Indian Affairs - Office of Public Affairs

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**WASHINGTON** – Principal Deputy Assistant Secretary – Indian Affairs Aurene M. Martin today issued a Final Determination in which she declined to acknowledge as an Indian tribe a group known as the Webster/Dudley Band of Chaubunagungamaug Nipmuck Indians (CB) from Dudley, Mass. The CB group does not meet three of the seven mandatory requirements for Federal acknowledgment under Part 83 of Title 25 of the United States Code of Federal Regulations (25 CFR Part 83), "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe." Therefore, the CB group does not meet the requirements for a government-to-government relationship with the United States.

The CB, which was organized in 1981, has 357 members. The historical tribe with which it asserts continuity was the Dudley/Webster Nipmuck Indians of southeastern Worcester County, Mass. The Dudley/Webster Indians were affected by the Massachusetts Enfranchisement Act of 1869, an act which "detribalized" the historical Dudley/Webster Indians and ended the State's relationship with the tribe. The historical Dudley/Webster Indians maintained community and political influence or authority over the tribe's members through 1891, the date of the final per capita distribution of the assets derived from the sale of the reservation.

The regulations at 25 CFR Part 83 provide a means to acknowledge Indian tribes that have continuous social and political existence. The CB group, however, did not establish its continuous existence, failing to meet criteria 83.7(a), (b) and (c) of the acknowledgment regulations.

Under 83.7(a), the CB petitioner does not meet this criterion which requires that it have been identified as an American Indian entity on a substantially continuous basis since 1900. From 1900 through 1978, the record contains occasional external identifications of individuals and single families as descendants of the Dudley/Webster Indians, but no external identifications of a continuing Dudley/Webster entity, group, settlement or community antecedent to the CB. Some newspaper articles in the years 1979 to 1980 discussed efforts to form the CB. Since 1981, there have been external identifications of the CB organization.

Under 83.7(b), the CB petitioner does not meet this criterion which requires that a predominant portion of the petitioning group comprise a distinct community from historical times until the present. The Proposed Finding published on October 1, 2001 concluded that the Dudley/Webster descendants did not maintain community after 1891. This Final Determination concludes that the CB has not constituted a community either before or since 1980. The petitioner's view that the CB, as created in 1981, was simply a formalization of an existing community made up of three "traditional family lines," was not supported by the available evidence. Although the present membership is largely drawn from three genealogically definable "lines," there is no evidence to demonstrate that they formed a single community for the past 113 years, from 1891 through 1980 or that they form a community at present. There was no contemporary, primary, evidence that the women designated by the petitioner as the "informal" leaders of each of the "three traditional families" interacted during the period from 1900 through 1980, or that they even knew one another. One extended family comprises more than 42 percent of the membership.

Under 83.7(c), the CB petitioner does not meet this criterion which requires that it has maintained political influence over the members as an autonomous entity from historical times until the present. The evidence in the record for the Final Determination does not show any political influence or authority for a group antecedent to the CB from 1891 through 1980. The creation of the CB organization in 1981 was not the formalization of a pre-existing system of informal family leadership. Neither has the CB demonstrated that it has exercised political influence or authority over its membership within the meaning of the acknowledgment regulations since it formed in 1981.

Under 83.7(d), the CB petitioner meets this criterion which requires the petitioning group to submit a copy of its governing document and membership criteria.

Under 83.7(e), the CB petitioner meets this criterion which requires the petitioning group to demonstrate that its membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity. About 79 percent of the CB members descend from Lydia (Sprague) Nichols Shelley Henries, who was identified as a Dudley/Webster Indian on the 1861 Earle Report compiled for the State of Massachusetts by its Commissioner of Indian Affairs. Two other Dudley/Webster family lines are each represented with four descendants in the CB membership. Seventeen percent of the CB's members descend from the sister of a man who married a Dudley/Webster Indian, but who is not herself documented to have been a Dudley/Webster Indian. Since 82 percent of the CB members have documented descent from the historical Dudley/Webster tribe as it was identified in 1861, the CB petitioner meets criterion 83.7(e).

Under 83.7(f), the CB petitioner meets this criterion, which requires that a petitioning group be composed principally of persons who are not members of any acknowledged North American Indian tribe.

Under 83.7(g), the CB petitioner meets this criterion, because it has never been the subject of congressional legislation terminating or forbidding the Federal relationship.

The Notice of Final Determination on the Webster/Dudley Band of Chaubunagungamaug Nipmuck Indians will be published in the Federal Register. This Final Determination will become effective 90 days from the date of publication in the Federal Register unless a request for reconsideration is filed by that date with the Interior Board of Indian Appeals (IBIA)