws from anecdotal comparisons with other isolate communities to suggest it was an isolate community. By concluding that it is an isolate community, the study then claims to show that there was Indian ancestry.

More research would be needed to draw conclusions on these topics. They are presently only hypotheses and should be stated as such.

What Could Be Done if Further Investigation is Considered

To make more than a tentative conclusion or hypothesis that the people at Little Creek and Duck Creek around Cheswold, or Indian Creek, are continuously ethnically distinct Indian communities, any study, would have to:

- use genealogical study whose documentation meets the standards delineated in the Board for the Certification of Genealogists (GCG) *Genealogical Standards Manual* to identify the group of people at the beginning of period of study i.e., the end of the 17th Century, and trace these lines through to the present⁷

⁷ As stated in the Board for the Certification of Genealogists (BCG), all of the BCG Manual's seventy-four standards are to insure that documentation "contribute to the level of credibility in genealogy called the Genealogical Proof Standard (GPS)." The GPS replaces the preponderance of the evidence, requirement, a concept BCG promoted at one time but has now discontinued (BCG 10/16/2001, 2).

- use primary historical study whose documentation meets the Secretary of Interior's *Standards and Guidelines for Archeology and Historic Preservation* (NPS 1983b); such documentation includes censuses, probate documents, wills, family bibles, official government correspondence, court proceedings, and any other primary documentation available, and characterize where these people were residing throughout time, what they were doing, how they were interacting, and how people outside the group viewed them ethnically
- use ethnography to describe the social life of these communities in the present, and using contemporary primary historical documentation, trace the present back in time to further inform the historical and genealogical analysis
- combine genealogical, historical, and ethnographic analysis to take "snapshots" of where these people were residing throughout time, what they were doing, how they were interacting through periodical intervals of time, and how others were viewing them contemporaneously during each of these "snapshot" intervals.

In characterizing the people as a community, these snapshots must be able to show:

- where the various descendants were residing
- how they were interacting
- with whom they were interacting
- who their leaders were
- how the leaders led and influenced those whom they led
- how the leadership was acknowledged by the followers
- with whom the descendants were marrying
- how people outside the proposed community viewed them.

These snapshots can be conducted at 10- or 20-year intervals. They would be particularly important because they discipline the researcher to ensure that the characterization of one time period is not assumed to apply to another without appropriate evidence.

Ethnography would be particularly important because it can characterize the people as a community in the present day, and help the research team to trace modern-day patterns of social interaction and identity back through time. Conducting ethnography requires that a researcher combine interview and observation systematically to obtain the cultural knowledge of this social grouping. In particular, such ethnography must:

- include interviewing that elicits individuals' knowledge of social interaction, as well as statements of group identity
- record these interviews thoroughly so that other researchers can track the conclusions of the ethnographic researchers
- maintain a record and data management system that carefully keeps separate the observations of the researcher from the interview texts of individuals
- elicit a combined record that can be used to constitute "a model of human knowledge, including the ways in which this knowledge is communicated from one human being to another" (Werner and Schoepfle 1987, 2:312)

- acknowledge the presence of historical and other texts that may differ from the model described by the ethnography
- make all reasonable efforts to reconcile these texts with the ethnography, before dismissing one or another as false, “racist,” or in other ways “biased”
- be designed in a way to rely on the active involvement of the people with whom the research is conducted, while adhering to these standards.

For further detail on minimal standards for the conduct of ethnography, please refer to Werner and Schoepfle (1987). For illustrations of how the ethnography, history, and genealogy are applied, consult the Bureau of Indian Affairs Branch of Acknowledgment and Research technical reports,⁸ and NPS Director's Order 28 (NPS 1997).

Applying ethnography, genealogy, and history helps generate the data sets that allow a researcher to triangulate among them. Their use will help reconcile the different perspectives of cultural anthropology, genealogy, and history, and better rule out alternative explanations. Because of the different perspectives involved, peer review of the reports may require ethnographic, historical, genealogical, as well as archeological expertise.

Conclusion

The Bloomsbury report appears to meet Department of Interior standards in the research design, description of archeological resources, portrayal of historical context, and qualifications of the principal investigators. The report shows how the methods used were applicable to the research design, and shows how documentation was used both for its summary of historic context and informing the research strategy. Thus, the concerns raised about its alleged failure to meet DOI standards do not appear to be of merit. The concerns raised about the report's "errors of fact and logic" do not contain information or evidence sufficient to refute the description of archeological resources or historical context.

However, the Bloomsbury report makes explicit assertions characterizing the ethnicity and community organization of historic and present day groups that are not supported conclusively by genealogical, historical, ethnological, or ethnographic evidence. These interpretations should be restated as hypotheses. Any further research should then follow an expanded research design outlined in this technical review. Heite (DOT 10/24/01, 17) indicates a recognition of the need for an expanded research design.

⁸This evaluation has cited technical reports from the Bureau of Indian Affairs Branch of Acknowledgment and Research (BAR). Heite et al (1999, 336) maintain that “the 'Cheswold' community defies definition in the heavily formalized environment of tribal recognition.” Other than a lack of a so-called tribal register, the study's reference to the Federal Acknowledgment Process is unclear. The reason this technical review references BAR is that the research behind their technical evaluations has been sufficient to withstand legal challenge. The best way for such research to withstand such challenge is for it to contain "evidence which as a whole shows that the fact sought to be proved is more probable than not" (Black 1990, 1182). This requirement is the backbone of the “preponderance of evidence” that allows withstanding of legal challenge, and is what this technical review advocates.

This expanded research design will require more effort for writing, research, and review. It will require an increase in staffing and financial support. It is thus important for Delaware Department of Transportation officials to determine whether it is feasible and necessary to expand the scope of these studies to include such ethnic and community characterization. If such expansion is found unnecessary or not feasible, then the scope of the studies should be limited to include only the archeological characterization and the relevant social context of the particular time period, for which adequate primary documentary sources are available. The Bloomsbury study should then conform to this more limited scope.

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