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Dilemmas of Conquest

Recovering Histories of Struggle

In September of 1736 Mohegans held a ceremony on their reserved land to name a new leader. This land, where perhaps three hundred or more Mohegans were known to “dwell and plant” (Connecticut Archives, “Indians” [hereafter IND], 1st ser., vol. 1:122), was engulfed by the town of New London and was the remaining fragment of what had been a much larger reservation, long known to Connecticut officials as the “sequestered lands” (1:89) or the “Mohegan fields” (1:122).¹ Three decades prior to this leadership ceremony, Mohegans initiated what became a lengthy and complex legal dispute with the colony of Connecticut in an effort to protect their reserved planting and hunting lands. In 1704 Mohegan sachem Owaneco petitioned the English Crown to complain against dispossession at the hands of the Connecticut government; by 1705 an imperial commission determined that the lands in question had been unjustly appropriated and should be restored to Mohegans. In setting this order before the colony, the decision described Mohegans as “a considerable tribe or people . . . [who] cannot subsist without their lands” (*Governor and Company of Connecticut, and Mohegan Indians, by their Guardians: Certified Copy of Book of Proceedings before Commissioners of Review, 1769* [hereafter *Proc.*] 1769:29, emphasis in original).

This notion that the presumably conquered Indians in their midst existed as distinct political entities – as *peoples* who possessed an inherent and enduring right to their reserved lands – was to become a gnarly bone of contention for the Connecticut government.² Indeed, in eighteenth-century Connecticut disputes over Native rights to reservation land, and reservation communities’ tenacious struggles to preserve these lands, posed a challenge to colonial authority and called into question colonial notions about conquest itself.³ As Native women and men resisted colonial encroachment on their reserved lands, so too did they argue for the future of their communities and their collective rights to their

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remaining lands. Their efforts to resist dispossession in the era following the devastation wrought by European disease, the major “Indian Wars” of southern New England, and the extensive expropriation of indigenous lands during the seventeenth century were in no sense a flight of fancy.⁴ The eighteenth-century struggles of reservation communities were grounded in and produced by their own knowledge of the past and of the colonial world in which they were enmeshed. This book examines these histories of struggle and the cultural and political facets of colonial relations of domination beyond the period of military conquest.

Native women and men defending their reservations against encroachers and colonial pillaging of their ever-diminishing economic resources well understood the tenuousness of colonial justice. This they made clear in their protests, some of which were articulated in petitions to the Connecticut government requesting its intervention or protection in land disputes. In much rarer instances, Native communities opposing both dispossession and government intrusion into their own political affairs overtly defied colonial authority, as was the case with Mohegan resisters who brought their complaints to the Crown and mounted a public protest in September 1736. The colonial government did not take such defiance lightly, and its responses to Native resistance in this period offer important insight into the cultural and legal machinations of colonial power in the context of nonmilitary (but not necessarily nonviolent) confrontations with indigenous people.

I have begun with the Mohegan leadership ceremony to suggest that Native resistance to conquest – conquest, that is, as an ongoing, multi-form process extending beyond the seventeenth-century period of “contact” and “pacification” – was central to the production of local Native histories in the eighteenth century. Moreover, the 1736 ceremony is elicited to begin to demonstrate that the locus of this challenge to colonial domination was reservation land: land that was “set apart” or “sequestered” for a particular Native people or community, and that was acknowledged and ostensibly protected by colonial law. In profound and persistent ways these lands proved not to be wholly conquered terrain. Bound up in eighteenth-century disputes over reservation lands were questions about legal ownership and Native land use, intertwined with competing interpretations of history, Indian identity, and the possible future of Native communities. These disputes embroiled members of reservation communities, encroachers, government officials, colonial

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“guardians” of reservation land, and missionaries in debates that produced and contested notions of Indianness, conquest, and cultural legitimacy that were to have lasting consequences.

A brief introduction to the legally and culturally contentious matters of the Mohegan case elucidates this point. Connecticut refused to comply with the 1705 decision and did not let pass the suggestion that the Mohegan people constituted something akin to an autonomous or sovereign political entity: in its appeal to the Crown, Connecticut’s representative Sir Henry Ashurst asserted that Mohegans were instead “*inconsiderable Indians*” (*Proc.* 1769:153–55). As the eighteenth century and reservation communities’ opposition to dispossession wore on, such disparagements came to be no minor point in Native-Anglo disputes over rights to reservation land, and in fact, Connecticut’s characterization of Mohegan people in its response to the 1705 decision hinted at the emergence of a colonial Indian policy that would divert attention from the problem of illegal encroachment on reservation lands and focus instead on the presumed cultural and political illegitimacy of reservation communities and particular Native identities.

Indian policy and colonial laws directed at Native populations in eighteenth-century Connecticut recycled and sustained European ideas about Indian “savagery” that had infused colonial relations of domination in the seventeenth century, such as the notion that Indians did not “improve” the land and thus did not have property rights comparable to that of their “civilized” European conquerors. But colonial debates over the legal status of reservations reflected shifting and competing colonial notions about the nature of indigenous land rights, and about Indianness as well. Colonists who sought to claim reserved lands for themselves, and the government officials from whom reservation communities sought redress for encroachment, occasionally asserted conflicting views about the nature of Native rights to reserved lands. In one rather telling instance, town leaders in Groton petitioned the Connecticut General Assembly in an effort to bring an end to the “long controversy” over who held the right to “improve” Mashantucket Pequot reservation land (*IND* 2nd, 2:109), which was encompassed by the town of Groton at the time. This controversy, they argued, “appears likely to continue and the matter somewhat doubtful, how far said Proprietors [those who controlled the town’s “undivided” or “common” lands] have a right in said lands or whether said Indians have any more than a right

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to the use and improvement of s[ai]d lands according to their ancient manners of improvement of lands and not the absolute fee thereof [i.e., the legal title to the land] – and the courts have judged variously relating thereto” (2:109). Colonial assessments of Natives’ agricultural practices and of the value of their labor were thus infused into the legal debate over rights to reservation land. And if colonial legislators did not definitively establish the nature of Natives’ land rights or the validity of their “ancient manners,” encroachers sometimes resorted to more aggressive means of appropriating reservation land: targeting Indian labor and laying waste to a reservation community’s crops – by employing such tactics, for instance, as “cut[ting] our Stoaks [cornstalks]” before the corn was ready for harvesting – was not an uncommon practice among encroachers (IND 1st, 1:227, 1:231; see chapter 5 for further discussion). Mashantucket Pequots reported in 1735 that “wee Shold be Glad if thare Cold be a Stop Put to it the Stoake being our own Labbour wee Shold be Glad to have them for our own use” (1:227).

Although encroachers and colonial officials alike obscured or ignored it in the eighteenth century, the fact remained that the colony of Connecticut had set down a precise definition of Native rights to reservation land in a 1680 law, which stipulated the following: “what land is allotted or set apart for any parcels of Indians within the bownds of any plantation, it shall be recorded to them and the same shall remayn to them and their heirs for ever; and it shall not be in the power of any such Indian or Indians to make any alienation thereof; and whatsoever Englishmen shall purchases any such lands layd out or allotted to the sayd Indians, he shall forfeit treble the value of what he so purchases to the publique treasure, and the bargain shall be voyd and null” (*Public Records of the Colony of Connecticut* [hereafter CR], 3:56–57). The phrase in the 1680 reservation law that was to become most problematic for the Connecticut government in the eighteenth century – “shall remayn to them and their heirs for ever” – not only acknowledged Natives’ collective rights to their reserved lands but also acknowledged the land rights of the future generations of those “parcells of Indians” possessing reservation lands. This notion that a Native people or community held rights to their reserved land as a collectivity, in *perpetuity* (a notion encoded in this colonial law after English military supremacy had been finally established over the Native peoples of southern New England with the culmination of “King Philip’s War” in 1676) embodied a key dilemma for colonial

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authority in the eighteenth century: that the claim of conquest – as the historical and “legal” grounding of colonial legitimacy – was to be mitigated not only by the persistence of indigenous identities in the colonial world but by Natives’ own assertions of historical continuity and political autonomy. If military conquest was to have initiated the inevitable disappearance of Indians from the landscape and was thus to have paved the way for ever-expanding, unobstructed colonial “settlement,” reservations and the Native communities that continued to live upon and defend them were an historically evocative and legally unsettling presence in the eighteenth-century colonial world.

The documents that recount disputes over reservation land in eighteenth-century New London County indicate that this presence, especially as it was manifested in sometimes overt expressions of Native resistance to colonial authority, was keenly felt by colonial officials and encroachers alike, eliciting, not surprisingly, affirmations of conquest as well as derogations of Indianness and Indian land use. And in the eighteenth century, new tactics of surveillance and control emerged as those who sought to circumvent the 1680 reservation law determined that it was not colonial encroachment that required monitoring, but reservation communities themselves: their size and the numbers of adult men among them, their use of reservation land, and indeed their Indian identity.⁵

During the course of the legal disputes over both the Mohegan and Mashantucket Pequot reservations in eighteenth-century New London County, examined at length in chapters 4 and 5, the 1680 law was evoked by Native complainants and obfuscated by their opponents. In the Mohegan case, for instance, the 1680 law was submitted to confirm the illegality of the colony’s appropriation of reserved Mohegan land, and thus it offered a legal counterpoint to Connecticut’s claim that all Mohegan lands were ultimately “conquest lands” won via the massacre of Pequots in 1637. The very idea of military conquest, and the presumption that it had erased indigenous land rights as well as indigenous histories, weighed heavily upon reservation communities in eighteenth-century Connecticut. Yet, as Mohegans made clear in September 1736, Native women and men continued to view themselves as agents in, and interpreters of, their own histories.

It was perhaps the audacious claim to both political autonomy and historical relevance that most vexed Connecticut officials contending

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with Mohegan resisters in 1736. Squelching Mohegan resistance to dispossession during the three decades following the 1705 decision turned out to be a difficult endeavor, and as chapter 4 illustrates, colonial officials and usurpers of reservation land deployed both legal chicanery and conventional colonial strategies of cultural domination (i.e., “civilizing” and “Christianizing”) in an effort to “quiet” Mohegans’ complaints, as officials would phrase it in that era. The interweaving of these tactics, and the Connecticut government’s efforts to undermine and control Mohegan sachems, served to mask the illegality of dispossession. As I explain in chapters 3 through 6, such legal and cultural manipulations were not necessarily subtle discursive maneuvers, nor were they wholly detached from threats of force. Indeed, it was ultimately raw exertions of colonial power, buttressed and legitimized by the language of colonial law and the mission to “civilize,” that silenced Native resistance and trampled reservation communities’ rights to their lands. In colonial situations power is both veiled and conveyed by discourse; and in the context of Native-Anglo disputes over reservation land in eighteenth-century Connecticut, colonial claims to legal and cultural legitimacy continued to depend upon the production and dissemination of politically expedient notions of Indianness.

Tracing the machinations of colonial power during the course of the Mohegan case thus becomes important to our understanding of how new or refined tactics of subjugation – particularly those infused with such malleable cultural meanings – were produced and sustained after colonial military supremacy was established. But eighteenth-century contests over rights to reservation land are also immensely important because they reveal connections between relations of power in the past and those that shape Native struggles in the present, particularly in southern New England, where the practice of interrogating and denying the authenticity of Native identities has been a popular Euro-American response to Native communities’ efforts to assert their sovereignty and land rights or narrate their own histories. In Connecticut, Euro-American scrutiny and disparagement of particular Indian identities – commonly expressed in distinctly racialized and racist terms – has been the prevailing response to federal acknowledgment petitions over the last decade and has been an effective means of silencing local Native histories.

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The surveillance of Native identities, and the production of specific notions of Indian “illegitimacy,” became strategic means of eliding the legal question of Native land rights in eighteenth-century Connecticut. In the 1730s, Connecticut’s governor Joseph Talcott sought to control political leadership within the Mohegan reservation community in order to thwart Mohegans’ legal case against the colony. Ben Uncas II was to have been the Mohegan sachem of compliance for the colony; but Mohegans themselves had embraced another as their rightful representative: Mahomet II, who had journeyed to England in 1736 with Mohegans’ second complaint against Connecticut in hand. Talcott, seeking to undermine Mahomet’s leadership, claimed that he was an “impostor,” neither a legitimate sachem nor a legitimate Mohegan. In an effort to prove this, Talcott dispatched an official to the Mohegan reservation with orders to interrogate Mohegans and extract from them “Evidences of their Discarding of Mahamit the 2” (*Talcott Papers* [hereafter *TP*], 1:337, 350). The operative, however, informed Talcott in February 1736 that he could gain no such evidence against the rebellious sachem (1:350). Mahomet II, whose mission to England had threatened colonial authority enough that his own identity – as both a sachem and a Mohegan – was subjected to what we might refer to today as a smear campaign, died of smallpox in August of that year while still in England.

The testimony of the two colonists present at the September 1736 ceremony indicates that word of Mahomet’s death had not yet reached the reservation community. Nonetheless, the account of the event reveals that it was not only their sachem but the broader population of Mohegan people who had become defiant, refusing to yield to the will of the Connecticut government. These were the people who had been described by Talcott’s investigator just months before as unworthy of the Crown’s attention since they were, he claimed, “not only few but miserable pore [poor]” (*TP* 1:350). The ceremony’s colonial observers, however, offered a contrasting view of Mohegans on September 10, 1736, when, as they reported, “a very great number of Mohegan Indians” gathered “on the Indian land at Mohegan,” the “general seat and rendezvous of the said Indians,” and announced that “the principal cause of their meeting or dance” was to “establish Anne the daughter of [deceased sachem] Cesar . . . to be their ruler until Mahomet [II] returned” (*Proc.* 1769:235–36). During the ceremony Mohegans also declared their support for Mahomet’s endeavor in England and their rejection of Ben Uncas II, who

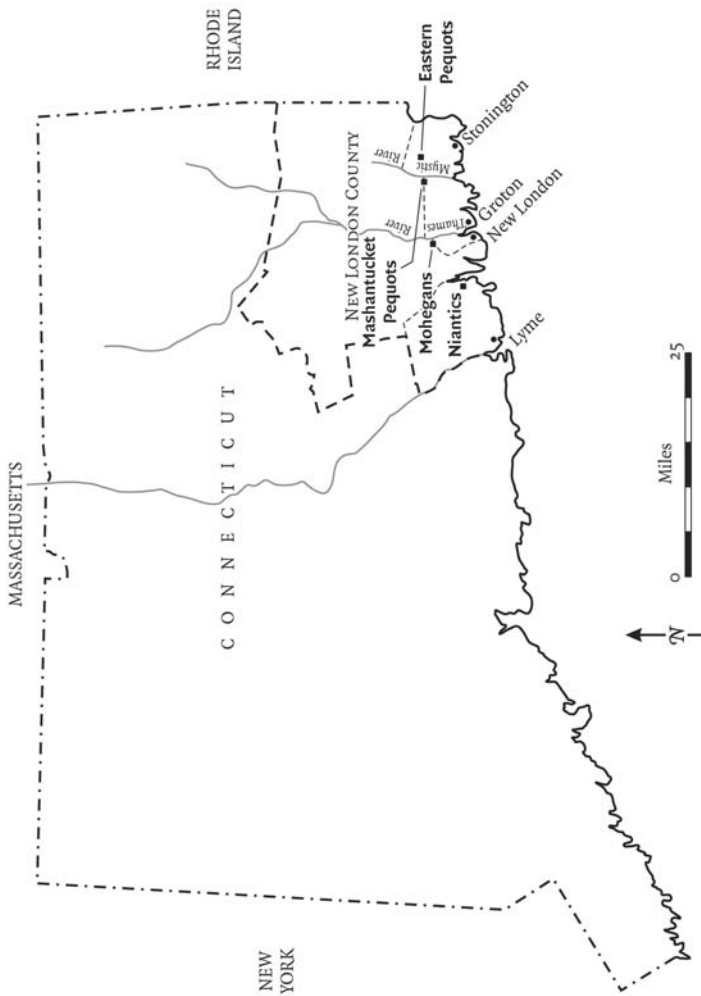
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had, it seemed, crumpled to the will of colonial officials and encroachers alike.⁶

As chapter 4 explains in further detail, the September 1736 ceremony was a significant act of political protest, one that chafed at the presumptions of colonial authority. It marks an important moment not only in Mohegan history but in the history of colonial debates over Native land rights in the region. For one thing, both the Mohegan land case and the broader question of Native land rights had become a rather troublesome legal matter for Connecticut. Mohegans had raised the possibility that yet another imperial commission would be assigned to investigate the legality of colonial claims to Mohegan land. Moreover, in eighteenth-century Connecticut there were other struggles over reservation land running concurrently with that waged by Mohegans and posing multiple legal dilemmas for the colony. New London County – which encompassed Connecticut’s largest combined population of indigenous peoples as well as the four largest reservations in the colony – was a critical site of Native resistance in the period beyond military conquest.

During the first half of the eighteenth century, Mohegans as well as their neighboring reservation communities in New London County – Mashantucket Pequots at their reservation in Groton, Eastern Pequots in Stonington, and Niantics in Lyme – had submitted petitions to the Connecticut General Assembly that detailed the acts of encroachers, invoked colonial laws established to protect reservation land, and called upon the Connecticut government for justice. In September 1736 these struggles against dispossession converged when Mohegans were joined by Pequot and Niantic supporters “at a general meeting” during which “the whole body of them did renounce Ben Uncas [II]” (*Proc.* 1769:218). Coinciding, then, with the Mohegan leadership ceremony, this concerted act of protest was compelling evidence of the formation of a political alliance among these reservation communities, communities that colonial reservation boundaries were to have rigidly demarcated and contained, but that were nonetheless connected by ties of kinship, as well as a common history of struggle against ongoing processes of conquest.⁷ In this instance Mohegans, Pequots, and Niantics openly proclaimed their consciousness of that shared historical experience, and their willingness to act upon it.

In recounting these histories of struggle, I have sought to identify and examine the moments and expressions of dissent that suggest that



Reservation Communities in New London County, Connecticut, ca. 1700

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reservation communities envisioned a past, and a future, that challenged the history dictated by their presumed conquerors. Thus I begin to trace the course of disputes over reservation land and articulations of Native resistance to dispossession in the early eighteenth century, after the fundamental institutions of colonial power – that is, military force and an imposed “rule of law” – were to have precluded the possibility for politically effective or historically significant opposition to colonial domination.

As I argue in chapter 2, colonial discourse played an extremely important role in producing ideas about Indianness that underpinned colonial claims to land and justified dispossession and domination of indigenous peoples long after colonial military supremacy was established in southern New England. In the context of eighteenth-century struggles over reservation land, the evocation of certain constructions of Indianness, particularly those that were forged in colonial narrations of Connecticut’s foundational moment of military conquest – the so-called Pequot War – infused colonial assessments of Native land rights. And as chapters 4 and 5 illustrate, “Pequot conquest” was invoked and referenced at crucial junctures during the disputes over both Mohegan and Mashantucket Pequot reservation land. Indeed the idea of “Pequot conquest” took on a renewed significance for colonial authority in the early eighteenth century, serving to justify encroachment on reservation lands and obfuscate Native histories.

Narrations of Power and the Cultural Claims of Conquest

Legitimacy is the central dilemma of conquest, one not to be resolved by military “victories” over indigenous peoples. How it is to be manufactured and normalized is a cultural problem that is intertwined with the material, inherently violent project of imposing and enforcing a system of domination. Conquest must be understood, then, as entailing varied, imbricated material and discursive processes. The process of dispossession that lies at the core of the European and Euro-American geographic conquest of North America has not only entailed physical acts of expropriation. It has also required the construction and naturalization of particular cultural concepts and representations: the concept of land, for instance, as a commodity or as “property”; representations of in-