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 a group known as "The Nipmuc Nation" from Sutton, Mass. The Nipmuc Nation group does not meet four 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 Nipmuc Nation group does not meet the requirements for a government-to-government relationship with the United States.

The historical tribe with which the Nipmuc Nation group asserts continuity was the Hassanamisco, or Grafton, Nipmuc Indians of southeastern Worcester County, Mass. The Hassanamisco reservation was sold in 1727, except for 500 acres, which was divided in 1727 to 1730 among seven Hassanamisco proprietary families, who were given individual title. The land was not the common property of a tribal entity and the State did not hold title to the reserved Hassanamisco property. There was no common fund, but, rather, each proprietary family owned a share in the funds received from the sale of the land. The Hassanamisco Indians were identified on the 1861 Earle Report compiled for the State of Massachusetts by its Commissioner of Indian Affairs. The historical Hassanamisco Indians were affected by the Massachusetts Enfranchisement Act of 1869, an act which "detribalized" the historical Hassanamisco Indians, and ended the State's relationship with them.

The Nipmuc Nation group has 526 members. The Final Determination rejects the petitioner's argument that it has had continuous State recognition with a reservation. The Sisco family, one of the families in the petitioner, retains ownership, as a family, of 2-1/2 acres of the land originally reserved for the historical Hassanamisco Indians. This land, in the Town of Grafton, Mass., is known as the "Hassanamisco Reservation." Annual "Indian Fairs" have been held at this location since 1924. However, only two percent of the current membership of the Nipmuc Nation group descends from the historical Hassanamisco Indians. For at least 107 years, there was no State recognized Indian entity and no State supervision. A limited relationship was created between the petitioner and Massachusetts after the establishment of the Massachusetts Commission on Indian Affairs (MCIA) in 1976.

The regulations at 25 CFR Part 83 provide a means to acknowledge Indian tribes that have continuous social and political existence. The Nipmuc Nation group, however, does not establish its continuous existence, failing to meet criteria 83.7(a), (b), (c) and (e). The Nipmuc Nation group does meet criteria 83.7(d), (f) and (g).

Under 83.7(a), the Nipmuc Nation group does not meet this criterion which requires that it have been identified as an American Indian entity on a substantially continuous basis since 1900. For the period from 1900 to 1979, there were no external identifications of a Nipmuc entity broader than some of the Hassanamisco proprietary descendants. An external identification of that small group is not the same as an external identification of the current petitioner, which is substantially different. External identifications that included all the various elements that now comprise the Nipmuc Nation (and, for some portions of the period, additional elements no longer included in the petitioner's membership) exist only from the mid-1970's to the present.

Under 83.7(b), the Nipmuc Nation group 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. From 1785 to 1869 and from 1869 through the early 1950's there continued to be a limited community made up of some of the descendants of the original Hassanamisco proprietary families residing in Grafton and in the city of Worcester, Mass. Only two percent of the petitioner's members descend from the Hassanamisco proprietary families. The evidence does not show that a community of Dudley/Webster Indian descendants and other Indians ancestral to the petitioner's members had "coalesced" around some of those Hassanamisco families by the 1920's, as the petitioner asserts. During the 1920's and 1930's there was some limited interaction in the context of pan-Indian organizations, which also had non-Nipmuc and non-Indian members. The petitioner's ancestors did not constitute a distinct community from the 1920's through the 1950's.

During the 1960's and 1970's, Zara Ciscoe Brough, then the owner of the "Hassanamisco Reservation" property, created a number of lists of Nipmuc Indians. The evolving governing documents and membership lists of the period from 1961 through 1979 are consistent with a process of expanding the definition of the Nipmuc group she was using beyond the Hassanamisco to include families with which she had little or no previous contact and which had little or no previous contact with one another. The wide fluctuation in membership, both in size and component family lines, since the 1970's also indicates that the petitioner does not constitute a distinct community.

Under 83.7(c), the Nipmuc Nation group does not meet this criterion which requires that it has maintained political influence over its members as an autonomous entity from historical times until the present. The available evidence does not indicate that political influence and authority existed within the Hassanamisco Indians between 1785 and 1900 at a level sufficient to meet criterion 83.7(c). Also, during that time period, the ancestors of 98 percent of the petitioner's members were not affiliated either with the Hassanamisco Indians or with one another.

For the period from 1900 to 1961, the available evidence does not show that a Hassanamisco or other political entity that included the majority of the ancestors of the petitioner existed. Most of the "political" events and activities cited by the petitioner took place, from the 1920's through the late 1950's, in the context of pan-Indian organizations in New England. From 1969 through 1980, Zara Ciscoe Brough sought to expand the Hassanamisco Foundation, an organization that she had created in 1961 to control the Hassanamisco land and support a museum, in order to ensure that the land remained in Indian hands after her death. The revised 1969 Hassanamisco Foundation bylaws and the circa 1980 Hassanamisco-Nipmuc Tribe governing documents expanded the membership to include anyone of any kind of Nipmuc descent. Although for some years there were annual membership meetings of the Hassanamisco organization, the evidence is that attendance at these meetings was small and primarily limited to council members. There was only limited evidence that the issues dealt with by the Hassanamisco council were of importance to the members.

The evaluation of evidence for political influence from 1980 to the present is complicated by the greatly fluctuating nature and size of the membership. However, the evidence does not indicate that any of the councils from 1980 to the present has exercised significant authority or influence, or maintained a bilateral relationship with the widely varying number of persons on the various membership lists (the membership at the time of the proposed finding in 2001 was 1,602; it is now 526).

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

Under 83.7(e), the Nipmuc Nation group does not meet this criterion which requires that the members descend from a historical tribe or from tribes that amalgamated and functioned as a single entity. Two percent of the members (11 of 526) descend from the historical Hassanamisco/Grafton Nipmuc tribe that was identified on the Earle Report in 1861. Fifty-three percent of the members (277 of 526) descend from six families (Jaha, Humphrey, Belden, Pegan/Wilson, Pegan and Sprague) that were identified as Dudley/Webster Indians in 1861. Thirty-four percent of the members have Indian ancestry from an individual identified as a "Miscellaneous Indian" on the Earle Report, eight percent descend from Connecticut Indians, and three percent have other Indian ancestry. Therefore, 45 percent of the petitioner's membership does not have documented ancestry from either the historical Hassanamisco tribe or the historical Dudley/Webster tribe. Neither the two percent of the members who descend from the Hassanamisco tribe nor the 53 percent who descend from the separate Dudley/Webster tribe is sufficient, based on precedent, to meet the requirements of criterion 83.7(e) for descent from a historical tribe.

Under 83.7(f), the Nipmuc Nation group 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 Nipmuc Nation group 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 Nipmuc Nation will be published in the Federal Register. It 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).