



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services - AR

FEB 5 1988

Mr. Walter Vickers
2 Longfellow Road
Northborough, Massachusetts 01532

Mr. Edwin Morse
117 Garden City
Dudley, Massachusetts 01570

Dear Mr. Morse and Mr. Vickers:

The Branch of Acknowledgment and Research has completed a preliminary review of the documentary materials submitted by your group on June 12, 1987, in response to our letter of March 1, 1985, which identified obvious deficiencies and significant omissions in the Nipmuc petition for Federal acknowledgment. While we appreciate the amount of work involved in your recent submission, there are significant deficiencies and omissions in the petition. If we were to place this petition on active consideration at this point and issue a proposed finding based solely on the evidence we now have, we would have to conclude that there is not sufficient information to determine that the Nipmuc meet the mandatory criteria for Federal acknowledgment. We are providing a second review which we hope will provide guidance regarding the specific information needed to evaluate your petition fairly. Staff research during the active consideration period is limited to verifying and/or elaborating on an already complete petition. We cannot conduct basic research on behalf of a petitioner.

Your petition materials, both those more recently submitted and those submitted earlier, do not provide us with an adequate history and description of the Nipmuc to conclude that your group has maintained a distinct, cohesive community in which political influence or authority has been exercised over its members throughout history. We therefore urge you to make every effort to provide the information requested below in as much detail as possible.

Our letter of March 1, 1985, outlined several categories of data and questions that we had about the documented petition your group had submitted. The response we received on June 16, 1987, did not address all of the issues we had raised. As a consequence, we will repeat and clarify those of our original requests for which the response was inadequate. We strongly urge you to address those issues and a few additional questions that have arisen in our review of the new information you supplied.

According to standard sources, aboriginally and in early historic times, the Nipmuc "tribe" consisted of bands or groups of people who were loosely knit into a larger entity. Each band was independent but they maintained and recognized their relationship. There may have been intermarriages among the groups. The history of each of these groups is different. It is our understanding that all the Nipmuc groups have recently merged into a larger entity, "The Nipmuc Tribe." It is important that the history of each of the bands be given and that a comprehensive description of the merging of the bands into one socio-political unit be provided.

In our letter of March 1, 1985, we also requested that you provide us with an expanded description of the Algonquian Indian Council (AIC) of New England or provide published material about this organization. Your June 16, 1987 response provided us with a few documents, but we do not have a complete description of the Council. You did supply information that indicated that Chief John W. Braxton in the 1920s supplied a list of Black James' (Dudley-Webster) descendants to Thomas W. Bicknell, the honorary sachem and founder of AIC. We do not understand the role of Mr. Braxton in the AIC and we do not understand his role in the history of the Dudley-Webster group.

In addition to the history, we will need information about the current community. We do not have sufficient information regarding the current social dynamics of the group. While it appears that the membership is somewhat clustered, some members live quite some distance from the others. Please describe the formal and informal processes by which group cohesion is maintained. According to the minutes of board meetings, various ceremonies are held. Please provide a description of these activities, including the number of members who participate and/or attend these events. Are there any formal or informal group activities that are only for Nipmuc members? Please describe those events in which all the members participate. How is communication maintained between members in various locales? Is it a formal process such as newsletters and newspapers, or informal, such as through telephone calls and personal visits?

The petition included three governing documents. One dated December 1961, and titled the Hassanamisco Reservation Foundation By-laws and another dated January 1982, titled Nipmuc Tribal Council, Inc. These two referred to the Hassanamisco group. A third, signed November 1983, and titled Governing Document of the Nipmuc Tribe (or Nation) applies to the Dudley-Webster group. In addition to these three documents, on page 181 of the original petition there is a reference to a 1979 set of by-laws of the Nipmuc Tribe. It is not clear which set of by-laws are currently used by the Nipmuc. It is important that you provide us with a copy of the current set as well as any other set of by-laws not previously submitted. If available, please provide us with copies of the minutes of the meetings at which each set of by-laws were discussed and adopted by the group.

A current set of by-laws is extremely important. If the group is acknowledged, these will govern the group until a constitution has been drafted, voted on by all eligible members, and approved by the Secretary of the Interior or his authorized representative.

While not essential, it would assist us in understanding the Nipmuc governing system if you could provide a chart showing the structure of the Nipmuc's present government, labeling the offices including the names of the current officers who hold these positions. We will need a description of the duties of each of the officers. If the by-laws do not make it clear, please describe how these people are elected and how long they serve.

We will need the following additional genealogical information before we can evaluate the Nipmuc petition:

- 1) A statement which clearly and accurately describes the criteria being used to determine an individual's eligibility for membership and how an application for membership is reviewed and decided upon. This statement, or a formal resolution of the governing body, should be signed by members of the governing body. This item is extremely important in view of our expressed confusion regarding past and present Nipmuc governing documents. We must have a clear understanding of Nipmuc membership criteria and the process by which these criteria are applied in order to properly evaluate the Nipmuc membership under the regulations.
- 2) As originally submitted the petition contained a document entitled "Membership Roll of the Nipmuc Tribe: Hassanamisco and Chaubunagungamaugg Bands" prepared "as of 1981." However, Item 1 of Issue #9 of your response to our obvious deficiency letter refers to a 1980 Nipmuc Tribal Roll "submitted for purposes of petitioning [for] federal recognition as an Indian tribe." Item #6 in the List of Attachments provided with the group's response also refers to a "1980 Nipmuc Tribal Roll" as being attached. There was no 1980 roll attached. It is essential that we know whether the 1981 roll which was submitted with the petition and the 1980 roll referred to in your response to our letter are one in the same document? If they are not the same document, we will need a copy of the 1980 roll.
- 3) Ancestry charts should be provided for any new members (i.e., not on the 1981 roll) to show how they trace their ancestry to the historic tribe or bands.
- 4) The Nipmuc petition states that the group began maintaining formal membership rolls in 1923. The earliest tribally-prepared roll submitted was a "1977 Nipmuc Tribal Roll" produced by Zara Ciscoe Brough from 1977-79. Please provide a copy of the 1923 roll and any other roll or rolls that may still exist for the period between 1923 and 1977.
- 5) According to the minutes of a meeting held April 23, 1982, there is a category of "associate" membership. Correspondence in our files indicates that over 400 representatives of other tribes are enrolled

as associate members. We would like to have a list of all associate members and an explanation of the role of associate members and their rights and duties as they relate to the Nipmuc. For example, do they have the right to vote?. Do they live in the Nipmuc community(ies)? Are the Rosarios, who were given Nipmuc membership cards according to the minutes of the meeting March 5, 1982, associate members?

- 6) Our March 1, 1985 letter requested clarification of the varied system of numbering sections of the petition. Your response did not address these concerns. There is still confusion over labeling of parts of the documented petition. The petition narrative was labeled "Part I of II." Where or what is Part II? Additionally, we received two manila envelopes labeled "Nipmuc Ancestry Charts, Part 3 of 4" and "Nipmuc Tribal Roll, Part 4 of 4." Where or what are Parts 1 and 2? It is essential that we know that we have all parts of the Nipmuc petition.
- 7) We would still like to have a copy of the list referred to on page 188 of the petition, "describing 37 members who signed a petition to the Governor on September 2, 1977." We received no such list in your response to the obvious deficiency letter.
- 8) Also, there was no response to Item 11 of our earlier letter. The names of some members on the 1981 roll appear to have been assigned a roll number, some have not. Of those who have been assigned roll numbers, some numbers are prefixed by the letters "LH" or "T". Please explain the numbering system being used for the membership roll and the significance of the various letter prefixes. While not absolutely essential, we feel that understanding the varied numbering system(s) may be key to understanding intertribal relationships and/or band affiliations.
- 9) Item 11 in our letter of March 1, 1985, also requested a list of members by band which would include the individual member's full name and year of birth. We did not receive this information. We believe that knowing the band affiliation of each member on the Nipmuc membership roll is essential to a clear understanding of the Nipmuc genealogy as a whole. This information can be provided in one of several ways which are discussed below. You are encouraged to use whichever way seems most convenient to you:
 - a. Annotate the name of each Nipmuc member on the existing roll submitted with the petition to show the band with which they are affiliated; or,
 - b. Prepare a separate list of the members of each band within the Nipmuc organization. Such a list should at a minimum provide the member's full name, including maiden name where appropriate, the member's date of birth, and their Nipmuc membership roll number in order to insure proper identification with the individual on the Nipmuc membership roll.
- 10) A complete roll will be needed in order to actively consider the Nipmuc petition. We understand that the Nipmuc membership roll is being updated. We would like to encourage you to continue using the

same form which you used in the past. This form (blank copy enclosed) was designed to record the names and personal data of 13 individual members on each page. If you have any questions about how to prepare the roll, please contact our genealogists. They will be happy to discuss the necessary information with you or your representatives.

Once the group has a current and complete membership roll, we suggest that it be kept current by recording new births and deaths which take place in the interim between the submission of the roll and the time when the group's petition is placed on active consideration. When the group is notified that the petition is being placed on active consideration, a supplemental roll can be submitted for attachment to the original roll already in our possession. The supplemental roll would include only those additions to the membership, such as newborn infants, who are considered to be members and those individuals who were inadvertently omitted from the roll. The supplemental roll would also note those members who are then deceased. If acknowledged, the roll of members (both original and supplemental rolls) submitted for acknowledgment purposes would become the group's base roll for Bureau purposes and, except for minor corrections, would be binding on the group for some time to come.

It is also extremely important that you provide us with the previously requested copies of footnoted or otherwise referenced documents which would be difficult for us to find. We would like to have copies of all church records, legislative and other governmental records, correspondence, interview transcripts, and newspaper articles cited in the petition.

The obvious deficiency review of the petition is provided for in the regulations to insure that the group's status will be considered on its merits and will not be rejected because of technical problems or lack of information in the petition. This second review is done as a courtesy to the Nipmuc. Neither the obvious deficiency letter or this letter should be construed to mean that any conclusion has been reached regarding the petition or on the portions of it addressed in the letter. Nor does the fact that a petitioner responds to the obvious deficiency review or this letter imply in any way that the group meets the seven mandatory criteria by simply submitting additional data. The obvious deficiency review of the petition merely provides the petitioner the opportunity to submit additional information or clarification prior to the actual active consideration period at which time the petition will be thoroughly reviewed and evaluated to determine whether the group is entitled to be acknowledged as an Indian tribe.

Once the Acknowledgment staff has received the requested materials, it will review them in order to determine if they respond sufficiently to the obvious deficiency letter. The staff will be in touch with you by telephone to discuss the information requested above. Should additional data be needed or questions arise in the future as a result of on-going research during active consideration, we may request more information. Should you have any questions about the issues raised in this letter, or should you need further clarification of the petition evaluation process

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please contact Mr. Bruce Thompson of the Acknowledgment staff at (202) 343-3568 or write to him c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 32-SIB, 18th and C Streets, N.W., Washington, D.C. 20240.

Sincerely,

Hazel E. Eiden

Deputy to Assistant Secretary -
Indian Affairs (Tribal Services)

Enclosure

cc:Mr. Jim Cossingham
Ms. Edith Hopewell
Attorney General Massachusetts

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